

# **Policies Relating to Nondiscrimination, Affirmative Action and the Workplace**

## **1.00 STATEMENT OF NONDISCRIMINATION POLICY**

It is the policy of the College that no person shall, on the basis of race, color, creed, religion, sex, national origin, age, disability, genetic information, marital status, veteran status, sexual orientation, gender orientation, gender identity, or pregnancy be subjected to any discrimination prohibited by the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act, as amended; Americans with Disabilities Act, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Educational Amendments of 1972; the Genetic Information Nondiscrimination Act of 2008 and other applicable laws, regulations and Executive Orders. This policy applies to recruitment, employment and subsequent placement, training, promotion, compensation, continuation, probation, discharge and other terms and conditions of employment over which the College has jurisdiction as well as to all educational programs and activities.

The College has designated a Civil Rights Coordinator, who serves as the College's Title IX Coordinator and the College's ADA/Section 504 Coordinator, to carry out its commitment to equal opportunity and nondiscrimination. Inquiries or complaints by students or employees regarding the College's nondiscrimination policies may be addressed to:

**Dr. Valencia 'Lynn' Beaty**

Assistant Vice President for Civil Rights  
Office of the President  
P.O. Box 897  
Dover, DE 19903  
(302) 857-1903  
[civilrights@dtcc.edu](mailto:civilrights@dtcc.edu)

## **1.01 STATEMENT OF AFFIRMATIVE ACTION POLICY**

The College will further equal employment opportunities for members of minority groups and for females through implementation of the Affirmative Action Policy. Under this policy, the College actively seeks qualified minority and female applicants for open positions in order to attain its goal of fair representation of minorities and females in all branches and divisions and in all job classifications.

(Revised Board of Trustees, 6/7/11)

## **1.02 POLICY STATEMENT ON SEXUAL HARASSMENT**

All employees have a right to work at the College in an environment that is free of discrimination and sexual harassment. Therefore, it is the policy of the College that no employee may sexually harass another member of the College community while in the course and scope of his or her employment, while present on any property owned or controlled by the College, or while participating in any College-related activity or event.

Delaware Tech is committed to the principles of free expression and academic freedom. Delaware Tech encourages academic exploration and recognizes that our campuses contribute to the marketplace of ideas. The College's Sexual Harassment Policy is not intended to restrict speech protected by the First Amendment to the Constitution. However, objectively offensive sexual harassment that is so severe or pervasive that it effectively alters the conditions of the victim's employment, or creates an abusive or hostile working environment, is not legally protected and does not promote free inquiry on our campuses.

Thus, unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical

conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. Such objectively offensive conduct is so severe or pervasive that it effectively alters the conditions of the victim's employment or creates an abusive or hostile working environment.

Sexual harassment may involve individuals of the same or different gender. Sexual harassment is most frequently associated with those situations in which a power differential exists between persons involved; however, it also may occur between individuals of the same College status, including, but not limited to, employee-employee sexual harassment.

Non-exhaustive examples of objectively offensive and pervasive conduct, or a single incident depending on the severity of the event, which may constitute sexual harassment are:

- unwelcome touching, patting, hugging or brushing against a person's body
- staring, ogling, leering, whistling
- sexually explicit statements, comments, questions, jokes, or anecdotes
- graphic comments about a person's clothing or body
- sexually suggestive objects or pictures in the work place
- unwelcome use of the electronic mail or telephone communication system
- other physical or verbal conduct of a sexual nature

Such conduct, whether intended to be harassment or not, will not be tolerated by the College and is a violation of the Personnel Policy Manual. Complaints regarding employees who are alleged to have violated this Policy will be resolved through the Procedure for the Resolution of Sexual Harassment Complaints provided in Section XIII, 13.05, of the Personnel Policy Manual.

Any employee that violates this Policy will be subject to disciplinary action including, but not limited to, termination of employment. In addition, the College reserves the right to notify law enforcement authorities of employees who are alleged to have violated this Policy upon reasonable belief that such incidents rise to the level of criminal activity.  
(Revised Board of Trustees, 4/12/11)

### **1.03 POLICY OF NONDISCRIMINATION WITH RESPECT TO RELIGION**

The College will make reasonable accommodations for employees whose religion may include observances, practices and beliefs, such as Sabbath observance, which may conflict with the College's schedules, programs, and terms and conditions of employment, where such accommodations can be made without undue hardship on the conduct of the functions of the College.

The College may require that any employee whose religion includes observances, practices, and beliefs, such as Sabbath observance, will provide the College with advance notice, in writing, of his/her intent to keep such observance during a specific calendar period.

### **1.04 PROCEDURE FOR THE RESOLUTION OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS**

A procedure for the resolution of equal employment opportunity complaints is included in this manual in Section XIII, 13.04. Employees are encouraged to consult with the College's Civil Rights Coordinator or Campus Civil Rights Review Officers concerning any questions relating to equal employment opportunity.  
(Revised Board of Trustees, 6/7/11)

### **1.05 DRUG-FREE SCHOOLS AND WORKPLACE POLICY**

Delaware Technical Community College believes that illegal drugs and abuse of alcohol have no place in the College environment. Congress passed the Drug-Free Workplace Act of 1988, requiring the certification of federal grantees of a drug-free workplace; and the Drug-Free Schools and Communities Act Amendments of 1989, mandating the certification of adoption and implementation of programs to prevent unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The College supports these Acts.

