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Section I - Introduction

Welcome

Getting a quality education isn't a matter of chance . . . it's a matter of choice. Attending Delaware Tech opens your world to choices, possibilities and opportunities. Delaware Technical Community College is your statewide institution of higher education. The College is fully committed to serving every part of the state through its four conveniently located campuses: Dover, Georgetown, Stanton and Wilmington. Delaware Tech educates more than 40,000 students each year, 92% of whom are Delawareans. More than 25% of Delaware residents have taken courses on one of Delaware Tech's four campuses. Delaware Tech offers various distance learning opportunities including online courses, telecourses and interactive classroom courses.

Mission Statement

The Workforce Development and Community Education Division of the College provides lifelong learning opportunities for personal and professional growth for a diverse population through quality education and training programs. In addition, the Division supports economic development efforts by designing and delivering training programs that address the specific needs of local businesses and industries.

College Terms You Should Know

Continuing Education Units (CEU) - Provided upon completion of a non-credit professional development or other career program. Number of units provided are according to the number of training hours per class and are received upon meeting the minimum completion requirements for the class.

Non-Credit - Classes that do not require an individual to be admitted into the College and provide personal or professional enrichment.

Open Enrollment - Classes that do not require a skills assessment or affiliation to enroll and are open to an individual seeking personal or professional development. However, some classes may have a pre-requisite requirement .

Financial Holds - an alert indicating a previous balance exists on a student account which must be reconciled prior to enrolling in any class at Delaware Technical Community College.

Clinical - some programs that offer continuing

education units and/or job readiness skills require participation in a clinical or internship rotation to complete the program.

Certificate of Completion - participants receive a certificate acknowledging the # of continuing education units received for participation in a non-credit class.

Pre-requisites - some classes require a student to take an introductory level class.

Semester - This terminology represents the time frame in which Delaware Tech organizes the academic year. Non-Credit classes are offered on a rolling enrollment basis during the semester and may start at any point during a given semester. Current semesters are Fall, Spring, Maymester and Summer.

Non-Credit Programming and Continuing Education Units

The CEU is a nationally accepted standard for non-credit continuing education courses. A certificate is awarded upon successful completion of the number of hours stated on a non-credit syllabus and may be used as a reference for job promotion or hiring. Designated non-credit professional development courses are CEU-certified.

Section II - Course/Program Policies

Open Enrollment

A student is enrolled upon receipt of payment, provided there is space in the class. All programs require pre-registration and registration can be completed in person at each campus, via fax, phone or using the College online registration system.

Pre-Enrollment Policies And Selective Process

Longer-term career training non-credit programs may require that program specific pre-enrollment and eligibility requirements be completed by each individual. Campuses provide information sessions to explain criteria requirement and the selection process which may include, but not be limited to, application completion, documentation of residency, income or need, an interview process and a basic skills assessment. Programs that require this process are noted in the course catalog or on the Delaware Tech

Website.

competency with tool application

Membership Programs

Fee based membership programs are offered at some campus locations and provide opportunities for lifelong learning and enrichment on an on-going basis. Details on membership can be located at the following link: <https://www.dtcc.edu/continuing-education/personal-enrichment>

Academic Honesty

Students and staff of Delaware Technical Community College have an obligation to participate in the academic life of the college in a responsible and intellectually honest manner. As members of the Delaware Tech community, the students have responsibilities and duties commensurate with their rights and privileges. One of these responsibilities is to be honest and forthright in their academic work. To falsify the results of one's work, to steal the words or ideas of another, or to cheat on an examination corrupts the academic process. This policy was developed to define academic dishonesty and to outline sanctions for those rare occasions when academic honesty is breached. Students concede to the College the right to require the withdrawal of any student at any time when it is necessary to safeguard the College's ideals of scholarship and character.

Please follow this Link to learn more about academic honesty and adjudication procedures: <https://www.dtcc.edu/academics/student-handbook/academic-policies>

Grading Policy

In courses which require demonstration of competency development, students must demonstrate proficiency on all measurable performance objectives at least to the 75 percent level to successfully complete a course. If the student meets all objectives, a grade of "Y" is awarded; otherwise a grade of "N" is awarded. Achievements of measurable objectives may include the following means, but are not limited to:

1. Exam and quizzes
2. Hands-on demonstration
3. Written Mid-term exam
4. Written Final exam
5. Daily hands-on exercises demonstrating

A limited number of courses follow a specific grading system for exercises within the classroom, in these cases, a letter grade will also be assigned. The letter grade will be determined using the College Grading System:

- 92 - 100 = A
- 83 - 91 = B
- 75 - 82 = C
- 0 - 74 = F

At the conclusion of the courses where this applies, the ultimate recorded "grade" for the non-credit transcript is either a "Y" for completion at the above criteria or an "N", indicating non-completion of the above mentioned measurable objectives. Please refer to the following link for information regarding grade change policies: <https://www.dtcc.edu/academics/student-handbook/academic-policies>

Grading Change Policy

A student who wishes to challenge an academic grade given in any course must initiate the challenge by submitting a written request, including the basis of the challenge, to the course instructor by the end of the semester following the term in which the grade was received. Spring grades may be challenged until the end of the next fall semester. If the student is not satisfied with the instructor's written response and ultimate decision, the student may appeal that decision to the Program Manager/Director, in writing, within seven (7) days of the instructor's decision. The Program Manager/Director will meet with the student and instructor, discuss the written challenge and review any documentation, including coursework and exams, necessary to render a decision. If the student is not satisfied with the Program Manager/Director's written decision, the student may appeal the decision to the Workforce Development and Community Education (WDCE) Division Director by submitting a written request within seven (7) days which shall include a copy of the instructor's and Manager/Director's decision. The final investigation of the challenged grade and subsequent decision rests with the WDCE Division Director, who shall notify the student, program manager and instructor in writing of the final determination. Once a student has challenged a grade through this process, all academic appeals have been exhausted. No other College process may be utilized to challenge that specific grade or decision.

Transcripts

A transcript is a record of all courses for which a student has registered. A copy of this record may be obtained from the Registrar's Office at the Campus. Contact the Registrar's Office at the campus in which the course was taken to request a transcript. Requests will be accepted via phone, fax, e-mail or in person.

- SUMMER CAMPS PARENT HANDBOOK LINK
<https://www.dtcc.edu/continuing-education/youth-programs>
- TRIO PROGRAM LINK
<https://www.dtcc.edu/continuing-education/youth-programs>

Clinical and Internship Components

Longer term and job related training sometimes includes an **unpaid** internship or clinical (if healthcare related) component to obtain the certificate of completion for the program. Internships or clinical sites are provided by the College and students are provided guidance upon enrollment into the program.

Non-Credit to Credit Pathways

Internal Career Education Pathways Guidelines provide a bridge for completion of Workforce Development and Community Education (WDCE) non-credit programs/courses to advanced standing in designated Instructional Division credit programs/courses. A list of these approved opportunities is available from the campus WDCE office, the campus Registrar and academic counselors. To receive advanced standing, the student must:

- Successfully complete the approved WDCE course(s) and demonstrate mastery of course objectives as required for advanced standing.
- Request to receive advanced standing within the credit program's time frame for credit course transfer.
- Be admitted into the credit program.

Advanced standing for a non-credit course(s) does not exempt students from demonstrating college readiness. If the student's Accuplacer scores indicate that developmental course work is needed, the completed non-credit course(s) does not exempt them from the required developmental courses.

Parent Policies for Youth Programs

Delaware Tech provides a wide-range of youth programming for the community. Due to the nature of this type of programming, we encourage parents to review policies to learn about safety issues, code of conduct, registration fees, etc. The following links will provide guidance on parent policies for youth programs:

Priority of Service Policy for Veterans and Eligible Spouses

The U.S. Department of Labor (USDOL) provides certain funds to Delaware Technical Community College to provide employment and training services to eligible residents and workers. As a condition to receiving those funds, priority of service (POS) shall be given to veterans and eligible spouses in training and placement services. In accordance with the implementation of the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL107-288), qualified veterans and eligible spouses will receive priority referral to services over non-veterans as determined by each program's mandatory eligibility criteria, if any. Veterans and eligible spouses must meet all eligibility and program requirements for participation in order to receive priority for a program.

The veteran or eligible spouse shall be identified at the point of entry, whether in person or virtual, so that the priority of service may be implemented over the full range of services available including, but not limited to registration, training and placement. Veterans shall be asked to self-identify upon application.

Priority of service means that a covered person receives access to the service or resource earlier in time than a non-covered person or if the service or resource is limited, the covered person receives access instead of or before a non-veteran.

Eligibility

For purposes of this policy only, the following definitions will apply.

Veteran: a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

Eligible Spouse: The spouse of any of the following:

- (1) Any veteran who died of a service-connected disability;

(2) Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

- (i) Missing in action;
- (ii) Captured in line of duty by a hostile force; or
- (iii) Forcibly detained or interned in line of duty by a foreign government or power;

(3) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;

(4) Any veteran who died while a disability, as indicated in (3) above, was in existence.

The status of a veteran or an eligible spouse can be verified by referring a variety of official documents, including, but not limited to:

- A DD 214 (issued following separation from active duty);
- An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent;
- An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse; or
- An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.

Implementation

Priority of service shall be provided in course registration and in acceptance into selective admission programs with waiting list and competitive ranking admission procedures.

Admission -Veterans and eligible spouses will be asked to self-identify on the application to the College. The academic counselor who provides ancillary services to veterans will contact the veteran/spouse to discuss priority of service and request documents to verify eligibility, if applicable.

Course Registration -Online and in-person registration shall open one day earlier for eligible veterans and spouses than for other students.

Admission into Programs with Waiting Lists -

Eligible veterans and spouses who have met all the program admission requirements shall be placed at the top of the waiting list and admitted in the next program cohort offered seats.

Admission into Programs with Competitive Ranking - Each program shall establish and publish the program admission minimum score/requirements for eligible veterans and spouses to be admitted to the program, independent of the regular competitive ranking admission process. The minimum score/requirements shall be determined based on the program's student success data. As expectations for the workforce and curriculum requirements change, changes may be made to the minimum score/requirements established for priority of service. Eligible veterans and spouses who meet that minimum shall be admitted.

Inclement Weather/Emergency Closing

Cancellations may occur during inclement weather or campus emergencies. Students should check the Delaware Tech Website at www.dtcc.edu or local media sources to determine opening schedule at each campus.

Campus	Radio Station	Phone Numbers
Owens Campus	WDEL (1150)	(302) 259-6600
Terry Campus	WDEL (1150)	(302) 857-1109
S/W Campus	WDEL (1150) WSTW (1450) WJBR (99.5) WDSD (94.7)	(302) 577-5555 (S/W) (302) 454-3900 (Stanton) (302) 571-5300 (Wilmington)

Course Cancellations

If an open enrollment course has not met the minimum enrollment requirement, the course may be cancelled. In the event of a course cancellation, registered students will be notified within 24 hours of the course start time/date and student will be provided the option of transferring to another course or be provided a full refund.

Section III - Financial Processes

Payment Options

Delaware Tech accepts the following forms of payment for non-credit open enrollment courses:

- Cash
- Check
- Visa
- MasterCard
- Discover
- Financial Assistance (Limited availability for select courses)*
- Vouchers(for select courses as approved by WIA)*
- Third Party Payments (Sponsorship and pre-payment from local agencies)*
- Veteran's Benefit*

**Option only available for select classes, inquire at Workforce Development and Community Education office to determine eligibility*

Registration is available using the following methods:

- Online Registration at www.dtcc.edu/continuing-education
- In-person at each campus
- Phone
- Mail*
- Fax

**Please do not mail cash*

Refunds/Transfers

Organization Refund Policy: If you are unable to attend a non-credit course for which you have enrolled, you may request a refund from Workforce Development and Community Education (WDCE). For full refund consideration, your request must be received 72 hours prior to the first course start time. If you withdraw from the course within the first week, you will be eligible to receive a 75% refund. Refunds are not given for courses with 3 or fewer sessions, with the exception of the above 72 hour refund request policy. Please note that there are some courses with different refund policies. (For example the cancellation policy for WIA non-credit certificate programs is the same as for credit classes.) Please note that refunds for payments made by check may take a minimum of six weeks to process.

