

# ACADEMY OF MASSAGE & BODYWORK

## ANNUAL SECURITY REPORT *2022 - 2023*

*October 1, 2022*

1218 Pulaski Hwy Suite 324  
BEAR, DELAWARE

This report has been prepared by the Academy of Massage & Bodywork (AMB) and is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). The report contains policy statements that address the Academy's policies and procedures concerning safety and security. Three years' worth of statistics are included for certain types of crimes.

In compiling this report each year, AMB submits written requests for crime statistics from the following law enforcement agencies:

Delaware State Police

Crime statistics contained in the Annual Campus Security Report include those crimes reported to local law enforcement agencies and from Campus Authorities such as:

School Director – Gheorghe N Nastase  
Student Services Administrator – John Spina  
Campus Security Officer – Elsa H Nastase  
Lead Title IX Coordinator – Gheorghe Nastase  
Staff Members  
Faculty Members

The statistics are provided to the AMB Community through this Annual Campus Security Report. The Student Services Administrator, Campus Security Officer and Lead Title IX Coordinator submit annual crime statistics to the United States Department of Education. The statistical information gathered by the Department of Education is available on the Department of Education website.

At the end of each enrollment period a postcard is sent to every student explaining where to locate the Annual Campus Security Report (ACSR) on the AMB website. The postcard includes the website address for the ACSR and what information can be found on the site. These postcards are also included in packages for prospective employees and students.

Later in this report, you will find specific information about classifying crime statistics as well as details of each crime listed. The statistics provided in this report are published in accordance with the guidelines established by the Federal Bureau of Investigation Uniform Crime Reporting Handbook and federal law (Clery Act).

The number of victims involved in an incident is indicated in the statistics column of the following crime classifications: Murder/ Non-Negligent Manslaughter, Negligent

Manslaughter, Forcible and Non-Forcible Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults on the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per incident. These offenses are Robbery, Burglary, Larceny, and Arson. For example, if five (5) students are walking across campus together and they are robbed, this would count as one (1) incident of robbery on the crime statistics chart. In the case of motor vehicle theft, each vehicle stolen is counted as a vehicle theft.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics. The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of the people referred to the Office of Student Affairs for disciplinary action for violating those specific laws.

Due to the small size of AMB no law enforcement officers are on the premises. The Delaware State Police Barracks is only 3 miles from AMB. The campus is on the route patrolled by the Delaware State Police on a regular basis.

## **REPORTING PROCEDURES**

### **General Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff, and guests are encouraged to promptly and accurately report all crimes, emergencies, including when the victim of a crime elects or is unable to make such a report to the following:

State or Local Law Enforcement  
Faculty or Staff Advisors  
School Director  
Student Services Administrator  
Campus Security Officer  
Lead Title IX Coordinator

Reports of criminal offense shall be assessed for timely warning/ crime alert purposes as well as for potential inclusion in the annual statistical disclosure. The following procedures should be used when trying to contact police or campus security:

Call **911** or **302-834-2620** from an AMB telephone or Personal Cell Phone.

Dispatchers are available at all 911 Regional Communications Centers to answer calls for service and initiate an appropriate emergency response. 911 Regional Communications Centers are staffed 24 hours a day, 365 days of the year. If a crime is reported to AMB personnel, the law enforcement agency of jurisdiction will be notified. The victim may be offered a variety of services made available by the responding police agency. Victim advocacy information is typically provided on the back of the initial incident report. In the case of non-emergency crimes, the victim may be referred to the non-emergency telephone number of the police department of jurisdiction. When crimes are reported directly to AMB, personnel will initiate contact with the law enforcement agency of jurisdiction.

## **NOTIFICATION TO THE AMB COMMUNITY REGARDING REPORTED INCIDENTS**

In an effort to provide timely notice to the AMB Community regarding crimes that represent a serious or continuing threat to students or employees, a “Crime Alert” will be issued. A “Crime Alert” will be distributed via a group e-mail. Crime Alerts are usually distributed for the following Clery Act classifications: major incidents of arson, aggravated assault, murder/ non-negligent manslaughter, robbery, and sex offenses, and they may also be posted for other classifications as deemed necessary. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by AMB Safety Officer. For example, if an assault occurs between two students who have a disagreement, and there may be no on-going threat to other AMB community members, then a “Crime Alert” would not be distributed. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by AMB. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community.

### **Police Departments Having Primary Jurisdiction of AMB as follows:**

**Delaware State Police (Troop #2)**

**911 or 302-834-2620**

## **Other Agencies and Emergency Facilities:**

### **Hospitals:**

A.I. DuPont Hospital for Children	302-651-4000
Christiana Care/ Christiana	302-733-1000
Christiana Care/ Union Hospital	410-398-4000
Wilmington/ Riverside Hospitals	302-733-1000
Newark Emergency Room	302-738-4300
St. Francis Hospital	302-421-4100

### **Abuse and Assault:**

Delaware State Police Victims Services Unit	1-800-VICTIM1
Domestic Violence Hotline	302-762-6110
Rape Crisis/ contact lifeline	1-800-262-9800
Violent Crime Compensation Board	302-995-8383

### **Alcohol and Drug Abuse:**

Alcoholics Anonymous	302-658-7174
Narcotics Anonymous	1-800-317-3222

### **Crime Information:**

Delaware Center for Justice	302-658-7174
Delaware Crime Stoppers	1-800-847-3333

## **MAINTENANCE OF CAMPUS FACILITY**

Facility and landscaping are maintained in a manner that minimizes hazardous conditions. Members of AMB's community are strongly encouraged to contact the School Director or Campus Safety Officer to report malfunctioning lights, malfunctioning equipment, and other unsafe physical conditions.

## **Confidential Reporting Procedures**

If you are the victim of a crime and do not want to pursue action through AMB or the criminal justice system, you may still want to consider making a confidential report. With your permission an employee can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep a matter confidential, while taking steps to ensure your safety and the safety of others. With such information, AMB can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics.

## **DISCLOSURE OF RESULTS OF DISCIPLINARY PROCEEDINGS**

AMB will upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the school against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased, as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **SEX OFFENDER REGISTRY**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, AMB is providing a link to the Delaware Sex Offender Central Registry. This act requires s of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In Delaware, information regarding registered sex offenders is maintained by the Delaware Department of Safety and Homeland Security, Division of State Police. The Delaware State Police have created the Sex Offender Central Registry. The Sex

Offender Central Registry may be accessed by the internet at:

**<https://sexoffender.dsp.delaware.gov/>**. Sex offenders from out of state are required to register with the Delaware State Police within three (3) business days of establishing permanent or temporary residence within the State of Delaware. All registrants must provide an address and place of employment and/or study.

## **EMERGENCY EVACUATION PROCEDURES**

Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting the facility for a short-term building evacuation. Evacuation drills will be useful as a means to educate and train occupants on fire safety. Students receive information about evacuation and shelter-in-place procedures during orientation. Faculty and staff members are trained in these procedures as well.

### **Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”**

If an incident occurs and the building or area around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to greater danger. Thus, to “shelter-in-place” means to make a shelter of the school until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If you are inside, stay where you are. If you are outdoors and still on the grounds of the school proceed inside to a safe location. The safest location is an interior room without windows. At AMB, the only location without windows is the clinic area for the Aesthetics Program located across from the Office of the School Director, George Nastase. Shut and lock the door. Turn your cell phone to silent mode. Make a list of the people with you and ask someone, if possible to call the list into State Police Barracks - Troop 2 at 911 or 302-834-2620. Make yourself comfortable.

### **Fire Safety Information**

If a fire occurs in the building, students, faculty, and staff should immediately contact 911. Fire extinguishers are located throughout the building. Do not exercise any heroics. Immediately evacuate the building. Smoking is not permitted in the building.

## **Crime Prevention and Security Awareness Programs**

Campus security measures are discussed during New Student Orientation on the first day of classes. The following information is typically provided to students and employees during orientation: crime prevention tips, statistics on campus, threats facing school communities across the nation, and information on campus security procedures and practices. This includes encouraging students and employees to be responsible for their security and the security of others by promptly reporting crimes and suspicious activities to the School Director or Campus Security Officer.

Any member of the staff, faculty, student, or member of the surrounding communities may meet with the School Director or Campus Security Officer to discuss crime on campus or issues related to campus and community safety.

## **Pastoral and Professional Counselor**

Due to the small size of AMB no Pastoral or Professional Counselor are employed or on the premises.

## **Security and Access of Campus Facilities**

Either the school director or the Student Services Administrator will open the school. An Evening Instructor or the School Director will close the school. Normal business school hours are 8:30am to 10:30 pm Monday through Thursday. During normal business hours the school is open to students, parents, employees, guests, and clinic patrons. During non-business school hours access to the school is by key only.

## **Victim Assistance Services**

When an AMB staff, student or faculty member becomes a victim of a crime the law enforcement agency of jurisdiction (State Police Troop 2) will be notified. When a report is taken by a member of a Delaware law enforcement agency, victim assistance information will be provided to the victim. A list of counseling service resources is also provided in the AMB Student Handbook and is provided as Appendix A of this report.