For these reasons, the College has adopted the following regulations:

(a) The unauthorized and/or unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol is strictly prohibited in all facilities of the College, in all places where its employees/students work/attend, including all State-owned vehicles, and as any part of the College's activities. A controlled substance is one which appears in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812). As a condition of employment/enrollment, all employees/students shall abide by this prohibition and notify the College of any criminal drug or alcohol statute conviction for a violation of this Policy as provided by paragraph (b) below. Violation of such prohibition shall result in action against the employee/student, as set out in section (g) below, which shall include action up to and including termination/expulsion, and/or satisfactory participation in an approved drug or alcohol abuse assistance or rehabilitation program. Participation in such a program shall not be paid for by the College, but may be covered by a(n) employee's/student's health insurance policy. [Appendix A](#) contains a description of Federal trafficking (distribution) penalties for substances covered by the Controlled Substances Act. [Appendix B](#) contains examples of State penalties for the unlawful use, possession, or distribution of drugs or alcohol.

All violations of this Policy shall be reported to the College President, or his/her designee, who shall report the violation to the appropriate law enforcement authority. Action shall be taken in all cases of a chargeable offense under the provisions of the applicable State law or comparable Federal law; however, a conviction of the charged offense shall not be necessary to take action against the employee/student for a violation of this Policy. The employee/student against whom such an action is taken shall be entitled to due process through the rules and regulations of Delaware Technical Community College.

(b) All employees/students shall notify the College President in writing of any criminal drug or alcohol statute conviction for a violation occurring in any facility or on the property of the College, or at any College activity, no later than five days after such conviction. Failure of the employee/student to make such a notification shall lead to termination/expulsion from the College. Within ten days of receiving notice of any employee convicted as described above, the College shall notify the federal agencies providing grants to and through the College in accordance with the Drug-Free Workplace Act of 1988.

(c) Within thirty days of receiving notice of any employee/student convicted as described in section (b), the College will:

1. Take appropriate action against such a(n) employee/student, up to and including termination/expulsion; or
2. Request such employee/student to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency.

Such action may be taken by the College prior to conviction.

(d) The College shall give each employee/student a copy of the statement set out in the sections (a), (b) and (c) above, and post it prominently throughout the College. To meet requirements of the Drug-Free Workplace Act of 1988, each employee shall sign a copy of the statement; said copy shall be placed in the employee's payroll file in the Office of the President.

(e) Each campus of the College will develop and implement a program to inform employees/students

of:

1. The dangers of drug abuse or alcohol consumption;
2. The College's policy of maintaining a drug- and alcohol-free environment;
3. Any available drug or alcohol abuse counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees/students for drug or alcohol violations occurring in any facility or on the property of the College, or at any College activity.

(f) The College shall make a good faith effort to continue to maintain a drug- and alcohol-free environment through the implementation of this Policy, and ensuring that all new employees/students are informed of the Policy through the measures set out in sections (d) and (e).

(g) Delaware Technical Community College employees/students who violate this Policy shall be subject, at a minimum, to the following penalties:

Violation

Minimum Penalties

1. Unlawful possession, use or consumption of a controlled substance or a counterfeit controlled substance, in an amount that is typical of immediate personal use.

Employee: Three days suspension without pay and/or participation in drug abuse program.  
Student: Three days suspension from classes and/or rehabilitative referral to a drug abuse program

2. Unlawful possession or use of a hypodermic syringe or of drug paraphernalia.

Employee: Three days suspension without pay and/or participation in drug abuse program.  
Student: Three days suspension from classes and/or rehabilitative referral to a drug abuse program

3. Second offense of violation 1 or 2 above.

Employee: One month suspension without pay and mandatory participation in drug abuse program.  
Student: One month suspension from classes and mandatory participation in drug abuse program.

4. Third offense of violations 1 and/or 2.

Employee: Termination.  
Student: Expulsion

5. Unlawful possession of a controlled substance or a counterfeit controlled substance, in an amount which is beyond that typical for immediate personal use.

Employee: One month suspension without pay and mandatory participation in drug abuse program.  
Student: One month suspension from classes and mandatory participation in drug abuse program.

6. Unlawful delivery or distribution of a hypodermic syringe.

Employee: One month suspension without pay and mandatory participation in drug abuse program.  
Student: One month suspension from classes and mandatory participation in drug abuse

	program.
7. Unlawful delivery, distribution, or manufacture of drug paraphernalia.	Employee: One month suspension without pay and mandatory participation to drug abuse program. Student: One month suspension from classes and mandatory participation in drug abuse program.
8. Unlawful delivery or distribution of a controlled substance, of a counterfeit controlled substance or of a noncontrolled substance under the representation that the substance is a narcotic or non-narcotic controlled substance in an amount that is typical for immediate personal use.	Employee: One month suspension without pay and mandatory participation in drug abuse program. Student: One month suspension from classes and mandatory participation in drug abuse program.
9. Unlawful delivery or distribution of a controlled substance, of a counterfeit controlled substance or of a noncontrolled substance under the representation that the substance is a narcotic or nonnarcotic controlled substance in an amount which is beyond that which is typical for immediate personal use.	Employee: Three month suspension without pay and mandatory participation in drug abuse program. Student: Three month suspension from classes and mandatory participation in drug abuse program.
10. Second offense of violations 5 through 9.	Employee: Termination. Student: Expulsion.
11. Unlawful delivery or distribution to a minor of a hypodermic syringe, of drug paraphernalia, or of any amount of a controlled substance, a counterfeit controlled substance, or a noncontrolled substance under the representation that the substance is a narcotic or nonnarcotic controlled substance.	Employee: Termination Student: Expulsion
12. Aggravated Possession or Trafficking as defined under state or federal law.	Employee: Termination Student: Expulsion
13. Failure to report conviction pursuant to section (b) of this Policy.	Employee: Termination Student: Expulsion
14. Intoxication from use of alcohol.	Employee: Up to five days suspension without pay and/or participation in alcohol self-help program. Subsequent violations may result in termination. Student: Up to five days suspension from classes and/or rehabilitative referral. Subsequent violations may result in expulsion.

