

Our Response to Reports of Sexual Misconduct

When a complaint or report of sexual harassment is made under the Sexual Misconduct Policy Governing Students and Employees, the Title IX Coordinator (or designee) will:

- Confidentially contact the Complainant to offer supportive measures, consider the Complainant's wishes with respect to supportive measures, and inform them of the availability of supportive measures with or without filing a formal complaint; explain the process for how to file a formal complaint; inform the Complainant that any report made in good faith will not result in discipline; respect the Complainant's wishes with respect to whether the Title IX Coordinator determines it is necessary to pursue the complaint in light of a health or safety concern for the community.
- If the case does not meet the criteria specified under Title IX, the case may be referred to Student Conduct or Human Resources
- Cases may also be resolved using an informal resolution process
- Supportive measures are offered to both parties
- Both parties will receive notice of the allegations, and the case will be referred to an investigation
- During the investigation, both parties have the right to be accompanied to meetings by an Advisor of their choice, the right to present relevant evidence and witnesses to the investigators, and the right to inspect and review evidence
- The parties will be sent a preliminary report, and offered an opportunity to submit a written response
- The parties will be sent a final investigative report, and offered an opportunity to submit a written response
- A hearing will be presided over by a decision-maker
- At the hearing, each party will have the opportunity to have an Advisor of Choice present. This person will have the opportunity to cross-examine the other party.
- The decision-maker will make a finding using the preponderance of the evidence standard
- The decision may be appealed under limited circumstances
- If appealed, the decision of the appellate decision-maker is final



Resources

Title IX Website:

<https://www.wilmu.edu/titleix>

Sexual Misconduct Policy Governing Students and Employees

<https://www.wilmu.edu/titleix/document/Sexual-Misconduct-Policy-Governing-Students-and-Employees.pdf>

On-Campus and Off-Campus Resources:

<https://www.wilmu.edu/titleix/resources-for-victims.aspx>

Filing a Complaint:

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

Supportive Measures:

<https://www.wilmu.edu/titleix/supportive-measures.aspx>

Title IX Coordinator Contact Information:

Dr. Linda Van Drie Andrzejewski
Executive Director of Title IX, Clery & Regulatory Affairs
linda.m.andrzejewski@wilmu.edu
47 Reads Way #440
New Castle, DE 19720

POLICE / FIRE / AMBULANCE (for any location)

from a **University Phone** dial.....911

from a **Non-University Phone** dial.....911

FACTS & RESOURCES



GENDER DISCRIMINATION

SEXUAL HARASSMENT

SEXUAL MISCONDUCT



Wilmington University is committed to cultivating a diverse and inclusive community that recognizes the value of each individual and allows persons to learn and work in an environment free from harassment and discrimination. Inside this brochure you will find an overview of our sexual misconduct policy, how to get help for anyone experiencing sexual misconduct, sex or gender based harassment, discrimination, where to report incidents, and the resources available to students and employees. These behaviors include sexual harassment, sexual assault, domestic / dating violence, and stalking.

For more information about our University policy to address these behaviors, please see the *Sexual Misconduct Policy Governing Students and Employees* at <https://www.wilmu.edu/titleix/document/Sexual-Misconduct-Policy-Governing-Students-and-Employees.pdf>

Title IX Coordinator

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Understanding Sexual Misconduct

Sexual misconduct includes non-consensual sexual penetration, non-consensual sexual contact, sexual exploitation, domestic/dating violence, stalking, and retaliation.

Quid Pro Quo Sexual Harassment:

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

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

Hostile Environment Sexual Harassment:

Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal, electronic or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, or social environment under both a subjective and an objective standard.

- Gender-based harassment is a form of discrimination that includes verbal, written, or physical behavior, directed at someone, or against a particular group, because of that person's or group's sex, gender identity, actual or perceived sexual orientation, or based on gender stereotypes, when that behavior is unwelcome and has the purpose or effect of substantially interfering with the individual's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education or associate activities of the University.
- To reach the threshold for a claim under Title IX, the conduct must be determined to be unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity as well as meets the required jurisdictional elements.

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

Non-Consensual Sexual Contact: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

Incest: For purposes of this Policy, incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent, which in Delaware is 16 years of age.¹

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

Stalking: Stalking² is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Sexual Exploitation: Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute another offense as defined above. Examples may include acts such as recording, photographing, streaming or otherwise transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations), knowingly transmitting a sexually transmitted infection to another, or facilitation the sexual harm/abuse of another person.