In the event you would like to transfer from your registered course to another course or section, please contact the WDCE office. Your transfer will be granted on the condition there is availability in the requested course or section. Tuition paid will be transferred from

the course you wish to drop to the class you wish to add. Should the tuition of the new course be higher, the balance will be due at the time of transfer. If the tuition is less, you will be issued a refund of the difference.

Financial Holds

A financial hold will be applied to your account at Delaware Tech if you have an unpaid balance for any service (such as but not limited to: course registration; library book fees). An alert indicating the balance is posted on a student account and must be reconciled prior to enrolling in any class at Delaware Technical Community College.

Financial Assistance

Financial assistance is available on a limited basis for select workforce training programs. To apply, inquire at the Workforce Development and Community Education Divisions (per County) at the following locations:

George Campus - Workforce Development and Community Education
300 N. Orange Street
Wilmington, DE 19801
(302) 571-5300

Owens Campus - Workforce Development and Community Education
21179 College Drive
Georgetown, DE 19947
(302) 259-6330

Stanton Campus - Workforce Development and Community Education
400 Stanton-Christiana Road
Newark, DE 19713
(302) 454-3900

Terry Campus - Workforce Development and Community Education
100 Campus Drive
Dover, DE 19904
(302) 857-1400

Financial assistance is available for youth summer camps. Funds are income/need based and an application and documentation are required. Funds are limited and applications are available prior to the start of camp. Applications can be found at the following website(s):

- OWENS CAMPUS
<https://www.dtcc.edu/continuing-education/yout>

[h-programs/georgetown](https://www.dtcc.edu/continuing-education/youth-programs/georgetown)

- STANTON/GEORGE CAMPUS
<https://www.dtcc.edu/continuing-education/youth-programs/stantonwilmington>
- TERRY CAMPUS
<https://www.dtcc.edu/continuing-education/youth-programs/dover>

Tax Deduction/Credit Policy

An income tax deduction/credit may be permitted for educational expenses incurred while maintaining and improving professional skills. Consult your tax specialist for more information.

Veterans Payment Options

Delaware Technical Community College is approved for the educational training of veterans, qualified spouses, and dependents of deceased/ disabled veterans under Public Law 89-358. Veterans and dependents of deceased/disabled veterans interested in obtaining information and applying for benefits should contact the Office of Veterans Affairs at the campus they plan to attend.

- Owens Campus (302) 259-6058
- George Campus (302) 571-5307
- Stanton Campus (302) 454-3926
- Terry Campus (302) 857-1056

Veterans seeking educational VA benefits for the first time must submit a copy of their Service Discharge Form DD-214, DD-215 or DD Form 2384-1 to the Office of Veterans Affairs and complete a VA Form 22-1990, Application for VA Educational Benefits. Dependents of deceased/disabled veterans seeking educational VA benefits for the first time must complete and submit a VA Form 22-5490, Application for Survivors' and Dependents' Educational Assistance. These forms are available in the Office of Veterans Affairs located in the Student Affairs Division at each campus location.

The Department of Veterans Affairs issues a Certificate of Eligibility to the applicant as verification of entitlement. All veterans and dependents of deceased/disabled veterans must complete the College admission process before educational benefits can be received.

Vouchers

Vouchers are available from government agencies such as the Delaware Department of Labor and the Delaware Economic Development Office in a variety of formats, including but not limited to Delaware Division of Vocational Rehabilitation and the Vocational Education Division of the Veteran's Administration, Welfare Investment Act (WIA) Vouchers, Governor's Education Grants for Working Adults and Unemployed Workers by the Delaware Economic Development Office (administered by the Delaware Higher Education Commission). Each agency can be contacted (in each county) to receive more information.

Section IV - Collegewide Policies

Statement of Nondiscrimination Policy

It is the policy of the College that no person shall, on the basis of race, color, creed, religion, sex, family or marital status, pregnancy, national origin, age, disability, sexual orientation or genetic information 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; Delaware's anti-discrimination law and other applicable laws, regulations and Executive Orders.

All persons associated with the college are subject to this policy while on property owned or controlled by the college or while acting in an official capacity, including faculty, staff, officers, trustees, volunteers, contractors and vendors. In addition, this policy applies to conduct that occurs off college property or is otherwise unrelated to the person's association with the college if:

1. The conduct was in connection with a college or college-recognized program, activity or event;
2. The conduct is alleged to have created a hostile environment for a member of the college community;
3. The conduct disrupts the normal operations and processes of the college and is offensive to the college's mission;
4. The continued presence of the individual accused of violating this policy poses a moderate or higher threat to any member of the college community; or
5. The nature of the alleged conduct adversely affects the reputation, mission, image or public perception of the college.

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: Christina M. Garcia, Civil Rights & Title IX Coordinator, Office of the President, 100 Campus Drive, Dover, DE 19904, (302) 857-1903, civilrights@dtcc.edu

(Revised Board of Trustees 6/18/2018)

Procedure For The Resolution Of Discrimination And Sexual Misconduct Complaints

1. Oversight.

The Civil Rights Coordinator/Title IX Coordinator ("Title IX Coordinator") will be responsible for overseeing the prompt, fair and impartial investigation and resolution of reports of discrimination and sexual misconduct to the College. Upon receipt of a complaint, the Title IX Coordinator shall make an initial determination regarding whether or not the complaint states a claim of discrimination or sexual misconduct; provided, however, that no determination that a complaint fails to state a claim for discrimination or sexual misconduct shall be made without first speaking with the Complainant. In cases where a claim of discrimination or sexual misconduct has been stated, the Title IX Coordinator shall immediately communicate, or attempt to communicate, with the Complainant to determine and implement interim/protective measures to the extent necessary. The Title IX Coordinator shall attempt to obtain a written statement from the Complainant within 5 days from the date of receipt of the complaint. However, a delay or refusal by the Complainant to complete a written complaint will not suspend or postpone the Title IX Coordinator's obligation to move forward in the investigation. In addition, when a claim of discrimination or sexual misconduct has been stated, the Title IX Coordinator shall notify the Respondent that a complaint has been filed, the substance of the complaint, any protective measures that may have been instituted, the prohibition against retaliation or harassment involving the Complainant, the name of the Review Officer that will be assigned to investigate the complaint, and, if applicable, whether mediation is available.

2. Mediation.

Mediation is an informal and confidential way for the

parties to resolve a complaint of discrimination or sexual misconduct prior to an investigation. It is available as an alternative means of resolving a complaint only if the alleged discrimination or sexual misconduct does not involve violence or abuse.

Mediation requires the consent of all parties to the complaint and shall be documented by an agreement to mediate. When mediation is appropriate, the Title IX Coordinator shall make the offer to the Complainant first. If the Complainant or Respondent declines mediation, or if the Respondent fails to respond within 5 days from the date he or she receives notice that mediation is available, the Review Officer shall immediately begin his or her investigation.

Mediation may be discontinued at any time: (1) by either party; (2) by the mediator when he or she feels that further efforts to mediate would be non-productive; or (3) when a voluntary agreement has been reached.

The mediator shall notify the Title IX Coordinator of the success or failure of the mediation. If the mediation results in a voluntary settlement, a copy of the signed agreement shall also be provided to the Title IX Coordinator.

If the parties are unable to resolve the complaint through mediation, then the Review Officer shall immediately begin his or her investigation.

3. Right to an Advisor.

The Complainant and the Respondent shall have the right to be accompanied by an advisor, including an attorney of his or her own choosing, to any meeting or proceeding related to the complaint, investigation, hearing, and adjudication process for which the Complainant or Respondent is required to attend. Notwithstanding the foregoing, neither party may use an advisor for the purpose of obstructing the investigation, intimidating a party or witness, or creating a legitimate fear of retaliation in the other party.

a. An advisor may educate the Complainant or Respondent in regard to the process and may advise the Complainant or Respondent of their rights and options at each stage of the proceedings. They may actively participate in any stage of the proceedings unless otherwise specified by the Review Officer.

b. An advisor shall not have the right to conduct direct or cross examination of either parties' witnesses or the parties themselves.

c. The advisor may address the Review Officer, Title IX Coordinator or the Discrimination/Sexual Misconduct Review Committee on behalf their advisee at appropriate times during each meeting or proceeding.

d. The College shall not cancel, postpone, delay or

reschedule a meeting or hearing solely because an advisor is unavailable to be present, unless good cause is shown.

e. An advisor may be removed from any meeting or proceeding if he or she engages in conduct prohibited herein; refuses to abide by the instructions of the Review Officer, Title IX Coordinator or Discrimination/Sexual Misconduct Review Committee; is disruptive to the meeting or proceeding; or is disrespectful to any other participant in an investigation, meeting or hearing.

f. The advisor may not attend any meeting or proceeding without his or her advisee present, unless the advisee expressly authorizes the advisor to act as proxy on his or her behalf and consents to the disclosure of their records to the advisor.

g. The College does not offer or provide advisors or legal representation in any meeting or proceeding in which one party has an advisor or legal representation and the other party does not. However, the College shall notify students and employees of available legal assistance from the community.

i. There shall be no discovery by any of the parties or their respective advisors prior to a meeting or hearing.

4. Interim/Protective Measures.

If, at any point during the complaint, investigative, or disciplinary process, the Title IX Coordinator deems it necessary for the protection of any member of the College community, the Title IX Coordinator may institute interim/protective measures on behalf of the Complainant, the Respondent, or any witness involved in the complaint.

5. Initial Meeting with Review Officer.

The Review Officer shall contact the Complainant and the Respondent to schedule separate initial meetings as soon as practicable after his or her appointment or, if mediation was offered, after it was declined or unsuccessful. For good cause shown, and upon approval from the Title IX Coordinator, the Review Officer may obtain additional time to conduct the initial meetings.

6. Burden of Proof.

The Review Officer shall investigate the complaint to determine whether, by a preponderance of the evidence, the alleged discrimination or sexual misconduct has occurred.

7. Authority to Investigate.

The Review Officer shall have access to such documents or video in the possession of the College, including student records, public safety records or

personnel files, that he or she believes may contain relevant information or which may lead to the discovery of relevant information.

The investigation shall include interviews with both parties involved in the complaint, whenever possible, and/or may include interviews with individuals who may have observed the alleged discrimination or misconduct or may have relevant knowledge of the incident. The investigation may also include interviews with experts, where applicable.

Where applicable, the Review Officer may visit, inspect and photograph sites relevant to the alleged incident, and collect and preserve relevant evidence (which shall be coordinated with the law enforcement agency having jurisdiction over the alleged incident when a corresponding criminal complaint has been filed).

8. Review Officer's Report.

The Review Officer shall submit to the Title IX Coordinator a written investigative report with his or her findings and conclusions of whether, by a preponderance of the evidence, discrimination or sexual misconduct has occurred.

The Title IX Coordinator shall provide a summary of the report to the parties, who may accept the findings and conclusions contained therein or may request a hearing in accordance with Section 12. Either party shall have the right to request a hearing.

A Review Officer's findings shall be final if neither party requests a hearing within 10 days from the date notice of the right to appeal is sent. In situations where a Review Officer's findings of discrimination or sexual misconduct become final, a copy of the report shall be provided to the appropriate Dean of Student Affairs if the Respondent is a student or the appropriate Director of Human Resources if the Respondent is an employee of the Office of the President (including Office of the President employees who work at a campus location), the Review Officer's report shall be provided to the Vice President for Human Resources for disciplinary action.

9. Appeal.

Either party may appeal the Review Officer's findings by requesting a hearing on the complaint of discrimination or sexual misconduct. The hearing shall be before a Discrimination/Sexual Misconduct Review Committee (hereafter "Review Committee"), or if both parties agree, may be conducted by the Title IX Coordinator as a single hearing officer (hereafter "Hearing Officer"). A request for a hearing shall be made in writing within ten (10) working days following the date notice of the right to appeal is sent.

The Title IX Coordinator, or his or her designee, shall

provide written notice to the parties of the date, time, and place for the Review Committee hearing. Such notice shall also include a summary of the rules governing how the hearing will be conducted.