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| 15. Unauthorized and/or unlawful possession or use of intoxicating beverages.      | Employee: Up to five days suspension without pay and/or participation in alcohol self-help program. Subsequent violations may result in termination.<br>Student: Up to five days suspension from classes and/or rehabilitative referral.<br>Subsequent violations may result in expulsion. |
| 16. Unauthorized and/or unlawful sale or other transfer of intoxicating beverages. | Employee: Up to five days suspension without pay and/or participation in alcohol self-help program. Subsequent violations may result in termination.<br>Student: Up to five days suspension from classes and/or rehabilitative referral.<br>Subsequent violations may result in expulsion. |

(h) A description of the health risks associated with the use of illicit drugs is outlined in [Appendix C](#). A description of the health risks associated with the abuse of alcohol is as follows:

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical and mental abnormalities. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

(i) Employees and students are encouraged to review [Appendix D](#) for a listing of providers offering drug or alcohol counseling, treatment, or rehabilitation services. In addition, employees enrolled with the State of Delaware's health care provider are eligible to receive drug or alcohol treatment services through the Employee Assistance Program. Employees may contact the Human Resources Division within the Office of the President for more information regarding the Employee Assistance Program.

- [Appendix A](#)
- [Appendix B](#)
- [Appendix C](#)
- [Appendix D](#)

## **1.06 DRUG AND ALCOHOL TESTING POLICY**

### **Prohibitions**

Pursuant to the College's Drug-Free Schools and Workplace Policy, the unauthorized and/or unlawful

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manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol is strictly prohibited in all facilities of the College, in all places where its employees/students work/attend, including all State-owned vehicles, and as any part of the College's activities. Employees are also subject to disciplinary action if they are found through confirmatory tests to be under the influence of alcohol and/or an illegal/unauthorized controlled substance in the workplace.

### **Reasonable Suspicion**

In order to insure the safety and well being of the College's staff and students, the College may test employees if there is reasonable suspicion to believe that they are under the influence of alcohol and/or an illegal/unauthorized controlled substance in the workplace. A determination that there is reasonable suspicion to believe that an employee is under the influence shall be based upon objective factors including, but not limited to, the following: odor of alcohol on the employee's breath, slurred speech, unsteady or erratic movements.

In addition, employees may be tested without reasonable suspicion in the following circumstances:

- those who are engaged in safety sensitive activities; and
- those who have been previously identified as drug users and submitted to rehabilitation and/or treatment programs. In this circumstance, random testing may be requested for a reasonable period of time following release from the rehabilitation and/or treatment program.

Drug and Alcohol Testing Procedures are outlined in the Manual of Procedural Guidelines, Personnel Guidelines.

### **1.07 TOBACCO-FREE POLICY**

In order to ensure a safe, healthy environment, all Delaware Tech facilities are tobacco free for employees, students, and visitors effective January 1, 2011. The use of all tobacco products is prohibited within the boundaries of all College locations including all buildings, facilities, indoor and outdoor spaces and grounds owned, rented, operated, and/or licensed by the College. This policy applies to parking lots, walkways, sidewalks, sports venues, State vehicles and private vehicles parked or operated on College property. For the purposes of this policy, tobacco is defined as any type of tobacco product including, but not limited to: cigarettes, cigars, cigarillos, electronic cigarettes, pipes, bidis, hookahs, smokeless or spit tobacco or snuff.

The enforcement of this policy is intended to be educational, but repeat violators will be subject to disciplinary action as outlined in the Personnel Policy Manual, Section XII, Conduct and Corrective or Disciplinary Action.

(Board of Trustees, 9/14/10)

### **1.08 POLICY REGARDING COMMUNICABLE DISEASES**

Communicable or infectious diseases are considered protected disabilities under federal law except in cases in which the disease constitutes a direct threat to the health or safety of other persons at the College or the disease prevents the affected person from performing essential job or school duties. The College will make every effort to balance the right of a student to continue the educational process and the right of an employee to continued employment with the right of individuals within the College community to be free from the risk of exposure to an infectious disease.

The College will comply with all lawful requirements of the Delaware Department of Public Health, as well as with all state and federal laws. The College will take into account in each instance, based on the best medical advice available at the time, the nature of the risk (how the disease is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm.

A member of the faculty or staff or a student who becomes aware that someone employed by the

College or attending the College has a communicable disease which may pose a health hazard to others shall report this to his supervisor in the case of an employee or to the Dean of Student Affairs in the case of a student. The information shall be forwarded to the Vice President and Campus Director (President in the case of the Office of the President) who will, in consultation with the Chief Legal Counsel, decide the appropriate course of action on a case by case basis. A student who believes that his/her rights have been violated should follow the Procedure for the Resolution of Complaints by a Student in the Student Rights and Standards of Student Conduct Policy. An employee who believes that his/her rights have been violated should follow the Procedure for the Resolution of Equal Employment Opportunity Complaints in Section 13.04 of the Personnel Policy Manual.