## **Responsibilities of the AMB Community**

Members of the AMB community must assume responsibility for their own personal safety and the security of their personal property. The following tips provide some general guidance for staff, students, and faculty.

- Report all suspicious activity to the School Director or Campus Security Officer or dial 911.
- Never take personal safety for granted.... Stay off your cell phone while out and about to avoid distraction.
- Try to avoid walking alone at night.
- Carry only small amounts of cash.
- Never leave valuables (laptop computers, purses, cell phones, etc.) unattended.
- Lock vehicles or motorcycles. Lock car doors and close windows when leaving your car.
- Don't leave valuables in your vehicle, especially if they can be easily noticed.

## **Alcohol and Drug Policies**

AMB is committed to providing a wholesome, drug-free environment conducive to learning. In accordance with the Drug-Free Workplace Act of 1988, AMB prohibits the manufacture, distribution, sale, dispensation, possession or use of a controlled substance on its campus.

Any student, faculty, or staff convicted of violating a criminal drug law while on AMB property must follow procedures and requirements outlined in the faculty and student handbook. AMB prohibits unlawful possession, use, and sale of alcoholic beverages as well as the abuse of alcohol on its campus. Surrounding law enforcement agencies enforce all liquor laws, including underage drinking violations and all federal and state drug laws.

While disciplinary guidelines are necessary to protect the welfare of the AMB community, it is the expectation of the School Director that AMB's disciplinary role will be secondary to prevention, awareness, and, where applicable, treatment. AMB intends to assist its students in understanding the health, social, legal, and family-related risks associated with the use of illicit drugs and/or abuse of alcohol. Among these are damage to the brain and other organs, addiction, loss of employment, family dysfunction, incarceration, overdose, and death.

\*Legal sanctions under local, state, and federal law for unlawful possession, use, or distribution of illicit drugs and alcohol include imprisonment, fine, and possible loss of driving privileges. A listing of penalties for specific offenses can be found in the Delaware Code Annotated, title 4 and title 16 available on the following websites: <http://delcode.delaware.gov/title4/c009/index.shtml> for alcohol or <http://delcode.delaware.gov/title16/c047/sc04/index.shtml> for illicit drugs.

## **Allegations of Criminal Conduct**

Any student arrested on a felony, misdemeanor, or DUI offense must report it to the School Director or Campus Security Officer within 72 hours of arrest or being charged. Students are required to report these matters, irrespective of whether the charges arose from alleged misconduct on or off campus. Any of these offenses could hamper the student's ability to obtain a professional license after graduation. The School Director shall determine whether to suspend or otherwise limit the student's attendance and/or participation in classes.

## **Emergency Medical Response Procedures**

Staff, student, faculty members and visitors shall immediately report all emergencies by dialing 911 from either the AMB telephone or their personal cell phone.

## **Firearms and Weapons Policies**

AMB is committed to maintaining a safe and secure environment that supports the academic mission of AMB. According to the Student Code of Conduct, students, faculty, and staff, as well as visitors to AMB are prohibited from possessing firearms, explosives, weapons, or any item that may be construed as such, on the premises of AMB.

DELAWARE ACTIVE LAW ENFORCEMENT EXCEPTION: Active Delaware law enforcement officers are permitted to carry a firearm while attending class or while participating in or attending AMB sponsored events. This exception applies to officers in uniform or wearing plain clothes. Officers wearing plain clothes should, as much as possible, conceal the weapon, display a badge by the firearm, and produce a valid agency identification upon request. This exception does not extend to law enforcement officers outside the State of Delaware, persons possessing a valid license to carry a concealed deadly weapon, persons possessing a federal firearms permit, or those employed by federal law enforcement authority.

Additionally, the Firearms and Weapons Policy states that anyone found violating AMB's policies may be subject to the disciplinary policies and procedures applicable to students, faculty, or staff and/or criminal prosecution by the appropriate jurisdiction.

## **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Violence Against Women Reauthorization Act of 2013**

AMB does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are forms of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, whether sexually based or not, and include dating violence, domestic violence, and stalking. As a result, AMB issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct and procedures that address sexual assault domestic violence, dating violence, and stalking whether the incident occurs on or off campus and when it is reported to an AMB official. In this context, AMB prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the AMB community.

Sexual misconduct, as described in the policy, is a form of sexual harassment, which is a form of discrimination and is prohibited by Title IX of the Education Amendments of 1972. Domestic Violence, dating violence, and stalking are also prohibited conduct and defined as crimes by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

To report any form of sexual misconduct, contact AMB's Title IX Coordinator – Gheorghe Nastase in person or in writing by contacting him at his email [georgenastase@amb.edu](mailto:georgenastase@amb.edu) or by calling him at AMB **302-392-6768** or his **cell 302-540-1455**.

### **Definitions**

There are numerous terms used by AMB in this document and in our policy and procedures. The U. S. Department of Education requires AMB to provide numerous definitions to the reader. Because a complainant may choose to utilize the procedures within AMB's policy; may choose to file a complaint directly with the Department of Education; and/or may wish to file criminal charges with law enforcement for an act of sexual misconduct, AMB is providing definitions from multiple sources.

## **Definitions as defined by the United States Department of Education:**

### ***Sexual Assault***

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.

### ***Rape***

is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### ***Fondling***

is defined as 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.

### ***Incest***

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

### ***Statutory Rape***

is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

### ***Domestic Violence***

The term “domestic violence” means 1) Felony or misdemeanor crimes of violence committed—

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident

meeting this definition is considered a crime for the purposes of Clery Act reporting.

### ***Dating Violence***

The term "dating violence" means violence committed by a person

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### ***Stalking***

The term "stalking" means 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (i) fear for the person's safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
- (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action,

method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **Definitions as defined by State Criminal Law for Campuses in the State of Delaware**

### ***Consent***

is not defined in Delaware criminal statutes, however, "without consent" is defined.

- (j) "Without consent" means:
  - (1) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or
  - (2) The defendant knew that the victim was unconscious, asleep, or otherwise unaware that a sexual act was being performed; or
  - (3) The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or

- (4) Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, "health professional" includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or
- (5) The defendant had substantially impaired the victim's power to appraise or control the victim's own conduct by administering or employing without the other person's knowledge or against the other person's will, drugs, intoxicants or other means for the purpose of preventing resistance.
- (k) A child who has not yet reached that child's sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.

### ***Sexual Assault & Related Offenses***

§ 601 Offensive touching; unclassified misdemeanor; class A misdemeanor.

- (a) A person is guilty of offensive touching when the person:
  - (1) Intentionally touches another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or
  - (2) Intentionally strikes another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

§ 763 Sexual harassment; unclassified misdemeanor. A person is guilty of sexual harassment when:

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

§ 764 Indecent exposure in the second degree; unclassified misdemeanor.

- (a) A male is guilty of indecent exposure in the second degree if he exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person.
- (b) A female is guilty of indecent exposure in the second degree if she exposes her genitals, breast or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

§ 765 Indecent exposure in the first degree; class A misdemeanor.

- (a) A male is guilty of indecent exposure in the first degree if he exposes his genitals or buttocks to a person who is less than 16 years of age under circumstances in which he knows his conduct is likely to cause affront or alarm.
- (b) A female is guilty of indecent exposure in the first degree if she exposes her genitals, breast or buttocks to a person who is less than 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm.

§ 767 Unlawful sexual contact in the third degree; class A misdemeanor.

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

§ 768 Unlawful sexual contact in the second degree; class F felony.

A person is guilty of unlawful sexual contact in the second degree when the person intentionally has sexual contact with another person who is less than 18 years of age or causes the victim to have sexual contact with the person or a third person.

§ 769 Unlawful sexual contact in the first degree; class D felony.

- (a) A person is guilty of unlawful sexual contact in the first degree when:

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

§ 770 Rape in the fourth degree; class C felony.

- (a) A person is guilty of rape in the fourth degree when the person:
  - (1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's sixteenth birthday (AKA Statutory Rape); or
  - (2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or
  - (3) Intentionally engages in sexual penetration with another person under any of the following circumstances:
    - a. The sexual penetration occurs without the victim's consent; or
    - b. The victim has not reached that victim's sixteenth birthday.
- (4) [Repealed.]
- (b) Paragraph (a)(3) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.

§ 771 Rape in the third degree; class B felony.

- (a) A person is guilty of rape in the third degree when the person:

- (1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim's sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim's fourteenth birthday and the person has reached that person's nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or
- (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
  - a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or
  - b. The victim has not reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.
- (3) [Repealed.]
- (b) Paragraph (a)(2) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment, or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.
- (c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian or guardians, the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.
- (d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

§ 772 Rape in the second degree; class B felony.

- (a) A person is guilty of rape in the second degree when the person:
  - (1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or

- (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
- a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
  - b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:
    1. Any felony; or
    2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or
  - c. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
  - d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
  - e. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
  - f. The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or
  - g. The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.
  - h. [Repealed.]