Absent extenuating circumstances, or an agreement by the parties, the hearing shall take place as soon as practicable.

The role of the Review Committee/Hearing Officer shall be to hear and consider testimony and other relevant, reliable evidence and make findings of fact related thereto. In addition, the Review Committee/Hearing Officer shall be charged with determining, by a preponderance of the evidence, whether or not a violation of the College's Policy on Discrimination or Policy on Sexual Misconduct has occurred.

The Review Committee/Hearing Officer shall accept and consider any and all relevant information or evidence offered by or on behalf of any party, including testimony from the Review Officer regarding the substance of their investigation. Formal rules of evidence or procedure shall not apply to a discrimination/sexual misconduct hearing, but the Review Committee/Hearing Officer may exclude plainly irrelevant or repetitive evidence. No stenographic record or audio or video recording of the hearing may be made.

The Review Committee/Hearing Officer shall submit a written report to the parties setting forth its findings of fact and its determination as to whether a violation of the College's policies has occurred within five (5) working days following the conclusion of the hearing.

If a violation is found to have occurred, the report shall also include a recommendation of appropriate relief and/or sanctions, up to and including dismissal from the College.

The decision of the Review Committee/Hearing Officer shall be final.

10. Discrimination/Sexual Misconduct Review Committee.

The Discrimination/Sexual Misconduct Review Committee (hereafter "Review Committee") shall consist of the Title IX Coordinator, who shall serve as the Committee Chairperson, one Review Officer who was not involved in the investigation of the allegations of discrimination or sexual misconduct; and the Dean of Student Affairs or the Director of Human Resources, or his or her designee, on the campus where the alleged incident took place.

11. Sanctions.

Sanctions for violations of the College's Policy on Discrimination or Policy on Sexual Misconduct include

counseling, verbal and/or written reprimand, improvement or corrective action plan, suspension and/or dismissal from the College or termination from employment at the College, exclusion from academic participation or other college sponsored programs, and/or denial of access to College facilities as determined through these procedures.

Any recommendation for sanctions made by the Review Committee/Hearing Officer shall be reviewed by the appropriate Campus Director if the Respondent is a student or campus employee. If the Respondent is an Office of the President employee, then the recommendation for sanctions shall be reviewed by the Vice-President with administrative responsibility for the division in which the Respondent is employed. The Campus Director of Vice-President shall either accept, reject or modify any recommendation. Where a recommendation is rejected, the Campus Director or Vice-President shall then determine what sanctions should be taken and the reasons for taking such sanctions, which may be greater or less than the sanctions recommended. For positions that directly report to the President, the President shall be substituted for the Vice-President in the operation of this policy.

12. Timeframe for Resolving Complaints.

Every reasonable effort shall be made to conclude the investigation and resolve the complaint within sixty (60) days following receipt of the complaint. Within this sixty (60) day time frame, absent good cause, it is expected that the Review Officer will conclude the investigation and present a report to the Title IX Coordinator, that the parties will be notified in writing of the Review Officer's determination and that a final disposition will have occurred based on the findings of the Review Officer, or on the decision of the Title IX Coordinator or Review Committee in the event an appeal is taken.

13. Confidentiality and Document Retention.

The Review Officer, Title IX Coordinator, or anyone having possession of any work product relating to the complaint shall not disclose, distribute, copy or transfer said work product to the parties or any third party. "**Work product**" is defined as any information gathered by the Review Officer for purposes of conducting an investigation of a complaint of discrimination or sexual misconduct.

The complete file, which includes, but is not limited to the complaint, all work product, the investigative report and all dispositions, decisions and/or determinations shall be maintained at the Office of the Title IX Coordinator. The Title IX Coordinator shall maintain confidentiality of the file, which shall only be disclosed by Order of a court of competent jurisdiction or by applicable state or federal law.

When a finding of discrimination/sexual misconduct is final, the Review Committee/Hearing Officer's report and a record of the sanctions imposed shall be maintained as part of the student's educational record or employee's personnel file, as applicable.

14. **Conflicts of Interest.**

The Review Officer shall disclose to the Title IX Coordinator of any potential conflicts of interest which would prevent him or her from conducting the investigation of alleged discrimination or sexual misconduct.

The Complainant or Respondent may identify to the Title IX Coordinator in writing of any real or perceived conflicts of interest posed by assigning such Review Officer to the matter.

If any conflict of interest exists between the Review Officer and any of the parties, the Title IX Coordinator shall reassign the report of alleged discrimination or sexual misconduct to another Review Officer.

15. **Prohibition Against Retaliation.**

It is a violation of College policy for any member of the College community to retaliate against the Complainant, any individual who participates in any discrimination or sexual misconduct investigation or proceeding, or against the Respondent who has been accused of engaging in discrimination or sexual misconduct. While all discrimination and sexual misconduct allegations will be reviewed in accordance with these procedures, the College community is advised that a claim of discrimination or sexual misconduct is not proof of prohibited conduct. Anyone who believes that he/she has been subject to retaliation arising from discrimination or sexual misconduct allegations is encouraged to report such behavior to the Title IX Coordinator. A finding of retaliatory conduct is subject to disciplinary action, up to and including termination.

(Board of Trustees 4/11/17)

Policy on Sexual Misconduct

The College is committed to maintaining and strengthening a learning environment founded on civility and respect, and to providing programs, activities and an educational environment free from all forms of violence. Any act of sexual misconduct is also a form of sex discrimination prohibited by Title IX. The College has a zero tolerance policy for violence and discrimination and is committed to eliminating all forms of sexual misconduct and discrimination from its campuses. Therefore, it is the policy of the College that

students and employees of the College are prohibited from committing any and all acts of sexual misconduct.

The College is also committed to fostering a community that promotes prompt reporting of any allegations of sexual misconduct and the timely investigation and fair resolution of any report of sexual misconduct. While the College has the greatest respect for a victim's or survivor's right to privacy and confidentiality, the College must balance those rights against the safety and welfare of the College community. Therefore, it is the policy of the College that any allegation of sexual misconduct will be investigated and adjudicated in accordance with the College's policy, unless otherwise stated therein. It further retains its discretion to report acts of sexual misconduct to law enforcement authorities based on the nature and seriousness of such allegations.

Any person who violates this Policy will be subject to disciplinary action including, but not limited to, dismissal from the College or termination from employment.

Reporting Acts of Sexual Misconduct

The College encourages any person who believes that he or she has been a victim of sexual misconduct to report the alleged misconduct to any College employee or any member of the Board of Trustees of the College as soon as possible (hereafter "Responsible Employee").

Duties of a Responsible Employee

All Responsible Employees are required to report any allegations of sexual misconduct they receive to the Title IX Coordinator. Allegations of sexual misconduct can be made verbally or in writing to the Responsible Employee and may come from either the victim, a third party or the accused.

In addition, the Responsible Employee shall also:

1. Advise the reporting person of his or her obligation to report the allegations of sexual misconduct to the Title IX Coordinator. The employee must also advise the complainant that, depending on the nature and seriousness of the allegations, the College reserves the right to notify law enforcement authorities of the alleged misconduct.
2. Advise the reporting person that Delaware Tech will respect the privacy of the reporting person or victim and will maintain confidentiality on behalf of the reporting person or victim to the extent the law and Delaware Tech's policies permit.
3. Advise the victim that the victim may contact law enforcement or Delaware Tech Public Safety and that the employee will contact law enforcement or Delaware

Tech Public Safety on the victim's behalf if requested.

4. Notify law enforcement or Public Safety within 24 hours after the victim requests such notification.

5. Advise the victim that he or she is entitled to certain rights in criminal proceedings and direct him or her to: The Victim's Bill of Rights, Chapter 94, Title 11 of the Delaware Code:
<http://delcode.delaware.gov/title11/c094/index.shtml>

6. Provide information to the victim regarding confidential medical, counseling, and advocacy services, or direct him or her to:
<https://www.dtcc.edu/about/public-safety/sexual-violence>

7. Contact the Child Abuse and Neglect Report Line for the Department of Services for Children, Youth and Their Families at (800) 292-9582, if the victim is a minor at the time of the report.

Responsibilities of a Campus Security Authority

A "Campus Security Authority" is a Delaware Tech employee who is also a campus administrator, a member of the College's Public Safety Department, Deans of Student Affairs (including professional staff), Deans of Instruction (including professional staff), Directors of Human Resources (including professional staff), athletic directors and coaches, faculty advisors to a student group, disabilities support counselors, a member of the CARE Threat Assessment Team, community resource contacts, the Title IX Coordinator and Review Officers.

An employee who is a Campus Security Authority and who receives a report of sexual misconduct must report the allegations of misconduct to both the Title IX Coordinator and the Delaware Tech Public Safety Department. If the reporting person requests that the misconduct not be reported to Public Safety, the employee shall advise the reporting person that the employee must report the allegations of sexual misconduct, but will report only non-identifying information in order to maintain the reporting person's request for confidentiality.

Sexual Misconduct Defined

Sexual misconduct is comprised of sexual assault, dating violence, domestic violence, sexual harassment, stalking and hate crimes, which are defined as follows::

1. Sexual Assault

"Sexual Assault" means any sexual act or acts committed on a person who has not consented to such act or acts or for which a person is incapable of consenting due to age, intoxication or other reasons. Sexual assault includes, but is not limited to:

A. Rape, or attempted rape;

B. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a person upon another person without consent, of the person's breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of the body parts or areas when such touching would be reasonably and objectively offensive;

C. Any sexual act in which there is force, violence, or use of duress or deception upon the victim;

D. Any sexual act perpetrated when the victim is unable to give consent; and,

E. Sexual intimidation, which includes, but is not limited to:

1. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent;
2. Stalking or cyber-stalking; and,
3. Engaging in indecent exposure.

2. Dating and Domestic Violence

Both dating and domestic violence encompass any sexual, verbal, or emotional abuse of one partner by the other in a romantic relationship. While arguing and "verbal fighting" occurs in all relationships, intimate partner violence is about power and control. Partner violence can be hard to identify and victims often have difficulty in recognizing and acknowledging partner violence due to the nature of the relationship and complex feelings between the victim and abuser.

"Dating Violence" means abuse or violence committed by a person:

A. Who is, or has been, in a relationship of a romantic or intimate nature with the victim;

B. Where there is, or has been, abuse, as defined in this policy, or a pattern of behavior in the relationship which is used to establish power and control over the victim through fear and intimidation.

1. "Pattern of Behavior" means behavior by one party in an intimate relationship that is used to establish power and control over the other person in the relationship through fear and intimidation.
2. A pattern of behavior is determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical.

C. Examples of abuse, which can occur singly or as a pattern of behavior, include but are not limited to, slapping, pulling hair, punching, damaging property, driving recklessly to scare someone, name calling, humiliating one in public, harassment directed toward a current or former partner or spouse, threats of abuse, such as threatening to hit, harm or use a weapon on another, or other forms of threat.

“Domestic Violence” means abuse or violence committed by a current or former spouse of the victim; by a person who is cohabiting with the victim where they hold themselves out as a couple, with or without a child in common; by a person living separate and apart from the victim with a child in common; or by a person in a current or former substantive dating relationship with the victim, or by any person similarly situated to a spouse or intimate partner of the victim under the domestic violence laws of the State of Delaware; or by a person against a family member as that term is defined in §901(12) , Title 10 of the Delaware Code; or by any person against an adult or youth victim who is protected from that person’s acts under the domestic violence laws of the State of Delaware.

3. Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress.

A. “Course of conduct” means two or more acts, including but not limited, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follow, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. It can include, but is not limited to:

1. Non-consensual communication (face-to-face, telephone, email)
2. Threatening or obscene gestures;
3. Surveillance/following/pursuit;
4. Showing up outside the victim’s classroom or workplace;
5. Sending gifts (romantic, bizarre, sinister, or perverted)
6. Making threats

B. “Emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

C. “Reasonable person” means a reasonable person under the circumstances and with similar identities to the victim.

Stalking behavior has the purpose or effect of

unreasonably interfering with an individual’s academic or work performance or creating an intimidating, hostile or offensive learning and work environment. Incidents of stalking occurring on or off the College’s campuses are subject to the College’s disciplinary process.