(Approved by Board of Trustee on June 2, 2009, to replace previous policy.)

### **1.09 POLICY OF NONDISCRIMINATION WITH RESPECT TO DISABILITY**

It is the policy of the College that no person shall be subjected to discrimination on the basis of disability as prohibited by the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and other applicable laws, regulations and Executive Orders. This policy applies to access and utilization of facilities, services, and programs; and to employment, including but not limited to recruitment, selection, training, promotion, compensation, continuation, probation, and discharge, if the person is qualified and able to perform the essential functions of the job with or without reasonable accommodation.

### **1.10 STATEMENT OF CULTURAL DIVERSITY POLICY**

Delaware Technical Community College will develop and implement a program which will assure that the College is uniformly addressing diversity in all of its activities. The concept of diversity stresses respect for all human differences. Diversity is an asset that provides a balance of different viewpoints, perspectives, and strengths.

The College's program will increase knowledge and understanding of diversity issues. Greater innovation and creativity in curricular matters, decision making, and problem solving will be possible in this socially diverse environment. Diversity will encompass all aspects of College functions, including employee relations, student recruitment and retention, the curriculum, and academic life.

Gender, racial, ethnic, cultural, religious, and other differences enrich the educational and social environment where individuals teach, learn, and work. Differences among our students and employees present the College with opportunities to cultivate mutual understanding and respect.

In demonstrating its commitment to diversity, Delaware Technical Community College will continue supporting the pluralistic community it serves, which complements its philosophy and mission.

### **1.11 CONSENSUAL RELATIONSHIPS POLICY**

Delaware Technical Community College acknowledges its responsibility to provide clear direction to the College community about the professional risks associated with consensual amorous and/or sexual relationships in which a definite power differential between the parties exists. Inasmuch as the College is committed to fostering the development of learning and work environments characterized by professional and ethical behavior and free of discriminatory behavior, consenting amorous and/or sexual relationships between instructor and student or supervisor and employee are discouraged. The College recognizes that it cannot regulate such personal decisions, but views them as reason for concern for the following two reasons:

1. Abuse of Power: Individuals entering into consensual amorous and/or sexual relationships involving a power differential must recognize that (i) the reasons for entering such a relationship may be a function of the power differential; (ii) where power differentials exist, even in seemingly consensual relationships, consent shall not be considered a defense if a complaint of sexual harassment or retaliation is brought; and (iii) the individual in the relationship with greater power will bear the burden of accountability.
2. Conflict of Interest: Conflicts of interest may arise in connection with consensual amorous

and/or sexual relationships between instructors or other College staff and students, or between supervisors and subordinates. The College's Nepotism Policy precludes individuals from making or influencing decisions affecting those with whom they have intimate, familial relationships. The same principles apply to consensual amorous and/or sexual relationships.

### **Possible Consequences of a Consensual Amorous and/or Sexual Relationship**

An instructor or other instructional staff member who enters into a consensual amorous and/or sexual relationship with a student, or a supervisor with a subordinate, must realize that if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on grounds of mutual consent where a power differential existed. The College Administration and the Committee appointed to review sexual harassment complaints shall be expected, in general, to be unsympathetic to a defense based upon consent when the facts establish that a professional power differential relationship did exist between the two parties.

### **Reporting Requirement**

Where a conflict of interest exists, or may exist, in the context of a consensual amorous and/or sexual relationship, the individual with the power or status advantage shall notify the Dean/Director of his or her Division. The Dean/Director, with the approval of the Vice President and Campus Director, shall have the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the College or to either party in the relationship.

### **Consequences of Non-Compliance and/or Failure to Cooperate**

Individuals with the power or status advantage involved in a consensual amorous and/or sexual relationship who fail to report such a relationship as stipulated in "Reporting Requirement" above and/or who fail to cooperate with the arrangements made to eliminate or mitigate a conflict of interest will be subject to disciplinary action in accordance with Section XII of the Personnel Policy Manual.

## **1.12 ACCEPTABLE USE OF ELECTRONIC NETWORKS POLICY**

This policy applies to all users of the College computing and electronic networks resources, whether affiliated with the College or not, and to all uses of the system, on the campuses or from remote locations. By using the computing resources of the College users consent to use such resources in accordance with and subject to this Acceptable Use of Electronic Networks Policy (Policy).

Access to and use of the Delaware Technical Community College computing and electronic networks resources are privileges granted to students, staff, faculty and members of the College community for academic, research, operational and administrative purposes. Electronic networks are comprised of computing facilities, equipment, systems and personnel. Use of these resources includes accessing list serves, World Wide Web pages, electronic mail, application software, and any other electronic communication. Use of the Delaware Tech computer and electronic networks is a privilege and all members of the College community who utilize these resources are expected to do so in an efficient, effective, appropriate, ethical, and legal manner that supports the mission of the institution

Failure to adhere to this Policy, applicable State, local government and Federal laws and regulations, other College Board of Trustees policies and related administrative procedures may result in suspension or revocation of network privileges. Willful or intentional misuse could result in disciplinary action or criminal prosecution under applicable state and federal statutes. Additional policies and procedures may apply to specific computers or computer systems at the various College property locations. Delaware Tech will not provide a legal defense for any illegal use of its electronic facilities, equipment, or software, or any activities found to constitute violations of this Policy

Users who violate this policy may be subject suspension and/or revocation of network privileges, to disciplinary action, up to and including dismissal, for staff and faculty, as outlined in the College Personnel Policy Manual and for students, the Student Rights and Responsibilities Policy outlined in the Student Handbook and may be subject to criminal prosecution.