- (b) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.
- (c) Notwithstanding any provision of this title to the contrary, the minimum sentence for a person convicted of rape in the second degree in violation of this section shall be 10 years at Level V.

§ 773 Rape in the first degree; class A felony.

- (a) A person is guilty of rape in the first degree when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist:
  - (1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or
  - (2) The sexual intercourse occurs without the victim's consent and it was facilitated by or occurred during the course of the commission or attempted commission of:
    - a. Any felony; or
    - b. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree; or
  - (3) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
  - (4) The sexual intercourse occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or
  - (5) The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.
  - (6) [Repealed.]

- (b) Nothing contained in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.
- (c) Notwithstanding any law to the contrary, a person convicted of rape in the first degree shall be sentenced to life imprisonment without benefit of probation, parole, or any other reduction if:
  - (1) The victim had not yet reached that victim's sixteenth birthday at the time of the offense and the person inflicts serious physical injury on the victim; or
  - (2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates, or permanently disables a member or organ of the victim's body; or
  - (3) The person is convicted of rape against 3 or more separate victims; or
  - (4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state, or the United States.

§ 774 Sexual extortion; class E felony.

A person is guilty of sexual extortion when the person intentionally compels or induces another person to engage in any sexual act involving contact, penetration or intercourse with the person or another or others by means of instilling in the victim a fear that, if such sexual act is not performed, the defendant or another will:

- (1) Cause physical injury to anyone;
- (2) Cause damage to property;
- (3) Engage in other conduct constituting a crime;
- (4) Accuse anyone of a crime or cause criminal charges to be instituted against anyone;
- (5) Expose a secret or publicize an asserted fact, whether true or false, intending to subject anyone to hatred, contempt or ridicule;
- (6) Falsely testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (7) Perform any other act which is calculated to harm another person materially with respect to the other person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.

### ***Dating Violence***

Delaware has no separate statute for dating violence, but a definition for “teen dating violence: Delaware Criminal Code defines Dating Violence in the School Teen Dating Violence and Sexual Assault Act, Title14, Section 4112E(a)(2) as:

“Teen dating violence”. — As used in this section, “teen dating violence” means assaultive, threatening or controlling behavior, including stalking as defined in § 1312 of Title 11, that 1 person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

### ***Domestic Violence Related Offenses***

§ 1271A Criminal contempt of a domestic violence protective order; class A misdemeanor; class F felony.

- (a) A person is guilty of criminal contempt of a domestic violence protective order when the person knowingly violates or fails to obey any provision of a protective order issued by the Family Court or a court of any state, territory or Indian nation in the United States, as long as such violation or failure to obey occurred in Delaware.
- (b) Criminal contempt of a domestic violence protective order is a class A misdemeanor, unless any of the elements set forth in subsection (c) of this section are met, in which case the offense shall be a class F felony.
- (c) A person is guilty of felony criminal contempt of a domestic violence protective order if:
  - (1) Such contempt resulted in physical injury; or
  - (2) Such contempt involved the use or threatened use of a deadly weapon.

§ 606 Abuse of a pregnant female in the first degree; class B felony.

- (a) A person is guilty of abuse of a pregnant female in the first degree when in the course of or in furtherance of the commission or attempted commission of assault third degree any violent felony against or upon a pregnant female, or while in immediate flight therefrom, the person intentionally and without her consent causes the unlawful termination of her pregnancy.
- (b) It is no defense to a prosecution under this section that the person was unaware that the victim was pregnant.

- (c) Prosecution under this section does not preclude prosecution under any other section of the Delaware Code. Abuse of a pregnant female in the first degree is a class B felony.

§ 607 Strangulation; penalty; affirmative defense.

- (a)(1) A person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person.

Delaware Criminal Code does not delineate Domestic Violence as a specific statute but defines such acts for the appropriate jurisdiction for prosecutorial action: 'Domestic violence' means abuse perpetrated by one member against another member of the following protected classes: Family, as that term is defined in 10

Del. C, §901(9), regardless, however, of state of residence of the parties; Former spouses, a man and a woman cohabitating together with or without a child of either or both, or a man and a woman living separate and apart with a child in common.

### ***Stalking***

§ 1311 Harassment; class A misdemeanor.

- (a) A person is guilty of harassment when, with intent to harass, annoy or alarm another person:
  - (1) That person insults, taunts or challenges another person or engages in any other course of alarming

or distressing conduct which serves no legitimate purpose and is in a manner which the person knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress;

- (2) Communicates with a person by telephone, telegraph, mail, or any other form of written or electronic communication in a manner which the person knows is likely to cause annoyance or alarm including,
  - but not limited to, intrastate telephone calls initiated by vendors for the purpose of selling goods or services;
- (3) Knowingly permits any telephone under that person's control to be used for a purpose prohibited by this section;

- (4) In the course of a telephone call that person uses obscene language or language suggesting that the recipient of the call engage with that person or another person in sexual relations of any sort, knowing that the person is thereby likely to cause annoyance or alarm to the recipient of the call; or
- (5) Makes repeated or anonymous telephone calls to another person, whether or not conversation ensues, knowing that person is thereby likely to cause annoyance or alarm.

§ 1312 Stalking; class G felony, class F felony, class C felony.

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

- (1) “Course of conduct” means 3 or more separate incidents, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about another, or interferes with, jeopardizes, damages, or disrupts another’s daily activities, property, employment, business, career, education, or medical care. A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.
- (2) “A reasonable person” means a reasonable person in the victim’s circumstances.
- (f) Notwithstanding any contrary provision of § 4205 of this title, any person who commits the crime of stalking by engaging in a course of conduct which includes any act or acts which have previously been prohibited by a then-existing court order or sentence shall receive a minimum sentence of 6 months incarceration at Level

V. The first 6 months of said period of incarceration shall not be subject to suspension.

- (g) Notwithstanding any contrary provision of § 4205 of this title, any person who is convicted of stalking within 5 years of a prior conviction of stalking shall receive a minimum sentence of 1 year incarceration at Level V. The first year of said period of incarceration shall not be subject to suspension.
- (h) In any prosecution under this law, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted; or that the perpetrator did not intend to cause the victim fear or other emotional distress.
- (i) In any prosecution under this section, it is an affirmative defense that the person charged was engaged in lawful picketing.
- (j) This section shall not apply to conduct which occurs in furtherance of legitimate activities of law- enforcement, private investigators, security officers or private detectives as those activities are defined in Chapter 13 of Title 24.

### **Procedures for Reporting a Complaint**

AMB has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the off-campus availability of counseling, health, mental health, victim advocacy, legal assistance, and other services.

Regardless of whether the victim chooses to report the crime to the local law enforcement, students and employees should contact Elsa Nastase, the Title IX Coordinator to report the incident to be included in the crime report.

To report a crime of sexual assault, domestic violence, dating violence or stalking (or any other crime) contact local police by calling 911.

Police Contact Physical Location: Delaware State Police – Troop 2  
100 Lagrange Ave,  
Newark, DE 19702  
302-834-2620

### **If you have been a victim**

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at the closest emergency room. In various states in the U.S., evidence may be collected even if you chose not to make a report to law enforcement. In the chart below, please find the contact information for the hospitals closest to each campus, as well as an indication as to whether or not the hospital offers Sexual Assault Nurse Examiner/Forensic Nurse Examiners (SANE/FNE nurse) services. SANE/FNE nurses are trained medical professionals who are sensitive and specialize in the care of crime victims. SANE/FNE nurses are able to collect forensic evidence from the bodies of victims of sexual and domestic assault. They also routinely work with law enforcement to preserve the evidence and may testify in court. If you have difficulty locating the closest hospital with evidence collecting capabilities, contact 911 and ask for help in locating a hospital with a SANE or FNE nurse. You may also contact the National Sexual Assault Hotline at **800.656.HOPE (4673)** or visit the Rape, Abuse and Incest National Network at [www.RAINN.org](http://www.RAINN.org).

State	Hospital	Address	Telephone Number	Forensic Services available for evidence collection?
<b>Delaware</b> Victims in DE may apply to DE Victim's Compensation Assistance Program for financial assistance by calling <b>302.255.1770</b>	Christiana Care	4755 Ogletown-Stanton Road, Newark, DE 19718	<b>302.623.7000</b>	Yes*** Forensic Nurse Examiners are on site, police involvement not required***
	Beebe Medical Center	424 Savannah Rd. Lewes, DE 19958	<b>302.645.3300</b>	Yes*** Forensic Nurse Examiners are on site, police involvement not required***
<b>Maryland</b>	Christiana Care - Union Hospital	106 Bow St., Elkton, MD 21921	<b>410.398.4000</b>	Yes*** Forensic Nurse Examiners are on site, police involvement not required***

**Suggestions to preserve evidence**

It is important that a victim of sexual assault not bathe, douche, smoke or use inhalants, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take prophylactic steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Security Officer or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

Although it is your decision, AMB strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The School Director or the Title IX Coordinator will assist any victim with notifying local police at the victim's request. Please refer to the information regarding the local police for the AMB campus previously noted to find the appropriate police department responsible for AMB's campus. If the crime occurred off campus, the Campus Security Officer or the Title IX Coordinator are still able to assist you and refer you to the appropriate police agency.