4. Sexual Harassment

“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education; or

B. Submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or

C. If non-physical, such conduct is so severe, pervasive, and objectively offensive that the victim is effectively denied equal access to the College’s resources and opportunities.

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, i.e., student-student.

Examples of severe and pervasive non-physical conduct, which may constitute sexual harassment when such expression is so objectively offensive that it denies the victim equal access to the College’s resources and opportunities include, but are not limited to:

A. Unwelcome sexual advances, requests for sexual favors, or other non-physical conduct of a sexual nature;

B. Sexually explicit statements, comments, questions, pictures, objects, jokes, or anecdotes;

C. Unwelcome use of the electronic mail or telephone communication system to communicate prohibited conduct or activities; or

D. Graphic comments about a person’s clothing or body.

5. Hate Crimes

A hate crime is any conduct against an individual based on their race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, genetic information, disability, age, status as a covered veteran, socio-economic status or any other category protected by federal and state civil

rights law and which:

A. Adversely affects a term or condition of an individual's employment, education, participation in the College's activities or environment;

B. Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment;

C. Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, or participation in the College's activities or environment.

6. Other Definitions

Other definitions relating to this Policy are contained in Section 13.04 of the Personnel Policy Manual.

Confidentiality

The procedures followed in any complaint will be kept confidential to the maximum extent allowable by federal and state law, including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"). The College will take all reasonable steps to investigate and respond to complaints in a confidential manner. Complainants, however, are advised that the College's ability to investigate and respond to complaints may be limited in circumstances where the Complainant does not wish to disclose his or her identity. The College reserves the right to notify law enforcement authorities about allegations of sexual misconduct based on a reasonable belief that such incidents rise to the level of criminal activity. The use of these procedures does not preclude a Complainant from seeking recourse through the appropriate state or federal criminal law enforcement agencies at any time. College personnel will assist the Complainant in notifying these authorities if the Complainant requests such assistance.

Requests not to Investigate or Refusal to Prosecute

A. Victims always have the option to forgo criminal prosecution of the accused after an act of sexual misconduct is reported. Victims may also request that the College not investigate the allegations reported, may refuse to file a complaint, and/or refuse to cooperate in the investigation and/or resolution of allegations. However, the College is committed to balancing the rights of the alleged victim and providing a reasonably safe and non-discriminatory environment for its students and employees. Therefore, the College cannot guarantee that it will not conduct an investigation or pursue resolution of the alleged sexual misconduct.

B. The College has the discretion to proceed with an investigation and disciplinary action if there has been a finding by the College that the sexual misconduct occurred even if the victim does not want to move forward with a complaint to the College and/or criminal prosecution. The College will evaluate such reports in the context of its commitment to providing a reasonably safe and non-discriminatory environment. In order to do so, the Title IX Coordinator may conduct a preliminary investigation into the alleged sexual misconduct and may consider the following factors in determining whether to honor the request for confidentiality:

1. The seriousness of the alleged sexual misconduct;
2. The alleged victim's age;
3. Whether there have been other complaints of sexual misconduct against the alleged offender;
4. The alleged offender's right to receive information about the allegation, if the information is maintained by the College as an "education record" under FERPA; and,
5. The applicability of any state and/or federal laws mandating disclosure.

C. The Title IX Coordinator shall inform the alleged victim if the College intends to conduct further investigation and seek resolution of this matter.

Retaliation

No individual shall be subject to retaliation at any time for making a claim of sexual misconduct or for participating in the procedures for the resolution of sexual complaints. It is a violation of College policy for any member of the College community to retaliate against the Complainant, any individual who participates in the investigation or proceedings, or against the individual who has been accused of engaging in sexual misconduct. While all sexual misconduct allegations will be reviewed in accordance with these procedures, the College community is advised that the submission of a claim of sexual misconduct is not proof that the accused is guilty of prohibited conduct under this Policy. Anyone who believes that he/she has been subject to retaliation arising from sexual misconduct complaints is encouraged to report such behavior to College officials. Students or employees who have engaged in retaliatory conduct shall be subject to the College's disciplinary process and to disciplinary action up to and including dismissal or termination from the College.

Protective Measures

At any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator shall have the authority to take any and all reasonable steps necessary to protect all parties involved, as well as any member of the College community who the Title IX

Coordinator believes needs protection, from harassment and/or retaliation. The occurrence or non-occurrence of any protective measure is neither an indicia of guilt nor innocence under these procedures. Any protective measures taken to protect members of the College community from harassment and retaliation shall remain in effect pending the resolution of the allegation(s).

Examples of such protective measures are: (1) placing a transcript hold on the alleged offender's transcript; (2) summarily suspending the alleged offender; (3) changing the alleged offender's schedule; (4) taking such steps as are reasonable, appropriate and necessary to restrict the alleged offender's movement on campus; and/or (5) reassigning the alleged offender or placing him or her on administrative leave.

Protective measures may also include, but are not limited to: (1) issuing no-contact orders to prevent any contact between the alleged victim, the alleged offender, witnesses, and/or third parties; (2) providing the alleged victim an escort to ensure that he or she can move safely between classes, work, and/or other activities; (3) changing work arrangements; (4) arranging for the alleged victim to take an incomplete in a class; (5) moving the alleged victim or the alleged offender from one class section to another; (6) permitting a temporary withdrawal from the College; (7) providing alternative course completion options; and/or (8) providing counseling and/or academic support services.

Protection Orders

Any order of protection, no contact order, restraining order or other similar orders should be immediately presented to the Campus Public Safety Department. Additional protective measures may be given to the victim if requested and such accommodations are reasonable and available, such as changing academic or working situations.

Receipt of a Complaint of Sexual Misconduct or Hate Crime

Procedures for resolving complaints of sexual misconduct and/or a hate crime are contained in **Section 13.04** of the Personnel Policy Manual.

Role of the Title IX Coordinator

The College's Title IX Coordinator is responsible for overseeing all Title IX and sexual misconduct and discrimination reports and complaints made to the College and for implementation of the College's sexual misconduct and anti-discrimination policies. The College's Title IX Coordinator has appointed "Civil Rights Officers" to assist in carrying out the responsibilities related to the implementation of its policies.

Role of the Advisor

The complainant and the accused shall have the opportunity to be accompanied by an advisor, including an attorney, of his or her own choice to any meeting or proceeding related to the complaint, investigation, hearing, and adjudication process. Notwithstanding, no party may use an advisor for the purpose of intimidating, or creating a legitimate fear of retaliation in, the other party, such that the other party foregoes his or her right to move forward in the process.

Rights of the Parties

The Complainant and the accused shall have the same opportunity to present evidence, to be heard, and to have an advisor present throughout the complaint, investigation, hearing, and adjudication process. Each party shall be informed of the outcome of disciplinary proceedings pertaining to complaints of sexual offenses, defined as the College's final determination with respect to the alleged sexual misconduct and any sanction that is imposed against the accused. Provided, however, no party or their advisors shall have the opportunity or right to conduct direct or cross-examination of the other parties' witnesses or of the parties themselves.

A. All College personnel will treat the parties with respect.

B. The parties are entitled to privacy during every aspect of the reporting process and any ensuing investigation.

C. All information obtained will be confidential to the maximum extent permitted by law.

D. Victims of sexual misconduct have the right to receive medical treatment and counseling services. The College will provide victims with information of appropriate medical and counseling services available through community-based counseling services.

E. The College will inform victims that they have the option to report their case through the above-referenced College procedures and/or have the appropriate police agency respond and conduct a full investigation. While victims have the right to refuse to participate in any such proceeding or investigation, the College is required by federal law to investigate all incidents of alleged sexual misconduct on campus.

F. The College will notify victims of their options for protective measures, including but not limited the option to adjust their academic schedule whenever reasonably possible. Victims also have the right to decline the use of any protective measures.

Bystander Intervention

Bystander intervention is when you assume the responsibility, by exercising safe and positive options, to prevent or interrupt acts of sexual misconduct or the potential for such acts. The College is committed to eliminating sexual misconduct within the College community and believes that actively intervening to prevent or interrupt acts of sexual misconduct or any other act of violence in a safe and positive manner so as not to endanger oneself or others is a way of eliminating such misconduct.

You can stop or interrupt such acts by:

- A. Verbally intervening and attempting to de-escalate the situation or instructing the participants to separate;
- B. Indirectly intervening by alerting the parties' friends, other bystanders, a college officer, campus public safety, or local law enforcement
- C. Distracting the attention of one party away from the other party
- D. Remember:
 - 1. Do NOT use violence
 - 2. Do NOT be antagonistic
 - 3. Be honest and direct whenever possible
 - 4. Stay calm and positive
 - 5. Recruit assistance to keep yourself and others safe
 - 6. Contact public safety or local law enforcement if the situation escalates.

Victim/Bystander Reporting Options

- A. Call 911
- B. Call the Campus Public Safety Department.
- C. Call a College official.
- D. Complete the Incident/Behavior Report form (located on Public Safety web page).
- E. Use an emergency phone located on campus and in the parking lots. Reporting does not require a victim or reporting person to take further legal action.

(Revised Board of Trustees, 4/12/16, 4/11/17)

Definitions Applicable To Sexual Misconduct

The following definitions shall apply to the College's Policy on Sexual Misconduct (Section 1.03) and the Procedure For the Resolution of Discrimination and Sexual Misconduct Complaints

(Section 13.04):

Abuse. "Abuse" means conduct which constitutes the following:

- A. Intentionally or recklessly causing or attempting to cause physical injury. a sexual offense as defined in §761 of Title 11 of the Delaware Code,
- B. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension or fear of physical injury or sexual offense as defined in §761 of Title 11 of the Delaware Code;
- C. Intentionally or recklessly damaging, destroying or taking the tangible property of another person;
- D. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response.
- E. Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court order.
- F. Child abuse, as defined in Chapter 9 of Title 16 of the Delaware Code;
- G. Unlawful, imprisonment, kidnapping, interference with custody and coercion, as defined in Title 11 of the Delaware Code; or,
- H. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.

Complainant. "Complainant" is an alleged victim of sexual misconduct, relationship violence and/or stalking who elects to file a complaint and participate in the College's investigation and resolution of the alleged sexual misconduct.

Complaint. "Complaint" is an allegation of sexual misconduct, relationship violence and/or stalking asserted against another party and reported to or filed with the College.

Consent. "Consent" means informed, actively and freely given, mutually understandable words or actions that indicate a willingness to participate in a mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutual agreement between them to engage in certain activities with each other. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Ignoring objections or acting in spite of

objections by the other party does not gain consent.

A. Consent cannot be inferred from:

1. Silence, passivity, or lack of resistance alone;
2. A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
3. Attire;
4. Spending money on behalf of the other party, e.g. buying dinner on a date;
5. Consent previously given (i.e. consent to one sexual act does not imply consent to another sexual act or a future sexual act.)

B. Use of Force or Threat of Use of Force: There is no consent if it is obtained through the use of physical force, violence, duress, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether the accused used intimidation coercion to obtain consent is determined by whether a reasonable person in the same or similar circumstances would have felt intimidated or coerced into giving consent.

C. Coercion: "Coercion" is the unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do such as being sexual or performing certain sex acts. Being coerced into having sex or performing sexual acts is not consenting to having sex and is considered sexual misconduct.

D. Incapacitation: "Incapacitation" is a state where someone cannot make rational, reasonable decisions because he/she lacks the capacity to give knowing consent. Consent may never be given by:

1. Minors, even if the other party did not know the minor's age;
2. Mentally disabled persons, if their disability was reasonably known to a sexual partner who is not mentally disabled; or,
3. Persons who are incapacitated as a result of alcohol, drug use, unconsciousness, blackout. The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual misconduct.
4. Persons who are incapacitated as a result of sleep, involuntary physical restraint or consumption of rape drugs.

Dating Violence. "Dating or Domestic violence" means violence committed by a person:

A. Who is, or has been, in a relationship of a romantic or intimate nature with the victim;

B. Where there is, or has been, abuse, as defined in this policy, or a pattern of behavior in the relationship which is used to establish power and control over the victim

through fear and intimidation.