Retaliation: Any attempt to seek retribution against an individual or group of individuals involved in making a good faith report, filing a Complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of the *Sexual Misconduct Policy Governing Students and Employees*.

Consent: Voluntary, informed, uncoerced agreement through words and/or actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Mandatory Reporting

In incidents of sexual assault, including non-consensual sexual penetration. In accordance with Delaware state law, all employees (faculty and staff) of Wilmington University are required to offer Complainants assistance in reporting incidences of non-consensual sexual penetration and non-consensual sexual contact within 24 hours if requested. In addition, they are required to provide them the Delaware Victim's Bill of Rights found online at wilmu/titleix. Additionally, when any employee becomes aware of an allegation of the *Sexual Misconduct Policy Governing Students and Employees*, committed by someone affiliated with the University on University property or when the incident occurs within the environment sponsored by the University (i.e. field trip, team travel) they must notify the University's Title IX Coordinator Dr. Linda Van Drie Andrzejewski at linda.m.andrzejewski@wilmu.edu, or by calling 302-356-6754, or by using the Title IX incident form at <https://www.wilmu.edu/titleix/filing-of-compliant.aspx>.

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

What to do if you Experience Sexual Misconduct

It can be difficult to figure out what steps to take right away, but here are options for help immediately after any incident of sexual misconduct, including sexual harassment and assault.

Seek Medical Attention: If you have been a sexually assaulted, been a victim of dating or domestic violence or human trafficking, you are strongly encourage to seek medical attention. You should go to the nearest hospital for medical services and a forensic exam. You can find a list of hospitals at <https://www.wilmu.edu/titleix/what-to-do-if-you-are-sexually-or-physically-assaulted.aspx>. Most of these hospitals have SANE/FNE nurses who are trained medical professionals who are sensitive and specialize in the care of crime victims.

SANE/FNE nurses are able to collect forensic evidence from the bodies of victims of sexual and domestic assault. They also routinely work with law enforcement to preserve the evidence and may testify in court.

Talk with Someone: You have resources both on and off-campus to speak with people and seek emotional support, counseling, and other resources as you consider the next steps for safety, counseling, reporting, and supportive measures you may need. On-campus, you may seek out the Title IX Coordinator, Dr. Linda Van Drie Andrzejewski, at linda.m.andrzejewski@wilmu.edu or 302-356-6754, or speak with another Responsible Employee. Responsible Employees include Faculty Members, Advisors, University Safety, and all Athletic Department Staff members.

Under Delaware State law, Responsible Employees must offer to assist victims in reporting incidents of sexual assault to law enforcement within 24 hours if the victim chooses to do so. In addition, they must also provide the victim with the Delaware Victim Bill of Rights. They will do their best to maintain confidentiality, but are required to report all incidents of sexual assault to the Title IX Coordinator.

The Title IX Coordinator will work with Complainants to determine if there are grounds for a case to move forward at the University, if they wish to report it to the police, and to provide supportive measures. The Title IX Coordinator will also explain the process of filing a formal complaint and opportunities for informal resolution, if applicable.

Preserve Evidence: Whether or not you know that you will pursue a police report or legal prosecution for sexual assault, if the incident occurred within the last 72 hours, you should strongly consider seeking medical care and preserving evidence. You are not obligated to pursue criminal steps if you get a medical examination and collect evidence.

Some steps to preserve evidence after a sexual assault include not bathing or showering or changing clothes before going to the hospital. In addition, do not comb/brush your hair. Further, do not move anything at the site of the assault if possible. Save text messages, instant messages, social networking pages, and other communications as evidence. Keep pictures, logs, or copies of documents that could be useful to the University investigators or local police.

Report it to the Police: As mentioned above, both the Title IX Coordinator and Responsible Employees can assist you if you choose to report the assault to the police. You can also call 911 and speak to the police directly after the assault.

¹ See Delaware Code Title 11 and Criminal Procedure § 770. As a side, Delaware law states that in some situations, a person must be at least 18 years of age to engage in consensual, lawful activity. ² See Delaware Code Title 11 and Criminal Procedure § 1311 and § 1312.