## **Help is Available**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you are strongly encouraged to report the incident promptly to the Title IX Coordinator by calling, writing or coming into the office to report in person as well as the local law enforcement. AMB will provide information on available resources off-campus to include: medical, health, counseling, legal assistance, and victim advocacy to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

## **AMB Response**

If a report of domestic violence, dating violence, sexual assault or stalking is reported to AMB, the below are the procedures that AMB will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

### ***Sexual Assault, Domestic Violence, Dating Violence or Stalking***

Depending on when reported (immediate vs. delayed report), will provide complainant with information to obtain access to medical care:

will assess immediate safety needs of complainant.

will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.

will provide complainant with information regarding off-campus resources, to include health, mental health, victim advocacy, and legal assistance.

will assess need to implement interim or long-term protective measures, such as change in class schedule, “No Contact” directive between both parties, and change in work location or supervisor.

will provide a “No trespass” directive to accused party if deemed appropriate and/or restrict accused party from accessing certain areas of campus if deemed necessary. will provide written instructions on how to apply for Protective Order.

will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.

will provide the rights to the complainant regarding the 's duty to investigate or otherwise determine what occurred and will determine how to proceed. Contact with the accused party will be made.

will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, what the result/outcome of the investigation yielded, and whether or not the accused party was found responsible or not responsible.

will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

## **ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, AMB will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Further, AMB complies with federal full faith and credit laws in recognizing orders of protection originating from other states in the U.S. AMB encourages any person who obtains an order of protection from Delaware (or any state within the United States) to provide a copy to the Office of the Title IX Coordinator. AMB cannot apply for a legal order of protection, no contact order or restraining order on behalf of a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services.

## **HELP IN DELAWARE: UNDERSTANDING THE PROTECTION FROM ABUSE PROCESS**

To get help, more information or to access this information directly, visit <http://courts.delaware.gov/help/pfa/>

### ***What is an Order of Protection from Abuse?***

An Order of Protection from Abuse is an order of Family Court ordering someone to stop abusing another person, and may include other relief, such as ordering the abuser to stay away from the person being abused. Abuse is defined as any threatening or harmful conduct including serious emotional harm.

### ***Who can file for Protection from Abuse?***

A member of a protected class which includes;

- A. Family as that term is defined in 10 Del. C. §9109, regardless, however, of the state of residence of the parties; or
- B. Former spouses, a man and a woman cohabitating together with or without a child of either or both, or a man and a woman living separate or apart with a child in common, and persons who are or were involved in a substantive dating relationship.

### ***What is abuse?***

Pursuant to 10 Del. C. §1041 Abuse means conduct which constitutes the following:

- A. Intentionally or recklessly causing or attempting to cause physical injury, or a sexual offense as defined in 11 Del. C. §761.
- B. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another.
- C. Intentionally or recklessly damaging, destroying or taking the tangible property of another person.
- D. Engaging in the 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 16 Del. C. Chapter 9.
- G. Unlawful imprisonment, kidnapping, interference with custody and coercion as defined in Title 11.
- H. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.

### ***What is a PFA Rule to Show Cause Hearing?***

A PFA Rule to Show Cause hearing is a review hearing before a Family Court Commissioner in which a PFA Respondent would need to show cause as to why he/she has or has not followed through with the recommendations of the DVCC certified agency. If the Respondent has followed through with the recommendations of the DVCC certified treatment, the Respondent shall provide the appropriate documentation at the PFA Rule to Show Cause Hearing. See the frequently asked questions section for more information on this topic.

### ***How does someone file for an Order of Protection from Abuse?***

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

Go to the Family Court between the hours of 8:30 am and 4:30 pm, Monday through Friday. If you believe that you are in immediate danger of abuse, you may ask for an emergency (ex parte) hearing that same day. If you will be asking the Court for an emergency (ex parte) hearing, you should go to the Family Court early in the day, but not later than 4:30 p.m.

Ask the clerk for a Protection from Abuse Petition (form #450). If you are asking for an emergency (ex parte) hearing, also ask the clerk for the Affidavit for Emergency Hearing Form. Fill in all the blanks on both forms. Give enough facts for the Court to know how you are being abused and whether you are in immediate danger. A Court staff person will ask you some questions. Be specific with your answers.

### ***What happens at an emergency ex parte hearing?***

If the Court decides to give you an emergency hearing, you will be taken before a Commissioner of the Court the same day or the next day, and the Commissioner will ask some questions. If the Commissioner decides to sign an Emergency (ex parte) Order granting you relief, you will be given a date for a full hearing which the respondent will be asked to attend. Your emergency (ex parte) order will last until the full hearing takes place.

### ***What happens on the hearing day?***

#### Consent process

On the day of the full hearing, the respondent will be asked by a Court staff person if he/she is willing to have a Consent Order entered. If the respondent is willing to have a Consent Order entered, he/she does not have to admit that there was any abuse and the Court does not decide if there was any abuse, but will enter an Order for some or all of the relief requested.

If the Respondent agrees to the relief, you and the respondent will go into the courtroom and tell the Commissioner. The Commissioner will ask you some questions to make sure you both understand the Consent Order. The signed Consent Order will be given to both of you that same day.

#### Hearing

If the Respondent does not agree to a Consent Order, the Judicial Officer will conduct a hearing. The petitioner and the respondent will each be given a chance to present their side of the story and any evidence that they may have. If witnesses are going to be called to help tell the story, the person calling the witness must ask the Court to subpoena the witness. You may also use such things as photographs and tape recordings. You are not usually allowed to use doctors' or police reports unless the doctor or police person is present.

The Judicial Officer may ask both the petitioner and the respondent questions. At the end of the hearing, the Judicial Officer will decide whether he or she believes that abuse occurred. If so, an Order of Protection will be signed and copies will be given to both the petitioner and the respondent.

### ***What do Orders of Protection usually say?***

Orders of Protection from Abuse may provide for any or all of the following relief:

- No more abuse
- No contact with the Petitioner
- Petitioner may be given exclusive use of the home or of certain possessions
- Temporary custody

- Conditions of Visitation
- Child support or support for the Petitioner
- Payment of expenses
- Surrender of firearms
- Counseling
- Any other relief that might help prevent future violence

### ***How long does an Order of Protection from Abuse usually last?***

Order of Protection generally can last up to one year and can be extended for an extra six months following another hearing. Depending on the facts of a case, the no contact and no abuse provisions can last up to two (2) years or permanently. (To request an extension, you must file a motion.)

The Order remains valid and effective even if the petitioner and respondent get back together. The Order can only be changed after another hearing.

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

### ***Victim's Rights Information for the State of Delaware***

Delaware has a Victim's Bill of Rights which entitles you to be notified of and participate in all major phases of the criminal case process. You will be notified of the progress of the case in which you are the victim.

Delaware has established a Victims Compensation Assistance Program to assist innocent victims of violent crime who suffer personal injury (bodily harm or extreme mental suffering). The Board does not compensate victims for stolen or damaged property. You may be eligible for financial assistance. If you would like an application or for more information, contact the Victims Compensation Assistance Program at **302.255.1770**.

To learn more about Victims' Rights, visit the Office of the Attorney General for Delaware at **[http://attorneygeneral.delaware.gov/criminal/victims\\_rights.shtml](http://attorneygeneral.delaware.gov/criminal/victims_rights.shtml)**

## **AMB Response**

AMB may issue an al no contact order if deemed appropriate or at the request of the victim or accused. Upon the victim's request and to the extent of the victim's cooperation and consent, AMB through the Title IX Coordinator will work cooperatively to assist the victim with their health, physical safety, work, and academic status, pending the outcome of an investigation of the complaint. For example, if reasonably available, a complainant may be offered a change to academic or working situation regardless of whether the victim chooses to report the crime to local law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of the program (day to evening or vice versa), take a leave of absence and continue the program with the next cohort or withdraw and take a class at another time if moving to a different section is not a viable option. To the extent possible, AMB will also provide assistance with obtaining information about receiving services such as counseling, health services and assistance in notifying appropriate local law enforcement.

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, this will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the to provide the accommodations or protective measures.

AMB does not publish the name of crime victims nor house identifiable information regarding victims in general files or online. Victims may request that directory information on file be removed from public sources by request by contacting the Title IX Coordinator.

## **RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

None of the following services are available to students on the AMB campus: counseling, health, mental health, victim advocacy, or legal assistance. Outside referral information is available.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

**National Advocacy Resources:**

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> – Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> – Department of Education, Office of Civil Rights

**Delaware:**

24 Hour Domestic Violence Hotlines Child Inc.'s Domestic Violence Program New Castle County

**302.762.6110**

***Information/Referrals***

Delaware Coalition Against Domestic Violence

New Castle County

Kent & Sussex Counties

**302.658.2958 • 800.701.0456**

Domestic Violence Coordinating Council

New Castle County

Kent & Sussex Counties

**302.255.0405 • 302.424.7238**

***Shelter, Counseling, Support & Victim Advocacy Services***

New Castle County

Child, Inc.