1. "Pattern of Behavior" means behavior by one party in an intimate relationship that is used to establish power and control over the other person in the relationship through fear and intimidation.
2. A pattern of behavior is determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical.

C. Examples of abuse, which can occur singly or as a pattern of behavior, include but are not limited to, slapping, pulling hair, punching, damaging property, driving recklessly to scare someone, name calling, humiliating one in public, harassment directed toward a current or former partner or spouse, threats of abuse, such as threatening to hit, harm or use a weapon on another, or other forms of threat.

D. Whether dating violence has occurred shall be based on the existence of an intimate relationship which shall take into consideration the following factors:

1. The length of the relationship;
2. The type of relationship; and,
3. The frequency of interaction between the persons involved in the relationship.

Domestic Violence. "Domestic violence" means abuse committed by a current or former spouse of the victim; by a person who is cohabiting with the victim where they hold themselves out as a couple, with or without a child in common; by a person living separate and apart from the victim with a child in common; or by a person in a current or former substantive dating relationship with the victim, or by any person similarly situated to a spouse or intimate partner of the victim under the domestic violence laws of the State of Delaware; or by a person against a family member as that term is defined in §901(12), Title 10 of the Delaware Code; or by any person against an adult or youth victim who is protected from that person's acts under the domestic violence laws of the State of Delaware.

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

Hate Crime. "Hate Crime" means any person who selects a victim because of his or her race, color, disability, national origin or ancestry, sex, religion, gender identity, gender expression, age, education, veteran status, pregnancy, genetic information, socio-economic status or any other category protected

by federal or state civil rights law, and commits any act or crime against that victim for the purpose of interfering with the free exercise of his or her First Amendment or other constitutional rights and:

A. Adversely affects a term or condition of an individual's employment, education, participation in the College's activities or environment;

B. Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment;

C. Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, or participation in the College's activities or environment.

Whether alleged conduct constitutes a hate crime depends on the totality of the circumstances and the context in which the conduct is made. For example, verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum does not constitute a hate crime.

Incest. "Incest" means non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Rape. "Rape" is the act of sexual intercourse or penetration (anal, oral or vaginal), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without consent, including vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital or genital to mouth contact).

Retaliation. "Retaliation" means any adverse action threatened or taken against a person because he or she has filed, supported or provided information in connection with a complaint of sexual misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

Sexual Assault. "Sexual Assault" means a sexual act or acts to which a person has not consented or for which a person is incapable of consenting due to age, intoxication or other reasons. Sexual assault includes, but is not limited to:

A. Rape, or attempted rape;

B. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a person upon another person without consent, of the person's breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party

with any of the body parts or areas when such touching would be reasonably and objectively offensive;

C. Any sexual act in which there is force, violence, or use of duress or deception upon the victim;

D. Any sexual act perpetrated when the victim is unable to give consent; and,

E. Sexual intimidation, which includes, but is not limited to:

1. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent;
2. Stalking or cyber-stalking; and,
3. Engaging in indecent exposure.

Sexual Exploitation. "Sexual Exploitation" means any act of taking non-consensual unjust or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to:

A. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;

B. Prostituting another person (i.e. personally gaining money, privilege or power from sexual activities of another);

C. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet;

D. Exceeding the boundaries of consent (e.g. allowing another person to observe consensual sex without the knowledge of or consent from all participants);

E. Voyeurism; and

F. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

Sexual Harassment. "Sexual harassment" shall mean any unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; or

B. Submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or

C. If non-physical, such conduct is so severe, pervasive, and objectively offensive that the victim is effectively denied equal access to the College's resources and opportunities.

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, i.e., student-student.

Examples of severe and pervasive non-physical conduct, which may constitute sexual harassment when such expression is so objectively offensive that it denies the victim equal access to the College's resources and opportunities include, but are not limited to:

A. Unwelcome sexual advances, requests for sexual favors, or other non-physical conduct of a sexual nature;

B. Sexually explicit statements, comments, questions, pictures, objects, jokes, or anecdotes;

C. Unwelcome use of the electronic mail or telephone communication system to communicate prohibited conduct or activities; or

D. Graphic comments about a person's clothing or body.

Sexual Misconduct. "Sexual misconduct" means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature committed against an individual without consent. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual misconduct also includes complicity in sexual misconduct. The College encourages reporting of all sexual misconduct. Sexual misconduct includes, but is not limited to:

A. Dating violence;

B. Domestic violence;

C. Sexual Assault;

D. Sexual Exploitation;

E. Sexual Harassment; and,

F. Stalking.

Statutory Rape. "Statutory Rape" means nonforcible sexual intercourse with a person who is under the statutory age of consent.

Stalking. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress.

A. "**Course of conduct**" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follow, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. It can include, but is not limited to:

1. Non-consensual communication (face-to-face, telephone, email)
2. Threatening or obscene gestures;
3. Surveillance/following/pursuit;
4. Showing up outside the targeted individual's classroom or workplace;
5. Sending gifts (romantic, bizarre, sinister, or perverted)
6. Making threats

B. "**Emotional distress**" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

C. "**Reasonable person**" means a reasonable person under the circumstances and with similar identities to the victim.

(Revised Board of Trustees, 4/12/16, 4/11/17)

Guide to Requesting Academic Accommodations and/or Auxiliary Aids

GETTING STARTED

Delaware Technical and Community College is committed to providing reasonable academic adjustments for students with disabilities which may include auxiliary aids and/or accommodations that do not alter a fundamental requirement of our academic programs. Since every disability manifests itself differently in each individual, every attempt will be made to tailor all academic adjustments to meet individual needs. Students with disabilities who wish to request academic adjustments must see the campus ADA contact. The campus ADA contact will evaluate the request and engage in an interactive process to determine what, if any, academic adjustments are warranted. Students seeking academic adjustments must request the same at least 4 weeks prior to the start of each semester for which academic adjustments are sought. Academic adjustments requested by students who fail to follow these procedures may be

denied or may not be available prior to the start of classes.

CAMPUS ADA CONTACTS

The following individuals are the ADA contacts for their respective campuses. They will assist you in fulfilling the requirements to obtain reasonable and necessary academic adjustments.

Dover

Charles Mundell
(302) 857-1349
cmundell@dtcc.edu

Georgetown

Matthew Zink
(302) 259-6049
mzink1@dtcc.edu

Stanton

Heather M. Statler
(302) 454-3927
hstatler@dtcc.edu

Wilmington

Victoria Chang
(302) 434-5553
vchang1@dtcc.edu

DOCUMENTATION

Students should provide the campus ADA contact with documentation of their disability. This information may include diagnosis of disability, functional limitations, psycho-education testing results, most recent IEP (if available), and any other information that may provide insight, clarification or support of the student's condition and how that may impact the student's ability to perform in an academic setting. Since many types of disability remain unchanged over the course of a student's lifetime, information may be accepted in cases where the campus ADA contact determines in his or her sole discretion that a meaningful interactive process can occur and reasonable adjustments can be approved. In some instances, discussion between the student and the campus ADA contact may be sufficient to determine the appropriate assistance. In other situations, a professional evaluation will be necessary to enable the campus ADA contact to understand how the disability impacts the student's ability to function in a college setting. If documentation is necessary, the student must sign a release authorizing the information to be given to the campus ADA contact. **PROVIDING THIS DOCUMENTATION IS THE OBLIGATION OF THE STUDENT, AT THE STUDENT'S SOLE EXPENSE.**

The student and the campus ADA contact (together with such other parties as may be designated by the Campus ADA Contact) will discuss which academic

adjustments are appropriate for the student's individual situation and coursework.

CONFIDENTIALITY

The ADA campus contact will maintain appropriate confidentiality of records or communication, except when disclosure is authorized by the student or by law.

EXAMPLES OF ACADEMIC ADJUSTMENTS PROVIDED BY THE COLLEGE

In providing academic adjustments, we do not lower or effect substantial modifications to essential technology requirements nor do we make modifications that would fundamentally alter the nature of a program.

Examples of the types of academic adjustments which may be provided are as follows:

Accessible Furniture: Providing classroom furniture, which is most appropriate for the student in light of their disability.

Assistive Listening Device: An amplification system designed to help the student hear better by minimizing background sounds and amplifying desired sound.

Clear View/Lip-Reading: The process of viewing the speaker's lips to facilitate communication (requires unobstructed view of the speaker).

Course Reductions which do not fundamentally alter the nature of the program: Students may elect to attend on a part-time basis. Part-time study may impact the length of time to complete program requirements and/or financial aid.

Course Substitutions will be considered so long as the modification does not fundamentally alter the nature of a program.

Early Access to Course Syllabus: Providing the student with a course syllabus prior to the beginning of the term. A student who needs class material in alternate format or who requires additional time to complete reading or writing assignments will benefit from having early access to course requirements. Early access to the course syllabus allows the accommodation process to begin early and reduces chances of delays in services.

Large Print Handouts: Enlarging written material on standard photocopier or word processor to facilitate reading for a student with various processing or sensory impairments.

Note taker/Scribe: Individual assigned to assist a student by recording class lecture notes of instructor's

spoken words. The scribe may also assist student to record in-class assignments.

Priority Seating: Allowing the student to choose the class seating arrangement which is most appropriate in light of the disability.

Sign Language Interpreter(s): A person who translates spoken English into American Sign Language (ASL) and vice versa for students with significant hearing loss or deafness. A student using an Interpreter should be allowed to choose classroom seating which is most appropriate for that student's particular need. The college will provide the interpreter; it is not reasonable to expect the College will pay for an interpreter you have used before or currently use on a daily basis.

Tape Recording/Transcribing Lectures: Recording spoken material presented in the classroom using a tape recorder.

Visual Media: Using graphics or other visual methods, such as PowerPoint slides or handouts, to supplement class lecture and spoken information.

The following is a list of testing adjustments which may be made, depending upon the course and the needs of the student:

Alternative Test Design: Changing test format or design to allow the student to demonstrate mastery of course material while minimizing the interference of their disability. For example, one might use a multiple-choice design instead of an essay design.

Alternative Test Location: The student is assigned to take an exam in a mutually agreeable location. Arranged and coordinated by the ADA campus contact.

Computer Usage: Use of a personal computer during testing allowing the student to use a spellchecker, word processing capabilities, or special assistive software required for their specific disability needs.

Distraction - Free Environment: An environment free from noise and other distractions (classroom activities, phones, loud talking, operating machinery) that might interfere with the testing process.

Electronic Speller/Dictionary: An electronic speller is a portable device, which assists the student in spelling correctly.

Extended Time: Additional time given to complete a test. Length of extension varies according to the student's needs and documented disability. The standard time extension is "time and a half."

Individual Test Proctor: Individual assigned to personally administer a test to the student.

Large Print Test: Enlarging tests to provide the student with visual access to the test.

Oral Test: Administering test orally to the student and allowing the student to provide oral responses.

Reader: Individual assigned to read test directions and/or test questions to the student with a disability.

Scribe: Individual assigned to record test responses of the student with a disability but who does not offer assistance with content of test responses.

Sign Language Interpreter(s): A person who translates directions and/or information given during test administration from English into American Sign Language (ASL). It may also include allowing the student to ask questions for further clarification using his/her ASL interpreter during test questions.

Test on Tape: Tape recording test questions so the students can listen to the questions. This might include allowing the student to tape record the answers.

Voice Calculator: A calculator that provides voice output of mathematical data and mathematical processes.

EXAMPLES OF REQUESTS WHICH ARE NOT REASONABLE

The following is a list of services that the college will not provide. This is not an exhaustive list, but rather provides examples of unreasonable requests. The ADA campus contact may be able to provide community referrals to these services, if appropriate.

1. Providing personal attendants (aides)
2. Feeding students
3. Administering and storing of medications
4. Assisting with personal hygiene (catheter bags, etc.)
5. Writing and proofreading papers
6. Tutoring (will be referred to campus tutorial support)
7. Psychological counseling
8. Storage of medical supplies and equipment (oxygen tanks, wheelchairs, etc.)
9. Diagnosis of disability condition
10. Providing care for service animals

COMMUNICATION WITH FACULTY

The ADA campus contact will send notification to faculty and campus offices of the academic adjustments that will be provided. Students are encouraged to discuss their academic adjustment (s) with their instructors; however, students are NOT obligated to self-disclose the nature of their disability to the instructors. Students are responsible for communicating the effectiveness of the academic

adjustment(s) with the instructors and the campus ADA contacts.