All users of the College electronic networks must:

- Comply with all federal, state, and other applicable laws; all applicable Delaware Technical Community College policies and procedures; and all applicable contracts and licenses. These laws, policies, and licenses include, but are not limited to, the areas of libel, copyright, privacy, obscenity, and child pornography; the Computer Fraud and Abuse Act and the Electronic Communications Privacy Act, which prohibit unauthorized "hacking", "cracking", and other similar acts The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT) which authorizes electronic eavesdropping; the College Personnel Policy Manual, which includes the College's Policy Statement on Sexual Harassment and Conduct and Corrective Action; the College's Student Rights and Responsibilities policy, the State of Delaware Acceptable Use Policy; and all applicable computer contracts and software licenses, which prohibit the distribution of "warez" (copyrighted software).
- Utilize only those electronic resources authorized by the College and use those resources in the manner and to the extent of that authorization. All accounts assigned to users are non-transferable. All accounts and passwords must be kept confidential and may not be released to or shared with any other party other than those authorized by the College. A user's ability to access College networks, resources, and accounts do not imply authorization to do so. It is the responsibility of users to secure all necessary and proper authorizations before proceeding on College systems.
- Refrain from using College resources for any commercial activities or for personal financial purposes. These restrictions include, but are not limited to, conducting a business enterprise from the system, sending commercial advertising messages, or solicitations for non-College related organizations from the system.
- Utilize all electronic and computing resources efficiently. The College reserves the right to monitor usage and content, restrict and/or prohibit excessive non-academic or non-work related use of the network for downloading or transferring files or to impose or to apply other limitations or restrictions on computing resources such as time limits, storage space or amount of particular resources consumed by users to ensure legal and effective administration of the systems and fair access for all users.
- Refrain from stating or implying that they speak on behalf of or represent Delaware Technical Community College without proper authorization to do so. This prohibition includes use of the College logo in computer communications. Use of College computing and electronic networks and affiliation with College programs does not imply authorization to represent the College to outside organizations. Use of the official College logo or seal on College electronic resources may only be authorized, in advance, by the Vice President and Campus Director at the campuses and by the President for the Office of the President or when applicable to college-wide projects.

Electronic mail and other Network Activity (Use of the Internet) - Delaware Technical Community College utilizes numerous measures to maintain the integrity, security, and effective operations of its electronic mail systems. Users are advised, however, that in light of both these efforts and the College's intent to limit network use to the purposes stated in this Policy, the e-mail systems and network usage in general should in no way be regarded as a secure or private medium for the communication of confidential or sensitive information. Due to the nature of electronic communication, system users may not expect individual communications or activities on the College system nor the confidentiality of specific messages that may be created, sent, received, or stored in the system to be or remain private.

In addition, all users are advised that, while the College does not routinely monitor individual usage of computing resources, it reserves the right to monitor activity when: 1) the maintenance and standard operations of the system require the backup of data and communications, the logging of system activity, monitoring of general usage patterns, and 2) in circumstances where the College has reason to believe that network usage may be in violation of this Policy and other procedures required in the administration of the system. In addition, the College may also monitor the activity and accounts of specific users when: it appears to systems administrators necessary to do so to protect the security, integrity, and effectiveness of the systems; it is deemed necessary to protect

the College from civil or criminal liability; there is reasonable cause to believe that violations of the College Electronic Networks Policy (including violations of State, local or federal law or applicable College policy) has occurred; an account displays an unusual amount of activity as indicated from general systems monitoring or specific usage patterns; or, it is permitted or required by law.

The College, when it deems necessary or proper may disclose the results of such monitoring activities to an appropriate College administrator or law enforcement agency and may use this information in relevant disciplinary proceedings. In addition, electronic mail may qualify in certain circumstances as a public record subject to public disclosure under applicable laws, including all Freedom of Information statutes.

Only College administrators, faculty, staff, students, and other individuals, who have received permission under the appropriate systems administrator, are authorized users of the College electronic mail system or network. All authorized users must identify themselves accurately and clearly in communications. Concealing or misrepresenting one's identity or using the identity of another user or individual on the College system is prohibited and considered a violation of this policy.

The use of any College network resources must be related to College business. Incidental and occasional personal use of the network including the use of electronic mail may occur when such use does not create an unreasonable direct cost to the College and is not inconsistent or interfere with the user's primary function as student, staff, faculty or administrator. Such incidental and occasional communications are subject to the provisions of this policy.

Retired employees shall be permitted to retain their College electronic mail address and use College electronic mail for personal, non-college business, subject to the provisions of this policy.

(Board of Trustees, June 4, 2013)

Prohibited uses of the Delaware Tech electronic mail and network system include, but are not limited to, the following activities:

- a) using foul, profane, obscene, offensive or defamatory language;
- b) sending copies of documents or using materials in violation of copyright laws;
- c) using the system to harass, intimidate, or interfere with the employment duties or learning process of others;
- d) attempting unauthorized access to the email system, attempting to breach security measures on any external email system, or attempting to intercept electronic mail communications;
- e) attempting to access, disrupt, or destroy the College's or other computer systems or files malicious code attacks or other means;
- f) using the system for personal financial gain, outside commercial venture, or illegal activity or for any activity that violates a State, local or federal law or regulation or constitutes a violation of this Policy or an other College policy;
- g) forwarding chain letters and sending mass electronic mailings or using the system for open mail relay; individual users may request prior permission from the systems administrator to send electronic mailings to more than 100 recipients on a case by case basis.
- h) excessive non-academic or non-work related use of the network for downloading, sharing or transferring large files.