**302.762.6110**

Emergency shelter & transitional services, housing assistance, educational services, bilingual services, court advocacy.

Domestic Violence Treatment Program

**302.762.8989**

Victim counseling and support groups, treatment services for chemically dependent women, Helping Children Heal Program (individual, group & family counseling for children who have witnessed domestic violence).

YWCA Delaware

**302.658.7110 ext. 204**

Victim support groups, case management, safety planning, counseling, referrals, educational outreach presentations on domestic violence, transitional housing.

Latin American Community Center

**302.655.7338**

Victim support groups, bilingual services, support services.

Delaware Center for Justice Elderly Victims Advocate Program

**302.658.7174 ext. 12**

Intensive case management, long-term support, transportation for court and related appointments for victims 50+ who live in residences owned and operated by the Wilmington Housing Authority.

## **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list <sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford Institution's Office of Sexual Assault & Relationship Abuse

- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### ***Risk Reduction***

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (obtained from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation. Try to avoid isolated areas. It is more difficult to get help if no one is around. Walk with purpose. Even if you don't know where you are going, act like you do.

Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

Make sure your cell phone is with you and charged and that you have cab money. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.

Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **SEXUAL MISCONDUCT, DISCRIMINATION, AND HARASSMENT POLICY**

AMB is committed to creating and maintaining a learning and working environment where all persons who participate in its programs and activities can work and learn together in an atmosphere free from all forms of harassment, exploitation, bias,

prejudice, or intimidation. AMB condemns and prohibits discrimination based on sex or gender, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, sexual misconduct and any harassment based on an individual's race, color, religion, sex, disability, national origin, veteran's status, age, marital status, or other legally protected characteristic whether committed by managers, faculty, administrators, staff, students, clinic clients, or by vendors. Furthermore, AMB does not discriminate on the basis of sex in any educational, employment, or extracurricular activity.

Any such harassment or discrimination activity committed by a member of AMB's community may subject the individual to AMB discipline and/or sanctions as well as civil and/or criminal penalties. No amnesty will be granted under this policy. Persons who have complaints alleging violation(s) of this policy may file their complaints with the Title IX Coordinator.

This policy covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where AMB has control over the perpetrator or the context of the harassment. Sexual misconduct, as described in this policy, is a form of sexual harassment, which is a form of discrimination and is prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991. Domestic Violence, dating violence and stalking are also prohibited conduct as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, amended by the Violence Against Women Reauthorization Act of 2013.

The Title IX Coordinator is the chief administrator tasked with oversight of this policy and subsequent resolution procedures. The role of the Title IX Coordinator is the intake of complaints; advice to persons complaining on whether their complaint falls under the auspices of this policy or another; assignment of complaints to the investigator; the determination of responsibility of a complaint; the delivery of interim protective measures; the delivery of sanctions to an individual or remedies to the complainant or larger school community to prevent sexual harassment and remedy its effects; and the administrator serves as the point of contact to the United States Department of Education in terms of compliance with Title IX of the Education Amendments of 1972.

### ***Filing of Complaint***

Persons who have complaints alleging sex/gender discrimination, sexual orientation discrimination, discrimination based on gender identity or gender expression, sexual harassment, sexual assault/misconduct may file their complaints in writing with the Title

IX Coordinator. If the complaining party does not wish to put their complaint in writing, then the Title IX Coordinator (Gheorghe N Nastase, georgenastase@amb.edu; Office: 302.392.6768, Cell: 302.540.1455, Fax: 302.392.6770), his/her designee or the School Director shall take the verbal complaint from the party and reduce said complaint into a written document. The written document shall then be shared with the complaining party to ensure it was captured accurately. A Complaint filed under this Title IX procedure may normally not be filed under any other AMB Complaint procedure. Depending on the nature of the issues involved, the Title IX Coordinator, or his/her designee, will advise the complainant about the appropriate procedure(s) to follow (e.g. applicable disciplinary policies and procedures). Parties to the complaint, including the respondent and/or the complainant may obtain the advice of any advisor/attorney at his/her own expense.

The investigation, remedial action and appeal processes are strictly internal to AMB. The Title IX Coordinator may modify these procedures at any time as deemed appropriate for compliance with federal, state, local law or applicable guidance.

### ***Timing of Complaint***

Generally, to aid in a proper investigation, complaints should be filed within 365 calendar days of the act of alleged sexual discrimination, harassment, or misconduct to facilitate the ability to gather facts and evidence. However, complaints which exceed this time frame will be reviewed as well. Individuals are counseled that claims filed after lengthy lapses in time may be more difficult to investigate. The Title IX Coordinator may reasonably extend this and all other time periods, and may, in his or her discretion, dismiss a Complaint if the person is not entitled to use this procedure. Nothing herein should be construed to extend or restrict a person's right to file reports, charges, lawsuits or claims with any other agency, law enforcement, or court, and individuals are encouraged to ensure their rights have not expired through these other avenues. Further, to the extent the complainant's allegations involve criminal activity perpetrated against a person under the age of 18 (minor), the Title IX Coordinator may refer such matters to local law enforcement. While AMB encourages parties to report crime to law enforcement agencies, cases are not, however, automatically referred to law enforcement without the consent of the complaining party. Under the 2013 Reauthorization of the Violence Against Women Act, victims have the right to decline involvement by police.

### ***Withdrawal of Complaint***

The complainant may withdraw the complaint at any point during the investigation; however, the Title IX Coordinator may determine in his or her discretion that the issues

raised warrant further investigation despite the complainant's desire to withdraw the complaint.

### ***Intentionally False Reports***

Individuals who make reports that are later found to have been intentionally false or made up maliciously without regard for truth may be subject to disciplinary action up to and including termination or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

### ***Free Speech and Academic Freedom***

Members of the AMB community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the AMB community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

### ***Adjudication of Violations***

No matter whether you work or attend classes on the AMB Campus, or whether or not criminal charges are filed, AMB<sup>3</sup> or a person may file a complaint under the Sexual Misconduct, Harassment and Discrimination Policy alleging that a student or employee violated AMB's policy.

3 Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the institution may assume the role of the complainant.

If you are:	Name of applicable policy:	The Major Steps in your Policy are:	The anticipated timelines are:	The decision making process includes:	Resolution options and how AMB decides which process to use:
Student, Faculty Member or Staff Member	Sexual Misconduct, Harassment and Discrimination Policy	<ol style="list-style-type: none"> <li>1. Report an incident of sexual assault, dating violence, domestic violence or stalking to the Title IX Coordinator.</li> <li>2. AMB will assess the information provided and meet with the complainant. The complainant will be provided with a written explanation of their rights and resources and a copy of the policy.</li> <li>3. The Title IX Coordinator will determine if any interim measures need to be employed and work with the complainant to implement.</li> <li>4. The Title IX Coordinator will assign the case for investigation and that investigation, under normal circumstances, does not exceed 60 days.</li> <li>5. If the investigation yielded it was more likely than not that misconduct occurred, the Title IX will render a decision regarding responsibility.</li> <li>6. Sanctions will be issued. Both parties have the right to appeal on specific grounds. Both parties are notified simultaneously and in writing of the outcome of the decision as well as the applicable sanctions.</li> <li>7. Permanent protective measures are deployed if deemed appropriate.</li> </ol>	<p>From intake of the complaint to a decision, cases of sexual misconduct are usually completed within 60 days. AMB reserves the right to exceed 60 days for the purpose of conducting a thorough investigation but if it appears the timeframe will exceed 60 days, both the complainant and respondent will be notified of the delay, the reason for the delay and the approximate timeframe AMB anticipates concluding the investigation.</p>	<p>AMB uses the preponderance of the evidence standard in cases of sexual assault, domestic violence, dating violence and stalking, which means that AMB will determine, based on the facts gathered, whether it is more likely than not that misconduct occurred.</p>	<p>AMB will utilize the Sexual Misconduct, Harassment and Discrimination Policy to resolve complaints of sexual misconduct and sex-based discrimination</p> <p>If a complainant alleges sex-based discrimination and discrimination based on another protected category, AMB may use two or more policies to resolve the complaint.</p>

Reports of all domestic violence, dating violence, sexual assault and stalking made to anyone on the AMB staff or faculty will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

AMB disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation, and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report; however, the proceeding's timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. The Sexual Misconduct, Harassment and Discrimination Policy provides that:

1. The accuser and the accused student each have the opportunity to attend a hearing that protects the safety of victims;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
4. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. The institution provides the accuser and accused the same opportunities to have others present during an al disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
6. A student conduct decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused student violated AMB's Student Conduct Code?"
7. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
8. The accuser and the accused each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

AMB strictly prohibits retaliation and will swiftly respond to complaints of such acts. If you are a complainant or a witness and have experienced direct or implied threats, physical harm, property damage or some other form of conduct from the respondent or his or her friends, family, or others that you felt was intimidating as a result of reporting sex-based discrimination to AMB, notify the Title IX Coordinator immediately.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, AMB's ability to respond to the complaint may be limited.