GRIEVANCE PROCEDURE

If a student is not satisfied with the academic adjustment(s) that, after discussion with all parties, has been determined to be appropriate by the campus ADA contact, then s/he may use the following grievance procedure.

Students who are unsatisfied with the academic adjustments approved by the campus ADA contact or otherwise feel they have been the subject of discrimination on the basis of disability shall state their concerns in writing to the appropriate Dean of Student Affairs. The inquiry shall be made as soon as reasonably possible after the action occurs but in no case later than 10 working days after such occurrence. The time for filing a grievance can be waived for good cause at the discretion of the Dean of Student Affairs.

The Dean of Student Affairs, or designee, shall conduct a thorough investigation of the grievance, affording all interested persons and their representatives an opportunity to submit relevant information. The Dean of Student Affairs shall consult with the College's Civil Rights Coordinator, or designee, and shall issue a written response, with a description of the resolution, if any, to the grievant and other appropriate persons within 15 working days of receipt of the complaint.

The decision of the Dean of Student Affairs shall be final.

Nothing in this procedure prevents any individual who believes he or she may have been discriminated against from pursuing any and all legal remedies.

RETURNING STUDENTS

Accommodation(s) plans are NOT carried over from semester to semester. A new request for academic adjustments must be made for each semester that adjustments are desired. Once a request is made, students must allow the campus ADA contact up to four weeks to facilitate appropriate academic adjustments.

Student Rights and Standards of Student Conduct

Delaware Technical Community College has the responsibility and duty to establish and deliver a comprehensive educational program to the citizens of the State of Delaware as defined in the law through the General Assembly. The College is committed to providing a learning environment for students in which they may grow both as students and citizens.

As members of the College community, students have an obligation to participate in the life of the College in a responsible manner. Students have the freedoms of speech, peaceful assembly and petition, as well as the right to due process. However, students also have responsibilities and duties commensurate with their rights and privileges.

II. Purpose

The purpose of this policy is to state and uphold rules and regulations deemed necessary for the orderly administration and operation of the College, for the orderly resolution of conflicts and disputes, and for the protection of the College community against misconduct and unlawful acts. Additionally, this policy identifies the type of conduct encompassed, the procedures to be used when infractions are alleged, and the sanctions for policy violations.

III. Scope

A. Delaware Technical Community College's jurisdiction for student discipline purposes shall include conduct that occurs on campus and at College-sponsored activities held off College premises that may adversely affect the College community and/or the pursuit of its objectives.

B. Conduct involving allegations of academic dishonesty will be handled under the College Policy on Academic Dishonesty.

C. A student who wishes to challenge an academic grade given in any course must proceed in accordance with the Academic Grade Challenge Policy.

D. Allegations concerning behavior in the academic setting will be handled under this Student Rights and Standards of Student Conduct Policy.

E. The Vice President for Academic Affairs, in consultation with the College-wide Deans of Student Affairs, may develop forms and procedures for the administration of this Student Rights and Standards of Student Conduct Policy.

F. The College will administer disciplinary action and, if necessary, initiate criminal or civil actions consistent with constitutional safeguards accorded by law. Any questions about the College's jurisdiction will be resolved by Delaware Technical Community College's Chief Legal Counsel.

IV. Student Rights

A. Students enrolled in any program or course at any campus of the College have the right to pursue their educational goals and may expect:

1. A description of the course to include the measurable objectives, course requirements and evaluation procedures.
2. A fair performance evaluation based on

measurable objectives and course requirements.

3. The opportunity to discuss, inquire and express their views in the classroom or in conference.
4. Protection against improper disclosure concerning data which is confidential, in accordance with state and federal guidelines. (See the Family Educational Rights and Privacy Act FERPA)
5. To be treated with dignity and respect.

B. Procedure For The Resolution of Complaints By a Student

Step 1 - A student who feels that any of his/her rights, as identified above, have been violated is encouraged to first meet with the person accused of violating the students' rights to seek satisfactory resolution in an informal manner through discussion.

Step 2 - In the opinion of the student, if satisfactory resolution is not achieved at Step 1, the student shall meet with his/her academic counselor or advisor to discuss and facilitate a resolution of the complaint. The facilitator (academic counselor or advisor) may include other individuals as appropriate.

Step 3 - In the opinion of the student, if a satisfactory resolution is not accomplished at Step 2, the student shall file a written complaint with the Dean of Student Affairs. The written complaint shall be submitted within five (5) working days after all meetings with the facilitator have concluded. The complaint shall include the name of the person accused of violating one or more of the rights as set forth above, a statement of the specific right or rights alleged to have been violated by the accused, the manner in which the right or rights is alleged to have been violated, the identity of any person who has knowledge of any fact supporting the charge(s) and a summary of all facts of which the person is alleged to have knowledge, a summary of efforts to resolve the matter to date and the relief sought by the complaining party.

Step 4 - The Dean of Student Affairs, after reviewing the complaint to ensure that the resolution process has been properly followed, will forward a copy of the written complaint to the accused, who will be given an opportunity to respond to the accusations against him/her. The response shall be written and shall be submitted within 10 working days from the date the complaint is forwarded by the Dean of Student Affairs. If the accused is an employee, his or her immediate supervisor shall be notified by the Dean of Student Affairs that a complaint has been filed. The Dean of Student Affairs shall thereafter conduct such investigation into the allegations as he/she deems necessary and shall notify the student and the accused in writing of his/her determination. In the event that the Dean of Student Affairs determines that a students' rights have been violated by an employee of Delaware Technical Community College, then the Dean of Student Affairs shall also provide a copy of his or her decision to

the appropriate dean or director, the Director of Human Resources of the campus where the employee is employed, or to the Assistant Vice President for Human Resources if the employee is employed in the Office of the President, who shall administer such discipline, if any, as he/she deems appropriate. Any disciplinary action and/or corrective action taken, or appeals thereof, will be in accordance with section XII, Conduct and Corrective Action Policy of the Personnel Policy Manual.

V. Standards of Student Conduct

Students enrolled in any program or course at a campus of the College have the responsibility to conduct themselves in a manner conducive to the orderly operation of the College and will be expected to:

1. Attend classes on a regular basis in order to have the maximum opportunity to complete the measurable objectives and meet the requirements of each course.
2. Respect the rights of staff members and students as they participate in College courses, programs and activities.
3. Satisfy all financial obligations to the College.
4. Comply with all published Delaware Technical Community College policies, rules and/or regulations included in the Student Handbook and elsewhere.
5. Comply with all federal, state and local laws.
6. Treat others with dignity and respect.

A. Unacceptable Student Conduct

The College has determined that the following student actions are unacceptable and subject to disciplinary action under the procedures set forth in this policy.

Such behavior shall include, but not be limited to:

1. The incitement or acts of force, assault, offensive touching, coercion, harassment, violence, intimidation or any interference with the free movement of others upon the College premises, or any act which endangers the mental or physical health or safety, or any act which is in violation of the Delaware Technical Community College Violence-Free College Policy.
2. Disruption or obstruction of the orderly operation of Campus activities, on or off College premises. Disruptive behaviors may include, but are not limited to, profane or vulgar statements or gestures, personal habits, personal appearance, slanderous or libelous statements, speech-oriented activities or publications.
3. Gambling.
4. Possession, consumption and/or abuse of illegal drugs and/or alcohol or any violation of the Delaware Technical Community College

Drug-Free School And Workplace Policy.

5. Forgery, bribery, perjury, making a false statement, and/or other behavior indicating dishonesty.
6. Cheating, plagiarism or other violation on the College's Policy on Academic Dishonesty.
7. Theft, robbery, criminal trespass and/or burglary.
8. Intentional destruction of College property or the property of another or damaging public or private real or personal property without the permission of the owner by knowingly, purposely or recklessly drawing, painting or making any significant mark or inscription thereon.
9. Sexual assault, stalking or other violation of the Delaware Technical Community College Sexual Assault Policy.
10. Violation of the Delaware Technical Community College Policy Prohibiting Weapons and Dangerous Instruments or Devices.
11. Violation of the Delaware Technical Community College Sexual Harassment Policy which will be handled according to the Procedure for the Resolution of Sexual Harassment Complaints as published in the Student Handbook.
12. Violation of the Delaware Technical Community College Acceptable Use of Electronics Networks Policy.
13. Violation of any other published Delaware Technical Community College policy, rule and/or regulation included in the Student Handbook and elsewhere.
14. Any other violation of federal, state or local law.

B. Procedure for the Resolution of a Complaint Against a Student

Any member of the College community who has reason to believe that a student has violated the Standards of Student Conduct should report the alleged violation to one of the following College officials:

- Members of the Public Safety Department
- Dean of Student Affairs
- Dean of Instruction
- Director of Workforce Development and Community Education (for non-credit students)
- Evening Coordinator/Evening Operations Manager

The Vice President and Campus Director and each of the College officials designated above shall have the authority to immediately remove from campus any student who is accused of violating the Standards of Student Conduct when, in the opinion of the Vice President and Campus Director or other designated College official, the student's continued presence on campus creates an unreasonable risk to the health, safety and/or welfare of any member of the College community or is disruptive to the learning environment.

This action may include calling the local law enforcement officers as necessary. In addition, after review with the respective Vice President/Campus Director, the Dean of Student Affairs shall have the authority to suspend a student pending a hearing in cases when, in the opinion of the Dean of Student Affairs, the welfare of the College community is endangered or jeopardized by the student's continued presence on campus or to place such conditions on the student's presence on campus as he/she determines in his/her discretion to be in the best interest of the College, its students and staff.

In cases where the initial report of alleged student misconduct is reported to a Dean of Instruction or a Public Safety Officer, he/she shall report the complaint to the Dean of Student Affairs as soon thereafter as is reasonably practicable.

The following procedure shall apply to all complaints against a student unless another procedure and/or process has been established by another College Policy or by agreement for students in non-credit courses.

Upon receipt of notice that a violation of the Standards of Student Conduct is believed to have occurred, the Dean of Student Affairs shall utilize the following procedure to resolve the matter:

Step 1 - If appropriate, the Dean of Student Affairs shall encourage the complaining party to first meet with the student accused of violating the Standards of Student Conduct in an effort to seek a satisfactory resolution in an informal manner through discussion.

Step 2 - In the opinion of the complaining party, if a satisfactory resolution is not accomplished at Step 1, or if informal discussions with the accused would jeopardize the health, safety or welfare of the complaining party, the Dean of Student Affairs shall request a formal written complaint from the complaining party. The written complaint shall be received within five (5) days after the request from the Dean of Student Affairs and shall include the name of the person accused of violating the Standards of Student Conduct, a statement of the specific Standards of Student Conduct alleged to have been violated by the accused, the manner in which the Standards of Student Conduct are alleged to have been violated, the identity of any person who has knowledge of any fact supporting the charge(s) and a summary of all facts of which the person has knowledge, a summary of efforts to resolve the matter to date and the relief sought by the complaining party.

The Dean of Student Affairs, after reviewing the complaint to ensure that all required information has been provided and the resolution process has been properly followed, will forward a copy of the written complaint to the accused, who will be given an opportunity to respond in writing to the accusations

against him or her within five (5) working days. The Dean of Student Affairs shall include a copy of The Student Rights and Standards of Student Conduct and shall advise the accused of the following:

- That the accused violator has the right to a hearing before a Campus Judicial Committee in accordance with the hearing process outlined in Section VI.
- That the accused violator has a right to be represented by an advisor or an attorney in a hearing before the Campus Judicial Committee. The name of the advisor or attorney must be submitted to the Campus Judicial Committee at least twenty-four (24) hours prior to the hearing.
- That the accused violator has a right to waive a hearing before the Campus Judicial Committee and to accept the disposition of the matter as determined by the Dean of Student Affairs, including the possible sanctions to be imposed.
- That waiving the right to a hearing includes waiving the right to an appeal.
- That the accused violator will be deemed to have waived his/her right to a hearing before the Campus Judicial Committee unless a written request is received by the Dean of Student Affairs within seven (7) working days after the date of the notice advising the accused violator of his/her rights as contained herein.
- That the accused violator has the right to appeal the decision of the Campus Judicial Committee to the Dean of Student Affairs.