The individual systems administrators at the campuses and in the Office of the President will investigate and document apparent or alleged violations of the College Acceptable Use of Electronics Networks Policy. The systems administrators may temporarily suspend a user's access to the system pending the outcome of an investigation of misuse. Identified cases of alleged abuse of any system will be referred to the user's Dean or Director, who will consult with the campus Director of Human Resources regarding appropriate action and immediately notify the Vice President and Campus Director of the alleged violation. For alleged violations in the Office of the President, the administrator will consult with the Chief Legal Counsel for appropriate action and who will also notify

the President. In the event the case involves a student, the matter will be referred to the campus Dean of Student Affairs for further investigation, appropriate action, and who will immediately notify the Vice President and Campus Director

For the purpose of enforcing this policy, the "systems administrators" are: the Chief Technology Officer, or their official designees.

Any questions regarding this policy should be directed to: the Chief Technology Office or the Chief Legal Counsel.

(Added Board of Trustees 9/19/1998; Amended Board of Trustees, 4/16/2002 and 4/12/2005)

## **1.13 VIOLENCE-FREE COLLEGE POLICY**

### **Policy Statement**

The Board of Trustees of Delaware Technical Community College, through its President, Administration, Faculty and Staff, is committed to providing a safe, violence-free environment for the College Community. In furtherance of its opposition to violence in the College environment, it adopts this Delaware Technical Community College Violence-Free College Policy.

### **Prohibited Conduct**

No type of violence will be tolerated on College property or in any place where College students or employees are engaged in College-related activity or in connection with any College-sponsored activity. College employees, students (including persons participating in any activity sponsored by the College) and visitors to the College (the "College Community") are directed not to engage in threatening or violent conduct or activities.

The conduct described below constitutes actions that are expressly prohibited on College property or in connection with College-sponsored activities. The list of prohibited activities is designed to provide examples and is not exclusive of other conduct that may constitute a violation of this Policy:

- Causing or threatening to cause physical injury to another person
- Making threatening, abusive or harassing remarks
- Disorderly, aggressive or hostile behavior that creates a reasonable fear in another of injury or subjects another person to emotional distress; such conduct may include shouting, throwing or pushing objects, punching walls or slamming doors
- Intentionally causing damage to College property or to the property of an employee, student or visitor to the College while on College property or in connection with a College-sponsored activity
- Possession of a weapon or dangerous instrument or engaging in any other conduct in violation of the College Policy Prohibiting the Possession of Deadly Weapons, Dangerous Instruments or Devices
- Committing violent or hostile acts motivated by, or related to, race, age, color, national origin, sexual orientation, sex, disability, marital status, sexual harassment or domestic relationships.

### **Procedures**

#### **I. Reporting Procedures**

##### **A. Immediate Threat Procedures**

Members of the College Community who encounter an armed or otherwise dangerous person should not challenge or attempt to disarm the individual. In such an event, a person confronted by such an individual should proceed as follows:

If possible,

- Remove yourself from danger

Otherwise,

- Remain calm
- Maintain eye contact
- Talk to the individual
- Cooperate as much as feasible
- Notify law enforcement authorities first and then the Public Safety Office as soon as possible.

#### B. Potentially Dangerous Threat Procedures

Any potentially dangerous situation of which a member of the College Community becomes aware should immediately be reported to a Public Safety Office. If warranted, the Public Safety Office shall report the violation to the appropriate police authority and will also notify a Dean of Student Affairs (student violation) or a Human Resource Officer (employee violation), as applicable. The Dean of Student Affairs and/or the Human Resource Officer will inform the Campus Director of all reported incidents. Initial reports may be made anonymously to the Public Safety Office. All reported incidents will be investigated. Reports or incidents requiring confidentiality will be handled with due regard to privacy interests, and information will only be disclosed to others on a "need to know" basis. To the greatest extent feasible, the results of an investigation into a reported and or investigated incident will be provided to and discussed with all parties involved in such incidents. In compliance with the Delaware Technical Community College Crisis Management Policy, College officials will actively intervene at any indication of a possibly hostile or violent situation.

While it is not expected that members of the College Community be skilled at identifying potentially dangerous persons, it is expected that, through the exercise of good judgment, persons observing behavior that could signal a potentially dangerous situation or evidence a potentially violent person will report such an observation to the Public Safety Office. The Public Safety Office must notify a Dean of Student Affairs (student) or a Human Resource Officer (employee) of all reports.

In addition to the conduct identified in this Policy as prohibited conduct, potentially dangerous behavior or warning signs of a potentially violent person may include:

- discussion of weapons or bringing weapons onto College property or property used for College-sponsored activities;
- displaying overt signs of extreme stress, resentment, hostility, paranoia or anger;
- intimidating, belligerent, harassing, bullying or threatening conduct;
- sudden or significant deterioration in performance; displaying irrational or disproportionately inappropriate behavior.