## **CONFIDENTIAL HELP VERSUS PRIVATE REPORTING**

Individuals wishing to make legally confidential reports have the option of reporting those matters to licensed counselors, health professionals, clergy and attorneys to the extent the complainant engages them in such private capacity.

Although AMB officials will maintain an individual's privacy to the best of his or her ability, individuals should know that AMB's officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy as noted herein.

AMB's ability to investigate may be limited if a complainant insists his or her name not be disclosed to the alleged perpetrator. AMB must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action.

Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are AMB employees, failure to maintain said privacy may result in appropriate disciplinary action up to and including termination. Furthermore, federal law prohibits retaliation against those who file complaints, and AMB will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

Except with respect to hearings before the Title IX Appeals Board or an applicable student disciplinary procedure, all records involving discrimination or harassment, upon disposition of a complaint, shall be transmitted to and maintained by Campus Security Officer as confidential records except to the extent disclosure is permissible or required by applicable law or by AMB Policy. It should be noted that under the Family Educational Rights to Privacy Act and the Clery Act that final disciplinary actions as well as the rationale and sanctions shall be reported to the complainant as well as reported in accordance with the Clery Act reporting requirements, where appropriate, to the

extent the sanctions directly relate to the complainant. AMB shall inform complainants if it is unable to ensure privacy.

### **WHO MAY UTILIZE THIS PROCEDURE (STUDENTS, STAFF, AND FACULTY**

Complaints concerning sexual harassment, sex/gender discrimination, sexual assault/misconduct or violations of the Consensual Sexual Relationship Policy (see below) should be filed with the Title IX Coordinator, his/her designee and/or the School Director. This procedure is available to any person who is alleging that the accused party, at the time of the acts complained of, was employed by AMB or was enrolled as a student.

Reports of sexual harassment to include sexual violence should be reported to AMB's Safety Officer or Title IX Coordinator and/or the School Director:

Elsa H Nastase, Safety Officer

Email: [elsanastase@amb.edu](mailto:elsanastase@amb.edu)

Phone: 302.392.6768

Cell: 302.540.3086

Fax: 302.392.6770

**Or**

Gheorghe N Nastase, School Director, Title IX Coordinator

Email: [georgenastase@amb.edu](mailto:georgenastase@amb.edu)

Phone: 302.392.6768

Cell: 302.540.1455

Fax: 302.392.6770

### **DEFINITIONS**

Federal law, under Title IX, requires that the Institution explain the legal definitions of crime under Delaware state law as well as school policy. Consequently, while we do not adjudicate criminal offenses on campus, this policy will provide both the state criminal language where applicable as well as the definitions used by the Institution which would constitute a violation of school policy. The state criminal definitions are helpful should parties choose to pursue criminal complaints as well as administrative action under this policy.

Offenses prohibited under the Institution's policy include, but are not limited to sexual harassment, sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), sexual coercion, domestic/dating violence, stalking, intimidation, and sexual exploitation, and any attempts to commit the same.

**Sex Discrimination:** includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or all benefits, on account of sex or gender (including sexual orientation, gender identity, gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex- stereotyping, even if those acts do not involve conduct of a sexual nature.

**Pregnancy Discrimination:** AMB prohibits discrimination on the basis of pregnancy, childbirth, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy. Employees with questions regarding accommodations during pregnancy are encouraged to contact the Human Resources Department. Students and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Title IX Coordinator for complaints arising under this policy.

**Sexual Harassment:** Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome, and discriminatory conduct whether physical, verbal, psychological, or any other means, undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively, and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, or employment access, benefits, activities, or opportunities. This includes but is not limited to slurs, jokes or degrading comments concerning an individual's race, color, religion, sex, disability, national origin, veteran's status or membership in other protected groups; repeated offensive flirtation, advances, or propositions; continual or repeated abuse of a sexual nature; graphic or verbal comments about an individual's body; and the displaying in the workplace of sexually suggestive objects or pictures. Students, employees, and visitors who are subject to or who witnesses unwelcome conduct of a sexual nature are encouraged to report the incident(s).

**Hostile Environment Sexual Harassment:** Is when a person is subject to unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature to such an extent that it alters the conditions of a person's employment and creates an abusive working environment. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;

- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes.

***Quid Pro Quo Sexual Harassment:*** Exists when individuals in positions of authority over the complainant;

- make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- indicate explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or al activity or benefit is conditioned upon the complainant's submission to such activity.
- a job applicant may also be subject to this kind of harassment if the hiring decision was based on the acceptance or rejection of sexual advances.

***Examples of Harassment:*** Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

However, the following are examples of harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he/she created, even when asked to stop, causing one recipient to go out of their way to avoid the sender.
- Explicit sexual pictures are displayed on an exterior door, or on a computer monitor in a public place.
- Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance within earshot of staff, students and/or faculty.
- An instructor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. The instructor probes for explicit details, and demands that students respond, though they are clearly uncomfortable and hesitant.

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend, to his clear discomfort, making him a social pariah on campus.

**Retaliation** is any attempt to penalize or take an adverse employment, educational or al benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.

**Sexual Violence** means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual misconduct and sexual coercion.

**Non-Consensual Sexual Intercourse** is defined as any sexual intercourse or penetration of the anal, oral, or vaginal opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

**Non-Consensual Sexual Contact** is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.

Sexual Coercion is the act of using pressure (including physical, verbal, emotional or psychological pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

1. Non-consensual video or audio-taping of any form of sexual activity;

2. Going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch you having consensual sex without your partner's knowledge or consent);
3. Sexually based stalking or bullying;
4. Engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;
5. Knowingly transmitting a sexually transmitted disease or illness to another;
6. Exposing one's genitals in a non-consensual circumstance, or inducing another to expose his or her genitals;
7. Prostituting another person;
8. Other forms of invasion of sexual privacy.

**Other Misconduct** other forms of misconduct based on one's gender also constitute violations of this policy including: threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

1. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
2. Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
3. Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Institution community, when related to the admission, initiation, pledging, joining or other group-affiliation activity.
4. Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);
5. Violence, including assault, battery or other physical abuse between those in an intimate or dating or romantic relationship with each other.

**Dating violence** is violence between individuals in the following circumstances:

- The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on a consideration of the following factors:
  1. Length of the relationship
  2. Type of relationship
  3. Frequency of interaction between the persons involved in the relationship

**Domestic Violence** under Institution policy means violence committed by a:

- Current or former spouse of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under Delaware domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under Delaware domestic or family violence laws

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

**Consent** is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".

1. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
2. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
3. Previous relationships or consent does not imply consent to future sexual acts.
4. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
5. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation.

Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction). Incapacity may result from

a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli [and] exhibit incapacity in different ways. Note, that indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- (a) the amount of alcohol, medication or drugs consumed, or
- (b) imbalance or stumbling, or
- (c) slurred speech, or
- (d) lack of consciousness or inability to control bodily functions or movements, or
- (e) vomiting.

## **CONSENSUAL SEXUAL RELATIONSHIP POLICY**

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, amorous, dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between: i) co-workers, ii) a faculty, staff, student or community member or iii) any person for whom an employee has a professional or academic responsibility. These dangers can include:

- That a student or employee may feel coerced into an unwanted relationship because he or she fears the refusal to enter into the relationship will adversely affect his or her education or employment;
- That conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions about a person with whom he or she is having a romantic relationship;
- That students or employees may perceive that a fellow student or co-worker involved in a romantic relationship will receive an unfair advantage, or
- That if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party. Faculty, supervisors and other members of the Institution community who are professionally responsible for other individuals, must remain aware that any romantic or sexual involvement with a student or employee for whom they have any academic or professional

responsibility will raise questions about their integrity, the mutuality of the relationship and may lead to charges of sexual harassment.

For the reasons stated above, such relationships are not permitted.

## **VIOLATIONS OF SEXUAL MISCONDUCT (TITLE IX): ONE POLICY**

No matter whether you work or attend classes, or whether or not criminal charges are filed, AMB or a person may file a complaint under the Sexual Misconduct, Harassment and Discrimination Policy alleging that a student or employee violated the Institution's policy.

All reports of all domestic violence, dating violence, sexual assault and stalking made to Department of Institution Safety will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges. The disciplinary process for Title IX violations follow a separate and distinct, but similar process than do all other alleged conduct violations. Annually, Title IX investigators and disciplinary board members receive training specifically focused on sexual assault, domestic violence, dating violence, and stalking investigations.

### ***Sanctions and Protective Measures***

In all cases, investigations that result in a finding of more likely than not that a violation of the Sexual Misconduct, Harassment and/or Discrimination Policy occurred will lead to the initiation of disciplinary procedures against the accused individual. Institution sanctions including, but not limited to:

- Letter of warning,
- Disciplinary probation contract,
- Referral to law enforcement authorities,
- Disciplinary hearing,
- Suspension from the Institution with specified conditions for return, and
- Disciplinary hearing/Expulsion from the Institution;

may be imposed upon those determined to have violated this policy.