In the event the accused elects to have a hearing, the Dean of Student Affairs shall notify the Vice President and Campus Director of the need to appoint a Campus Judicial Committee. Upon receipt of the names of the Campus Judicial Committee appointments, the Dean of Student Affairs will notify all parties, in writing, of the date, time and place of the scheduled hearing. The hearing shall be conducted in accordance with Section VI. Either party has the right to appeal the decision of the Judicial Committee to the Dean of Student Affairs within seven (7) working days after receipt of the decision.

In the event that the accused student waives his/her right to a hearing or withdraws a request that was previously made, the Dean of Student Affairs shall conduct such investigation into the allegations as he/she deems necessary and shall notify the complainant and the accused student in writing of his/her determination. The investigation of the alleged violation and the subsequent decision of the Dean of Student Affairs shall be final. The Dean shall notify the accused violator and the complaining party, in writing, of the final determination.

C. Sanctions for Violation of Student Conduct Standards
Sanctions applied for violations of Student Conduct

Standards may include any one or more of the following:

1. Written Reprimand - A written notice to the student that his or her actions violated the Standards of Student Conduct and that future incidents of misconduct may be cause for further disciplinary action.
2. Disciplinary Probation - A specified period of time during which the student is expected to demonstrate appropriate conduct as a member of the academic community.
3. Academic or Social Restriction - Exclusion from stated classes, facilities, services or activities for a specified period of time.
4. Restitution - Payment for damages to College property or the property of another.
5. Rehabilitative Referral - Referral to an accepted physician or mental health counselor for evaluation and, if indicated, treatment for a physical, mental or psychological condition or disorder.
6. Suspension - Temporary (5 days or less) withdrawal of the student's right to attend classes or otherwise be present on College premises or to attend College functions, whether on campus or off campus.
7. Dismissal - Withdrawal of the privilege of registration, class attendance or activities on any campus of the College for an indefinite period of time.

The College reserves the right to refer a student for criminal prosecution, which may be in addition to any sanction set forth above.

VI. The Hearing Process

Written charges of Violations of Student Conduct Standards in which judicial proceedings are elected, will be referred to and heard by a Campus Judicial Committee composed of:

Two (2) students of the campus appointed by the Student Government Association.

Two (2) staff members, one (1) each appointed by the Dean of Instruction and the Dean of Student Affairs. Delaware Technical Community College's Chief Legal Counsel, or his/her designee, who shall serve as the chairperson.

No member of the Campus Judicial Committee may be a party to the case for which he/she is sitting in judgment. In the event that Chief Legal Counsel is a party or potential witness, then the chairperson shall be appointed by the College President. Pending final decision of the complaint the status of the accused will not change as to his/her continued presence on campus and participation in scheduled assignments or classes, except where his/her presence constitutes a real and

present danger to himself/herself, to others or to the orderly operation of the College.

The accused will be advised by the Dean of Student Affairs of possible sanctions or disciplinary action with sufficient detail to enable him/her to prepare properly for the hearing. The accused may withdraw his/her request for a hearing at any time.

The complaining party may withdraw charges at any time. Once charges are withdrawn, they may not be reintroduced unless sufficient new evidence is brought forth. A written request to withdraw charges must be submitted to the Dean of Student Affairs who will notify all parties of the action.

The chairperson shall preside over the hearing and shall make all rulings concerning the admissibility of evidence. The hearing will be upon sworn or affirmed testimony and the proceedings will be tape-recorded for the preservation of the record. The Delaware Uniform Rules of Evidence shall be used as a guide to the admissibility of evidence. All documents submitted as evidence and the tape-recording of the hearing will be kept for not less than one (1) year. Since the hearing will be audio tape-recorded, it will be necessary for each person to state his or her identity when speaking. The parties may submit relevant factual data, documents, testimony and argument. Only evidence and argument presented at the hearing or presented to the Campus Judicial Committee and opposing parties before the hearing may be taken into consideration by the Judicial Committee in making its findings and rendering its decision. All members of the Judicial Committee must be present to proceed to hearing and must remain for the duration of the proceedings.

To begin the hearing, the chairperson of the Judicial Committee will read the statement of charges. The person bringing the charges may present evidence, call witnesses in his/her own behalf, and confront and cross-examine witnesses called by the accused. The accused shall have the right to present evidence, to call witnesses in his/her own behalf, and to confront and cross-examine witnesses called by the person bringing the charges. The Campus Judicial Committee may also call witnesses to give testimony, who shall also be subject to cross examination by either party. The person bringing the charges will be required to attend the hearing. The hearing will be open only to members of the Campus Judicial Committee, the accused and his/her advisor or attorney, the person bringing the charges and his/her advisor or attorney, and witnesses called to testify. All witnesses shall be sequestered.

Upon conclusion of the hearing, the Judicial Committee will make findings of fact and conclusion as to innocence or guilt which will be established by a preponderance of evidence and by majority vote of the Campus Judicial Committee. The burden of proof rests with the person bringing the charges. The chairperson

will cast a vote only in case of a tie vote. The Campus Judicial Committee will submit a written decision to the Dean of Student Affairs within seven (7) working days, setting forth its findings and, if applicable, the disciplinary action to be imposed where a finding of guilt is rendered upon the student. The Dean of Student Affairs will forward a copy of the Campus Judicial Committee's decision to the accused student and to the person bringing the charges within five (5) working days after his or her receipt thereof.

In cases where a violation of the Standards of Student Conduct is found, the Dean of Student Affairs shall advise the student of his or her right to submit an appeal, in writing, within seven (7) working days from the receipt of the written notice. The appeal shall be to the Dean of Student Affairs and shall be based on the record before the Campus Judicial Committee. Upon review and examination of the Campus Judicial Committee's findings, the Dean may either affirm or reverse the Committee's decision. The decision by the Dean of Student Affairs shall be in writing and shall be the final disposition of the complaint.

Drug-Free School 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.

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| 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. |
| 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.
Student: Up to five days suspension from classes and/or rehabilitative referral. 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.
Student: Up to five days suspension from classes and/or rehabilitative referral. 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](#)

Behavioral Intervention and Threat Assessment

Background and Purpose

The purpose of this policy is to provide members of the Delaware Technical and Community College community with an effective and efficient process to report concerns that a student may pose a risk to his or her own safety or the safety of another, and to establish a process for identifying, assessing and managing students who may pose a threat of violence.

Threat assessment is a process of evaluating a risk to the safety of any member of the campus community. The primary purpose of threat assessment is to prevent acts of violence from occurring by identifying emerging aggressive and potential violence to themselves or others. Threat assessment is conducted when a person (or persons) threatens to commit a violent act or engages in behavior that appears to threaten an act of violence. Threat assessment is ultimately concerned with whether an individual poses a threat, not whether he or she has made a threat. Threat assessment can be distinguished from profiling in part because the investigation is triggered by some sort of threatening behavior rather than some combination of demographic and personal characteristics of the individual. Moreover, threat assessment goes beyond the determination that an individual poses a safety risk and includes early detection and intervention to ensure the safety of all members of the campus community.

A threat is defined as any behavior which suggests intent to harm themselves or others. Threats may be spoken, written, e-mailed, or expressed in some other way, such as through gestures. Threats can be made directly or indirectly, communicated through third parties, or expressed in private writings. Possession of a weapon such as a firearm or knife on school grounds would be presumed to indicate a threat, unless determined otherwise by a subsequent investigation.

CARE Team Coordinator

A Campus Awareness Response and Evaluation (CARE) Team Coordinator (CTC) shall be appointed by the Campus Director as the first point of contact for students or employees who want to report a threat or concern for campus safety or an individual's safety. The CTC will gather and analyze information needed for threat assessment. The CTC shall recommend for approval by the Vice President/Campus Director a designee who shall serve in their place in the event that the member is unavailable.

The CTC should be trained in student mental health issues. The CTC should also possess skills in questioning with an analytical mindset, the ability to relate well with others, experience in how to collect and evaluate information from multiple sources, discretion and

understanding of confidentiality, understanding of state and federal confidentiality laws, and be fair and trustworthy.

CARE Team

A Campus Awareness Response and Evaluation Team (CARE team) shall be appointed by the Campus Director to conduct secondary threat assessments when the CTC has determined that a moderate or higher threat exists as defined by the Threat Assessment Guidelines and, if necessary, make recommendations about the appropriate course of action to the Campus Director. The primary functions of the CARE Team are the assessment of the risk of violence posed by a student at a given time and the development of recommendations to manage the risk that he/she may present to the campus community and/or himself.

A standing CARE Team shall be appointed by the Campus Director to include the CARE Team Coordinator (CTC), the campus Chief Constable (CC), the Dean of Student Affairs or a designated Student Affairs counselor, the campus ADA Coordinator, a faculty member, and such others as may be designated by the Campus Director. All members of the CARE team shall participate in College designated training.

Campus Awareness Response and Evaluation Process and Protocol

1. Members of the college community are encouraged to report any behaviors that raise concerns regarding an individual's propensity to harm oneself or others to the campus CTC or CC. The conduct giving rise to the concern need not be witnessed by the individual making the report. Faculty and staff who receive reports of threatening conduct shall notify the CTC or CC.

If an incident occurs that results in physical harm to an individual, damage to property, involves the possession of a weapon, or poses an imminent danger to person or property, employees should remove themselves and students from the immediate danger and immediately contact Public Safety or call 911 in accordance with the Delaware Tech Violence Free policy.

2. The CTC will conduct a preliminary inquiry to determine the level of risk to campus safety. Upon request of the CTC, the CC will assist with this initial inquiry. The CTC will report the initial results and recommendations of the inquiry to the Dean of Student Affairs or his or her designee for review and approval. This inquiry

will begin within one business day of initial notification and every effort will be made to complete the inquiry within three business days. In the event that the TAC determines that it is necessary to protect the safety of an individual (s) or the campus community, the TAC is authorized to ask the student to leave campus or have them removed by Public Safety or local law enforcement. In the event that the inquiry determines that an individual poses an elevated or higher risk to the safety of an individual (s) or the campus community, Dean of Student Affairs is authorized to suspend the student from classes and college activities pending the outcome of the CARE Team inquiry. The Dean of Student Affairs shall inform the Campus Director of the results of the initial inquiry.

3.

If it is determined through the initial inquiry that a moderate or higher level threat risk may exist, the CTC will activate the CARE Team. The CARE Team shall endeavor to meet within three (3) business days to conduct such additional threat assessment as determined to be necessary and recommend an appropriate course of action including the development and implementation of crisis management and intervention protocols. The CTC shall report the CARE Team's findings and recommendations to the Campus Director or his or her designee within one (1) business day after development thereof for the Campus Director's review and approval. A copy of the findings and recommendations shall also be forwarded to the College's Chief Legal Counsel.

4.

In situations where an individual is found to be in violation of either the College's Violence Free Policy or the College's Policy Prohibiting Deadly Weapons and Dangerous Instruments, the CTC will initiate the threat assessment process as set forth above.

Further, individuals who have been charged with a criminal offense that raises a concern for individual and/or campus safety may be subject to a threat assessment inquiry as a condition of commencing, resuming or continuing participation in College sponsored activities. This shall apply regardless of whether or not the alleged offense occurred on campus, off campus or at a College sponsored activity.

If at any point a student refuses to fully cooperate with the threat assessment inquiry process, he/she shall be subject to immediate involuntary withdrawal from all College activities. This will create a hold on the student's account, thereby preventing them from registering at another campus until all conditions for reinstatement are met.

The CARE Team may recommend to the Campus Director for approval that a student be required to have a mental health evaluation by a licensed mental health professional, at his/her own expense, and to provide a report to the CARE Team. The CARE Team may rely upon the evaluation provided by the student's mental health practitioner or may require the student to undergo an evaluation by a mental health professional selected by the CTC in its sole discretion, which shall be at the expense of the College.