All members of the College Community are responsible for notifying the Public Safety Office of any threats, witnessed or received. Even if no actual threat has been made, members of the College Community should report any conduct witnessed which, in the exercise of reasonable judgment, appears threatening or violent, when the behavior is connected to or may be carried out in the College environment.

#### C. Domestic Violence Procedures

Domestic violence is a serious threat to affected individuals and the place where such individuals work or are engaged in other activities.

Members of the College Community who obtain a protective or restraining order that lists College or College-related property as an area to be protected by such order are asked to provide the relevant Public Safety Office with a copy of the order.

Employees may obtain information concerning services related to domestic violence from the Delaware State Personnel Offices and the College's Human Resource Offices. Students and employees may obtain information from the College's Counseling Offices.

## II. Enforcement Procedures

Threats, threatening conduct, or any acts of aggression or violence will not be tolerated in the College environment. Any College employee or student who is determined to have committed an act prohibited by this Policy will be subject to disciplinary action, up to and including termination of employment or expulsion and may be reported to law enforcement authorities. Disciplinary action shall be taken in cases of chargeable offenses under the provisions of applicable state law or comparable federal law; however, a conviction of the charged offense shall not be necessary to take action against the employee/student for violation of this Policy. The employee/student against whom such action is taken shall be entitled to the benefits of the procedures identified in the College Personnel Policy or Student Code of Conduct/College Policy for Student Rights & Student Responsibilities. Persons not subject to the College Personnel Policy or Student Code of Conduct/College Policy for Student Rights and Student Responsibilities who violate this Policy will be directed to leave the premises and may be reported to law enforcement authorities for criminal prosecution. Other legal remedies may also be invoked.

(Added Board of Trustees 9/17/03 )

### **1.14 POLICY PROHIBITING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS OR DEVICES**

#### **Policy Statement**

The Board of Trustees of Delaware Technical Community College, through its president, administration, faculty and staff, is committed to providing a safe, violence-free environment. In furtherance of its opposition to violence in the College environment, it adopts this Delaware Technical Community College Policy Prohibiting Deadly Weapons and Dangerous Instruments or Devices.

#### **Scope**

This Policy applies to the possession or use of any prohibited weapon, dangerous instrument or device and to any prohibited conduct (see Violence-Free College Policy) on any property owned, leased, or otherwise controlled by the College or in any place where College students or employees are engaged in College-related activity or College-sponsored activity ("College Property"). This policy also applies to any College employee or student (including persons participating in any activity sponsored by the College) and to visitors to the College (collectively the "College Community"). Subject to the exceptions listed below, this policy applies regardless of whether a person covered by the terms of the policy has a permit to carry a prohibited weapon or is otherwise authorized by law to possess, discharge or use a prohibited weapon, instrument or device.

#### **Prohibitions**

Subject to the exceptions outlined below, no member of the College Community shall, while on College Property, possess, use, attempt to use, or threaten to use a weapon, dangerous instrument, or device as defined below. Further, any violation of a federal, state, or local law or ordinance pertaining to the possession, use, attempt or threat to use a deadly weapon, dangerous instrument, or device, committed on College Property, shall constitute a violation of this Policy. Copies of Delaware and local law may be obtained from the Public Safety Office.

Delaware law defines dangerous instrument as: "any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray". "Chemical spray\*" includes: mace, tear gas, pepper spray or any other mixture containing quantities thereof, or any other aerosol spray or any liquid, gaseous or solid substance capable of producing temporary physical discomfort, disability or injury through being vaporized or otherwise dispersed in the air, or any canister, container or device designed or intended to carry, store, or disperse such aerosol spray or such as gas or solid.

Delaware law defines a deadly weapon as: a firearm (any weapon from which a shot, projectile, or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded but does not include a BB gun (which is

considered a "device" under this Policy) a knife of any sort (other than an ordinary pocket knife, i.e., a folding knife have a blade not more than 3 inches in length, carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any dangerous instrument as defined above, which is used, or attempted to be used, to cause death or serious physical injury.

In addition to dangerous instruments and deadly weapons, members of the College Community while on College Property are prohibited from possessing, using, attempting or threatening to use any of the following or similar devices: BB guns, pellet guns, paint ball guns, decorative or functional swords, machete air rifles, martial arts devices such as throwing stars, garrotes, fireworks, explosives or substances possessed and/or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, chemical or biological agents possessed and/or used with the purpose of causing death, serious bodily injury or property damage or otherwise in violation of federal, state, or local law or ordinance.

This Policy is not intended to prohibit the possession or use of instruments or devices authorized for the pursuit of the mission of the College. Questions regarding the authorization of such instruments or devices should be directed to the Campus Director for use at a given Campus.

\*Chemical sprays kept about the person for personal protection are not prohibited unless used offensively in a malicious or reckless manner.

## **Procedures**

### **I. Reporting Procedures**

Members of the College Community who encounter an armed or otherwise dangerous person should not challenge or attempt to disarm the individual. In such an event, a person confronted by such an individual should proceed as follows:

If possible,

- Remove yourself from danger  
Otherwise,
- Remain calm
- Maintain eye contact
- Talk to the individual
- Cooperate as much as feasible
- Notify law enforcement authorities first and then the Public Safety Office as soon as possible

### **II. Enforcement Procedures**

Possession or use of any prohibited weapon, dangerous instrument, or device will not be tolerated in the College environment. Any College employee or student who is determined to have committed an act prohibited by this Policy will be subject to disciplinary action, up to and including termination of employment or expulsion depending on the severity of the violation and may be reported to law enforcement authorities. Action shall be taken in all cases of a chargeable offense under the provisions of the applicable state law or comparable federal law; however, a conviction of the charged offense shall not be necessary to take action against the employee/student for a violation of this Policy. The employee/student against whom such action is taken shall be entitled to the benefits of the procedures identified in the College Personnel Policy or Student Code of Conduct/College Policy for Student Rights and Standards of Student Conduct. Persons not subject to the College Personnel Policy or Student Code of Conduct/College Policy for Student Rights and Standards of Student Conduct who are suspected of violating or determined to have violated this policy will be directed to leave the premises and may be reported to law enforcement authorities for criminal prosecution, as appropriate. Other legal remedies may also be invoked.