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and permanent protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible at the reporting stage or at the conclusion of the finding. Examples of interim or permanent protective measures include, but are not limited to: an Institution order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. <sup>4</sup>Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the Institution.

The Institution will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### ***Sex Offender Registration***

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each of higher education in that State at which the person resides, is employed, carries on a vocation, volunteers services, or is a student.

4 Applicable law requires that, when taking such steps to separate the complainant and the accused, the Institution must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

In Delaware, convicted sex offenders must register within 3 days if they move to, gain employment, or attend school in the State of Delaware, with the State Bureau of Identification at:

***Kent County*** (no appointment needed)

The office is located at 655 South Bay Road, Suite 1B, Dover, DE 19901, in the Blue Hen Corporate Center. Enter the road between Kent County Levy Court and Firestone, then follow the fingerprint signs.

Hours of operation are:

- Mondays, 8:30 a.m. to 6:30 p.m.
- Tuesday through Friday, 8:30 a.m. to 3:30 p.m.

***Sussex County*** (by appointment only)

The office is located at Delaware State Police Troop 4, in Georgetown, on the corner of Shortly Road and Route 113, across from Motor Vehicle Department.

Hours of operation are:

- Every other Wednesday, from Noon to 6:30 p.m.
- To schedule an appointment call 302.739.2528, or toll free in DE at 1.800.464.4357
- CASH IS NOT ACCEPTED at this location.

***New Castle County*** (by appointment only)

The office is located at Delaware State Police Troop 2, on Route 40, in Bear, just west of the Fox Run Shopping Center, between routes 72 and 896.

Hours of operation are:

- Mon, Wed, Thurs, and Fri, 8:30 a.m. to 3:15 p.m.
- Tuesday, 11:30 a.m. to 6:15 p.m.
- To schedule an appointment call 302.739.2528, or toll free in DE at 1.800.464.4357

You can link to this information, which appears at:

**[http://dsp.delaware.gov/State\\_Bureau\\_of\\_Identification.shtml](http://dsp.delaware.gov/State_Bureau_of_Identification.shtml)**

## **HATE CRIME DEFINITIONS**

**United States** Department of Justice defines Hate Crime as:

Hate crime is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religious, sexual orientation, or disability. The purveyors of hate use explosives, arson, weapons, vandalism, physical

violence, and verbal threats of violence to instill fear in their victims, leaving them vulnerable to more attacks and feeling alienated, helpless, suspicious and fearful. Others may become frustrated and angry if they believe the local government and other groups in the community will not protect them. When perpetrators of hate are not prosecuted as criminals and their acts not publicly condemned, their crimes can weaken even those communities with the healthiest race relations.

(Obtained from: <http://www.justice.gov/crs/hate-crime>)

**Delaware** Criminal Code – Title 11

§ 1304 Hate crimes; class A misdemeanor, class G felony, class F felony, class E felony, class D felony, class C felony, class B felony, class A felony.

- (a) Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally:
  - (1) Commits said crime for the purpose of interfering with the victim’s free exercise or enjoyment of any right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights; or
  - (2) Selects the victim because of the victim’s race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this section, the term “sexual orientation” means heterosexuality, bisexuality, or homosexuality, and the term “gender identity” means a gender- related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

## APPENDICES

### APPENDIX A—COUNSELING AND EMOTIONAL SUPPORT SERVICES

#### Delaware Crisis Service Locations

##### **Northern Delaware:**

##### Crisis Intervention Services, Northern Delaware

Location & Hours: Herman Holloway Health Campus, 1901 N. DuPont Hwy., Springer Building, New Castle, DE 19720; Staffed 24 hours a day, 7 days a week

Phone: **302.577.2484 or 800.652.2929**

Serves all of New Castle County and greater Smyrna in Northern Kent County. Provides phone support, mobile outreach and walk-in crisis services.

##### CAPES Unit - Wilmington Hospital Emergency Department

Location & Hours: 501 W 14th St, Wilmington, DE 19801; 24 hours/day, everyday

Phone: **302.428.2118**

##### Wilmington Mental Health Center

Location & Hours: Williams State Service Center, 1906 Maryland Ave, Canby Park Shopping Center, Wilmington, DE 19805; Hours: 8:00 AM–4:30 PM

Phone: **302.778.6900**

## **APPENDIX B—SEX OFFENSES DEFINITIONS**

As per the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program:

### ***SEX OFFENSES—FORCIBLE***

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- A. **FORCIBLE RAPE:** The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- B. **FORCIBLE SODOMY:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- C. **SEXUAL ASSAULT WITH AN OBJECT:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- D. **FORCIBLE FONDLING:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### ***SEX OFFENSES—NON-FORCIBLE***

Unlawful, non-forcible sexual intercourse.

- E. **INCEST:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- F. **STATUTORY RAPE:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## CRIME DEFINITIONS FROM THE UNIFORM CRIME REPORTING (UCR) HANDBOOK

- G. **AGGRAVATED ASSAULT:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or serious bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- H. **ARSON:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, building, motor vehicle or aircraft, personal property, etc.
- I. **BURGLARY:** The unlawful entry of a structure to commit a felony or a theft. For reporting purpose this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- J. **MOTOR VEHICLE THEFT:** The theft or attempted theft of a motor vehicle. This includes cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned– including joyriding.
- K. **MURDER AND NON-NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another.
- L. **MANSLAUGHTER BY NEGLIGENCE:** The killing of another person through gross negligence.
- M. **ROBBERY:** The taking of/or attempting to take anything of value from the care, custody, or control, of a person or persons by force or threat of force, violence, and/or causing the victim to fear.
- N. **WEAPON LAW VIOLATIONS:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing weapons; all attempt to commit any of the aforementioned.
- O. **DRUG ABUSE VIOLATIONS:** Violations of state and local laws relating to the unlawful possession, sale, use growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

- P. **LIQUOR LAW VIOLATIONS:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## **Offense Definitions relating to Hate/Bias Related Crime Statistics**

As per the UCR Hate Crime Reporting Guidelines:

- Q. **SIMPLE ASSAULT:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- R. **INTIMIDATION:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- S. **LARCENY:** the wrongful taking and carrying away of the personal goods of another from his or her possession with intent to convert them to the taker's own use.
- T. **THEFT:** the act of stealing; the wrongful taking and carrying away of the personal goods or property of another
- U. **DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

## APPENDIX C— GEOGRAPHY DEFINITIONS FROM THE CLERY ACT

- S. **ON-CAMPUS**—DEFINED AS: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports an institutional purpose (such as a food or retail vendor).
- T. **NON-CAMPUS BUILDING OR PROPERTY**—DEFINED AS: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purpose, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- U. **PUBLIC PROPERTY**—DEFINED AS: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

NOTE: AMB's crime statistics do not include crimes that occur in private homes or commercial establishments regardless of their proximity to campus boundaries.

## APPENDIX D— CRIME AND ARREST STATISTICS

### CLERY ACT CRIME STATISTICS

“Statistics were requested from the Delaware State Police but were not provided for Clery reporting. As a result, statistics from the Delaware State Police were not included in the crime statistics reported for this campus.”

### CAMPUS CRIME STATISTICS

	2019	2020	2021
Murders	0	0	0
Negligent Manslaughter	0	0	0
Non-Negligent Manslaughter	0	0	0
Sex Offense- Forcible	0	0	0
Sex Offense- Non-Forcible	0	0	0
Robberies	0	0	0
Aggravated Assaults	0	0	0
Motor Vehicle Thefts	0	0	0
Arsons	0	0	0
Hate Crimes	0	0	0
Burglaries	0	0	0
Larceny- Theft	0	0	0
Vandalism Destruction Damage	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Sexual Assault	0	0	0
Stalking	0	0	0

Arrests	2019	2020	2021
Liquor Law Violations	0	0	0
Drug Abuse Violation	0	0	0
Weapons; Carrying, possessing, and etc.	0	0	0

Referral for Disciplinary Actions	2019	2020	2021
Liquor Law Violations	0	0	0
Drug Abuse Violation	0	0	0
Weapons; Carrying, possessing, and etc.	0	0	0

Last updated on 10/1/22.

## APPENDIX E: DRUG PREVENTION PROGRAM

The National Institute on Drug Abuse estimates that one in every five workers age 18-25 and one in every eight workers age 26-34 uses drugs on the job. While it is difficult to put a price tag on the cost to employers of the theft, low morale, impaired judgment, high absenteeism, and high turnover caused by substance abuse, employers are aware of these costs and are attempting to ascertain that a person is not a potential substance abuser before hiring them.

We at Academy of Massage & Bodywork have made a commitment to our students to prepare them for a long and successful professional career. Academy of Massage & Bodywork, as a result of these responsibilities, has a compelling obligation to eliminate illegal drug use from the school.