A decision regarding whether or not the student will be permitted to return to College activities will be made by the Campus Director following reports and recommendations of the CARE Team. Students who have been suspended from campus as a result of a CARE Team inquiry may apply to return to campus by submitting the required documents, which may include a mandated assessment, to the CTC. Upon receipt of assessment results, the CTC will reconvene the CARE Team to review the student's request. After reviewing the assessment results and any other available information, the CARE Team will make a recommendation to the Campus Director regarding the student's return to campus.

Recommendations for allowing the student to return to campus may include, but are not limited to, the following stipulations:

- Behavioral Contract with the student which will be monitored by the Dean of Student Affairs or his/her designee, which may include the CTC.
- Referrals to appropriate resources including the Campus ADA Coordinator and/or community based mental health and medical services.
- Increased support from the student's advising team.
- Restrictions to the student's schedule pertaining to limited access to campus facilities and events, credit limits, and/or limited interaction with specified members of the campus community.

In the event that the required mandated assessment indicates that the student poses an ongoing threat to campus safety that cannot reasonably be managed, then the Care Team shall recommend the student not be permitted to return to campus. The student may apply to return to campus contingent upon a follow up assessment.

Threat Assessment Recommendations and Consequences

Confidentiality

Confidentiality of all reports and of student and staff information will be preserved to the greatest extent possible, understanding that the College has an obligation to conduct an inquiry and, in appropriate cases, to share information to protect the safety of the campus community and others. All members of the campus community involved in an inquiry are also expected to maintain confidentiality, understanding that they may impair the inquiry by divulging information to persons outside of the process. All inquiries and reporting of findings will be conducted in compliance with state and federal confidentiality laws.

FERPA

Individuals who serve on the CARE Team shall be considered school officials with a legitimate educational interest in accessing a student's educational records in connection with a threat assessment inquiry. All faculty and staff shall fully and promptly cooperate with a threat assessment inquiry and shall provide any information requested by members of the CARE Team, including educational records and/or information derived there from without the prior consent of the student. All documents, summaries or reports created or compiled in connection with a threat assessment inquiry shall be law enforcement records maintained by the Campus Public Safety Office.

Non-Retaliation and False Claims

Delaware Technical & Community College prohibits retaliation against persons who in good faith report direct or indirect threats or acts of violence, intimidation or harassment or concern for campus safety or an individual's safety or who cooperate in an inquiry. The College also prohibits the filing of false reports and knowingly providing false or misleading information in an investigation. Disciplinary action will result from either of these acts in violation of this policy.

Other College Policies

This policy is one component of a comprehensive approach toward maintaining a safe campus community. Therefore this policy is intended to supplement and not to replace existing College policies regarding student discipline and behavior, such as the Violence Free Policy, the Policy Prohibiting Deadly Weapons and Dangerous Instruments and the Standards of Student Conduct. It is expected that actions or behaviors prohibited by those policies will be addressed in compliance with the procedures set forth therein.

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.

Family Educational Rights and Privacy Act of 1974, As Amended

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. Some,

but not all, of the exceptions are explained in this notice.

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including campus public safety personnel and health staff, if any); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as National Student Clearinghouse, an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Upon request, the College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

FERPA also allows the College to disclose appropriately designated "directory information" without written consent, unless the student has advised the College to the contrary in accordance with the procedures set forth in this notice. The primary purpose of directory information is to allow the College to include this type of information from your education records in certain school publications. Examples include:

A playbill, showing a student's role in a drama production;
The annual yearbook;
Honor roll or other recognition lists;
Graduation programs; and
Sports activity sheets showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a student's prior written consent. If a student does not want the College to disclose directory information from the student's education records without prior written consent, the student must notify the Registrar of the campus in writing within 30 days of the issuance of this notice.

Delaware Technical Community College defines

directory information as follows:

- Name
- Address
- College E-mail Address
- Field of Study
- Full- or Part-time Enrollment Status
- Dates of Attendance
- Degrees and Awards
- Honors (President's List, Dean's List, Academic Recognition, and Honor Societies)
- Participation in Officially Recognized Activities and
- Sports
- Date of Birth
- Most Recent Previous High School Attended
- Weight and Height of Athletes
- Photograph*

*Use of Student Photographs: Photographers employed or contracted by the College regularly take photographs of students to illustrate or describe various aspects of the College and campus life. These photographs will be taken at public venues such as athletic events, concerts and graduation, and/or in other organized campus photo shoots where the subjects will have given verbal consent to be photographed. Individuals who are photographed while attending a public event or who verbally agree to participate in a photo shoot will be understood to have authorized Delaware Technical Community College to use their likeness in print and electronic materials to promote the College. The College will retain the usage rights to the photographs in perpetuity.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Consensual Relationships

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 because of the possibility of abuse of power and conflict of interest that may arise in connection with consensual amorous and/or sexual relationships.

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.

Enforcement of this policy is intended to be educational, but repeat violators will be referred to the Dean of Student Affairs for disciplinary action as outlined in the Student Code of Conduct/College Policy for Student Rights & Student Responsibilities.

Cell Phone and Electronic Device Policy

This policy is implemented in order to maintain a productive, safe learning environment and applies to both incoming and outgoing cellular calls.

Cell phones and electronic devices shall be turned off or set to silent or vibrate mode during classes, conferences, and in other campus locations where their use would cause a distraction to the learning environment.

Cell phone and electronic device use is prohibited during all testing and assessment activities.

The College strictly prohibits the use of camera phones and other recording devices in any manner which violates or compromises norms of personal conduct or the expectation of privacy that individuals have a reasonable right to expect.

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)

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.

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 listservs, 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 to 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 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 and 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 nonacademic 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 and 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 and 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.

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 and Associate Vice President for Human Resources 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 Assistant Vice President for Computer Services & Information Systems and the Assistant Vice President for Statewide Technical Services, or their official designees.

Any questions regarding this policy should be directed to: the Assistant Vice President for Computer Services & Information Systems, the Assistant Vice President for Statewide Technical Services, or the Chief Legal Counsel and Associate Vice President for Human Resources. (*Added Board of Trustees 9/19/1998; Amended Board of Trustees, 4/16/2002*)

Student Right-To-Know & Campus Security Act

The Student Right-To-Know and Campus Security Act (PL 101-542), requires the College to disclose and report program completion and graduation rates, and to maintain campus security policies and campus crime information. Delaware Technical Community College monitors regularly the success of its students. Students should check with the campus Dean of Student Affairs Office for graduation rates for first-time, full-time students. Copies of the Annual Report and Security Policy and Procedures may be obtained from the Dean of Student Affairs Office or the Security Office.

Campus Security

Delaware Technical Community College is concerned about the safety and welfare of its students, faculty and staff, and seeks to provide a safe and secure environment. The College has developed a series of policies and procedures that are designed to help protect persons while they are on campus. Copies of the policies are available from Student Affairs or Public Safety.

Delaware Technical Community College is fortunate to have a very low crime rate on campus. To maintain our good record, students are encouraged to stay alert and whenever possible travel in pairs. Always lock cars and

bikes. Never leave personal property unattended. Please report incidents immediately to Public Safety or switchboard operator, who will contact the appropriate personnel. Persons committing criminal offenses on campus or at College functions will be prosecuted.

All college personnel assist in promoting campus security. The Public Safety Department facilitates safety and security matters. Public Safety officers are on campus during classes and may be available for escorting students to cars at the end of classes. Students requiring an escort should contact the Public Safety office or evening switchboard operator.

Persons who violate laws or who commit criminal offenses on campus will be prosecuted.

Notice of Availability of Annual Security Report

Delaware Technical Community College maintains an annual security report as required by the Clery Act. The College's annual Clery Act report contains information on campus security and personal safety, including crime prevention, the law enforcement authority of College public safety officers, crime reporting policies, certain specific College policies, and other important matters about security on campus. The report also contains statistics for the three previous calendar years on crimes that were reported to have occurred on campus, in certain off-campus buildings or property owned or controlled by the College, and on public property within or immediately adjacent to and accessible from the campus.

The College's annual Clery Act report is available on the Delaware Tech website at <https://www.dtcc.edu/about/public-safety/campus-crime-statistics>. A printed report may also be obtained free of charge from the Office of Public Safety at each campus upon your request.

Collegewide Diversity Statement

Diversity is the means by which individuals demonstrate uniqueness, freedom and equality. By fostering diversity, Delaware Technical Community College promotes a learning environment where students, employees and the community embrace their values for their differences. The administration, faculty and staff are committed to creating positive learning opportunities that encourage students to achieve by using traditional and innovative teaching methods. The College encourages its employees to serve as role models and mentors. Delaware Tech provides its students with an intellectually and socially stimulating environment which empowers them to contribute successfully to a multicultural and global society.

Diversity is a concept which stresses respect for all human differences. It encompasses all aspects of college life and cultivates a mutual understanding and respect for gender and race, as well as the ethnic, cultural, religious and other differences, which enrich the environment where individuals teach, learn and work.

Policy Regarding Communicable Diseases

Concern for the health and welfare of students and employees prompted the Board of Trustees and the administration of Delaware Technical Community College to establish a policy with regard to communicable diseases. Such diseases vary in their ease of transmission to others. AIDS and milder immune deficiency syndromes associated with the human immunodeficiency virus (HIV) are transmitted through intimate sexual conduct or blood contact. Students or employees with AIDS or HIV should not present a health risk to others in the College community when proper precautions are taken. Other communicable diseases, such as hepatitis B, are more infectious and may pose a more immediate health risk.

In light of this concern, the Board of Trustees of Delaware Technical Community College adopts the following policy:

1. Students and employees with communicable diseases should inform the College administration (Vice President and Campus Director's Office for the Campuses, President's Office for Office of the President). This information shall be handled in strict confidence. Those students or employees with positive test results for AIDS or HIV are not required to so inform the College administration.
2. Continued presence in the College setting by students or employees with communicable diseases shall be determined by the Vice President and Campus Director (President for Office of the resident) on a case-by-case basis. Such decisions shall be based on medical opinion regarding the condition of the student or employee with the communicable disease. Recommendations may be sought from the physician treating the student or employee, from the State Division of Public Health, or from an ad hoc advisory panel of physicians and/or health-care professionals convened for this purpose, as well as from other medical professionals. The College may require the student or employee to submit to periodic review of the individual's medical status as a condition of continued attendance or

employment.

3. If necessary, an official withdrawal for medical reasons may be provided to students with communicable diseases, AIDS, or HIV.
4. Students and employees shall be encouraged to utilize educational programs, such as publications or classes regarding communicable diseases, AIDS, and HIV. The Vice President and Campus Director (President for Office of the President) shall appoint an individual or a committee to carry out this responsibility.
5. Routine and standard procedures shall be established for the handling of blood and other body fluids by the safety coordinator and implemented by the campuses and the Office of the President. Additional safety procedures shall be established and implemented by a committee comprised of the Department Chairpersons of each health-related program where students and staff handle blood and body fluids.

Hazardous Chemical Information Act

The Delaware General Assembly passed the Hazardous Chemical Information Act, more commonly known as the Right-to-Know Law, in June 1984. The law is intended to provide employees with access to information regarding hazardous chemicals to which they may be exposed in the workplace. The law also required access to the same information for emergency service organizations whose members may become exposed to chemical hazards during emergency situations.

All students enrolled in courses that require handling of chemicals and hazardous materials are required by law to sign their names certifying that they have received training relative to these materials. The law states that this training is required a minimum of once a year. Additional information may be provided by your instructor.

All entering students must provide evidence of immunization to measles, mumps, and rubella on or before the first day of classes. The appropriate sections of a medical form must be completed and signed by a physician to verify immunization.

Verification may be completed through any one of the following documentation processes:

1. Proof that you were born prior to Jan. 1, 1957.
2. A physician's documentation of vaccination with the date for each dose of vaccine.

3. A physician's confirmation of a laboratory test (blood test) indicating evidence of appropriate antibodies for each of the diseases.
4. A physician's confirmation of the student having had the disease.