### **III. Exception Procedures**

A member of any bona fide law enforcement agency present on College Property who is in compliance with any applicable departmental Policy pertaining to the possession of a weapon is excluded from the prohibitions contained in this Policy. In addition, the prohibitions contained in this

policy do not apply to members of the College's Public Safety Department who have been authorized to carry a deadly weapon and/or dangerous instrument or device while in the course and scope of their employment with the College. (Amended Board of Trustees 04/09/2013)

Any member of the College Community who believes he or she has good cause to be excluded from the terms of this Policy may direct a request for an exception to the Campus Director for the campus at which an exception is desired, or to the College President for an exception pertaining to either the President's Office or a college-wide purpose. Exceptions may be granted in the sole discretion of the Campus Director to whom the request is directed or in the sole discretion of the College President when a request is made to the President. Exceptions may be granted in cases, including but not limited to, where an individual's personal safety is at substantial and identifiable risk, where an otherwise prohibited item is to be used for educational, scientific, professional, ceremonial or religious purposes, or in other circumstances where the purpose of this Policy would not be fostered through strict application. If an exception is granted, such exception will be identified in writing and include the terms, conditions, and duration of the exception. A copy of the document authorizing an exception to this Policy will be sent to the public safety office of an affected campus and to any other College official deemed appropriate under the circumstances at least 24 hours in advance of the effective date of the exception.

Amendment to the College Policy for Student Rights and Standards of Student Conduct Item 4 of Section II. "Standards of Student Conduct" Section of the College Policy for Student Responsibilities and Student Rights is hereby amended to include this policy as part of the prohibition against the use and/or possession of weapons or firearms.

### **1.15 CLERY ACT YOUR RIGHT TO KNOW CAMPUS CRIME STATISTICS**

The public safety of the College community is very important to Delaware Technical Community College. In compliance with the federal Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act of 1998 ("Clery Act") and in order to communicate information related to the College's public safety efforts, the College maintains a Public Safety Website. The URL for accessing this site is: [www.dtcc.edu/publicsafety/right.html](http://www.dtcc.edu/publicsafety/right.html).

This website includes Campus Crime Statistics Report outlining crimes reported on each campus, in off-campus buildings, at/on property owned or controlled by Delaware Technical Community College, and on public property immediately adjacent to and accessible from campus. In compliance with the requirements of the Clery Act, it also includes: information regarding the law enforcement authority of campus Public Safety Departments; policies concerning campus public safety, such as crime prevention, alcohol and drug use, sexual assault; Delaware Sex Offender Registry; and how to report crimes which may occur on campus.

In addition to viewing the Crime Statistics report on the website, a copy of the report may be obtained from each Campus Administrative Services Office.

### **1.16 FLEXIBLE WORK ARRANGEMENTS**

Delaware Technical Community College recognizes the growing demands facing employees as they seek to balance their work and home lives with the increasing challenges of finding new and better ways of serving students and other customers, as well as meeting College goals. Because of this, the College supports flexible work arrangements as a means of fostering a highly desirable and productive work environment that is responsive to these demands and challenges. The College expects that flexible work arrangements will strengthen organizational effectiveness and enhance student success by providing a framework to develop new opportunities for efficiency and expanded hours of service; increase the retention and recruitment of highly qualified staff; promote employee engagement; and enhance the quantity, quality, and productivity of the employee's level of service.

Flexible work arrangements authorized by this policy consist of flextime, alternative work schedules, compressed work weeks and telework. No flexible work arrangements shall be effective unless approved in writing. Certain positions may not be eligible for flexible work arrangements due to program needs or the job duties of the position. Consideration of flexible work schedules will be

reviewed on a case-by-case basis taking into account the departmental needs and the employee's ability to maintain a high level of service.

All flexible work arrangements must conform to the overtime, record keeping, and meal break provisions of the Fair Labor Standards Act, College policy, and State of Delaware Code.

Flexible work arrangements are not a right of employment and may be discontinued at the discretion of the College. In addition, the schedules of employees working a compressed work week will revert to the standard work week for the pay cycle in which a holiday occurs.

Annual sick leave shall accrue as normal while on a flexible work arrangement. Leave usage will be charged based on the approved work schedules. Other types of leave may be granted consistent with applicable policies outlined in the Personnel Policy Manual.

A flexible work arrangement will not provide an exempt employee with a right to receive overtime pay when the need arises to work more than their scheduled hours. Nonexempt employees may be required to depart from an approved flexible work arrangement to work overtime to cover the operational needs of the College.

The President is authorized to adopt guidelines, procedures, and forms to implement the provisions of this policy.

(Added by the Board of Trustees 11/11/14)

**Source URL:**

<https://www.dtcc.edu/about/employment/personnel-policy-manual/policies-nondiscrimination>