We intend to honor this obligation in the following manner:

1. Imposing an absolute prohibition on the unlawful distribution, dispensation, possession, or use of a controlled substance or alcohol by any student or employee of the school, on school property or as a part of any school activity.
2. Making available to all students and employees information concerning the health hazards involved with alcohol and drug abuse.
3. Making available to all students and employees information concerning the legal sanctions involved with the illegal use of drugs and alcohol.
4. Making available to all students and employees information concerning drug and alcohol counseling and rehabilitation services

Academy of Massage & Bodywork in its policies supports and endorses the Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or abuse of alcohol by anyone on AMB School property or as a part of any AMB activity is prohibited. Students taking prescribed or over-the-counter medication which may affect functioning should so inform Campus Security Authorities.

## *Facts about Drugs and Alcohol and their health risks....*

**Alcohol-** Ethyl alcohol, or ethanol, is an intoxicating ingredient found in beer, wine, and liquor. Alcohol is produced by the fermentation of yeast, sugars, and starches. It is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream. A standard drink equals 0.6 ounces of pure ethanol, or 12 ounces of beer; 8 ounces of malt liquor; 5 ounces of wine; or 1.5 ounces (a "shot") of 80-proof distilled spirits or liquor (e.g., gin, rum, vodka, or whiskey). NIDA does not conduct research on alcohol; for more information, please visit the [National Institute on Alcohol Abuse and Alcoholism \(NIAAA\)](#), the [Substance Abuse and Mental Health Services Administration](#), and the [Centers for Disease Control \(CDC\)](#).

Health Risks- Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that results in harm to one's health, interpersonal relationships, or ability to work.

**Bath Salts-** The term "bath salts" refers to an emerging family of drugs containing one or more synthetic chemicals related to cathinone, an amphetamine-like stimulant found naturally in the Khat plant.

Health Risks- Reports of severe intoxication and dangerous health effects associated with use of bath salts have made these drugs a serious and growing public health and safety issue. The synthetic cathinones in bath salts can produce euphoria and increased sociability and sex drive, but some users experience paranoia, agitation, and hallucinatory delirium; some even display psychotic and violent behavior, and deaths have been reported in several instances.

**Club Drugs-** Club drugs tend to be used by teenagers and young adults at bars, nightclubs, concerts, and parties. Club drugs include GHB, Rohypnol®,

ketamine, and others. [MDMA \(Ecstasy\)](#), [Methamphetamine](#), and [LSD \(Acid\)](#), are considered club drugs and are covered in their individual drug summaries.

Health Risks- Uncertainties about the sources, chemicals, and possible contaminants used to manufacture many club drugs make it extremely difficult to determine toxicity and associated medical consequences.

Nonetheless, we do know that:

- Coma and seizures can occur following use of GHB. Combined use with other drugs such as alcohol can result in nausea and breathing difficulties. GHB and two of its precursors, gamma butyrolactone (GBL) and 1,4 butanediol (BD), have been involved in poisonings, overdoses, date rapes, and deaths.
- Rohypnol may be lethal when mixed with alcohol and/or other CNS depressants.
- Ketamine, in high doses, can cause impaired motor function, high blood pressure, and potentially fatal respiratory problems.

**Cocaine-** Cocaine is a powerfully addictive stimulant drug made from the leaves of the coca plant native to South America. It produces short-term euphoria, energy, and talkativeness in addition to potentially dangerous physical effects like raising heart rate and blood pressure.

Health Risks- Cocaine affects the body in a variety of ways. It constricts blood vessels, dilates pupils, and increases body temperature, heart rate, and blood pressure. It can also cause headaches and gastrointestinal complications such as abdominal pain and nausea. Because cocaine tends to decrease appetite, chronic users can become malnourished as well. Most seriously, people who use cocaine can suffer heart attacks or strokes, which may cause sudden death. Cocaine-related deaths are often a result of the heart stopping (cardiac arrest) followed by an arrest of breathing. People who use cocaine also put themselves at risk for contracting HIV, even if they do not share needles or other drug paraphernalia. This is because cocaine intoxication impairs judgment and can lead to risky sexual behavior. Some effects of cocaine depend on the method of taking it. Regular snorting of cocaine, for example, can lead to loss of the sense of smell, nosebleeds, problems with swallowing, hoarseness, and a chronically runny nose. Ingesting cocaine by the mouth can cause severe bowel gangrene as a result of reduced blood flow.

Injecting cocaine can bring about severe allergic reactions and increased risk for contracting HIV, hepatitis C, and other blood-borne diseases.

Binge-patterned cocaine use may lead to irritability, restlessness, and anxiety. Cocaine abusers can also experience severe paranoia—a temporary state of full-blown paranoid psychosis—in which they lose touch with reality and experience auditory hallucinations. Cocaine is more dangerous when combined with other drugs or alcohol (poly-drug use). For example, the combination of cocaine and heroin (known as a “speedball”), carries a particularly high risk of fatal overdose.

**Hallucinogens-** Hallucinogenic compounds found in some plants and mushrooms (or their extracts) have been used—mostly during religious rituals—for centuries. Almost all hallucinogens contain nitrogen and are classified as alkaloids. Many hallucinogens have chemical structures similar to those of natural neurotransmitters (e.g., acetylcholine-, serotonin-, or catecholamine-like). While the exact mechanisms by which hallucinogens exert their effects remain unclear, research suggests that these drugs work, at least partially, by temporarily interfering with neurotransmitter action or by binding to their receptor sites.

Health Risks- LSD, peyote, psilocybin, and PCP are drugs that cause hallucinations, which are profound distortions in a person’s perception of reality. Under the influence of hallucinogens, people see images, hear sounds, and feel sensations that seem real but are not. Some hallucinogens also produce rapid, intense emotional swings. LSD, peyote, and psilocybin cause their effects by initially disrupting the interaction of nerve cells and the neurotransmitter serotonin.<sup>1</sup> Distributed throughout the brain and spinal cord, the serotonin system is involved in the control of behavioral, perceptual, and regulatory systems, including mood, hunger, body temperature, sexual behavior, muscle control, and sensory perception. On the other hand, PCP acts mainly through a type of glutamate receptor in the brain that is important for the perception of pain, responses to the environment, and learning and memory.

There have been no properly controlled research studies on the specific effects of these drugs on the human brain, but smaller studies and several case reports have been published documenting some of the effects associated with the use of hallucinogens.

**Heroin-** Heroin is an opioid drug that is synthesized from morphine, a naturally occurring substance extracted from the seed pod of the Asian opium poppy plant. Heroin usually appears as a white or brown powder or as a black sticky substance, known as “black tar heroin.”

Health Risks- Heroin abuse is associated with a number of serious health conditions, including fatal overdose, spontaneous abortion, and infectious diseases like hepatitis and HIV (see box, “Injection Drug Use and HIV and HCV Infection”). Chronic users may develop collapsed veins, infection of the heart lining and valves, abscesses, constipation and gastrointestinal cramping, and liver or kidney disease. Pulmonary complications, including various types of pneumonia, may result from the poor health of the user as well as from heroin’s effects on breathing. Chronic use of heroin leads to physical dependence, a state in which the body has adapted to the presence of the drug. If a dependent user reduces or stops use of the drug abruptly, he or she may experience severe symptoms of withdrawal. These symptoms—which can begin as early as a few hours after the last drug administration—can include restlessness, muscle and bone pain, insomnia, diarrhea and vomiting, cold flashes with goose bumps (“cold turkey”), and kicking movements (“kicking the habit”). Users also experience severe craving for the drug during withdrawal, which can precipitate continued abuse and/or relapse. Besides the risk of spontaneous abortion, heroin abuse during pregnancy (together with related factors like poor nutrition and inadequate prenatal care) is also associated with low birth weight, an important risk factor for later delays in development. Additionally, if the mother is regularly abusing the drug, the infant may be born physically dependent on heroin and could suffer from neonatal abstinence syndrome (NAS), a drug withdrawal syndrome in infants that requires hospitalization.

According to a recent study, treating opioid-addicted pregnant mothers with buprenorphine (a medication for opioid dependence) can reduce NAS symptoms in babies and shorten their hospital stays. In addition to the effects of the drug itself, street heroin often contains toxic contaminants or additives

that can clog blood vessels leading to the lungs, liver, kidneys, or brain, causing permanent damage to vital organs.

**Inhalants-** Many products readily found in the home or workplace—such as spray paints, markers, glues, and cleaning fluids—contain volatile substances that have psychoactive (mind-altering) properties when inhaled. People do not typically think of these products as drugs because they were never intended for that purpose. However, these products are sometimes abused in that way. They are especially (but not exclusively) abused by young children and adolescents, and are the only class of substance abused more by younger than by older teens.

Health Risks- Most abused inhalants other than nitrites depress the central nervous system in a manner not unlike alcohol. The effects are similar—including slurred speech, lack of coordination, euphoria, and dizziness. Inhalant abusers may also experience light-headedness, hallucinations, and delusions. With repeated inhalations, many users feel less inhibited and less in control. Some may feel drowsy for several hours and experience a lingering headache. Unlike other types of inhalants, nitrites enhance sexual pleasure by dilating and relaxing blood vessels. Although it is not very common, addiction to inhalants can occur with repeated abuse.

**K2/Spice-** "Spice" refers to a wide variety of herbal mixtures that produce experiences similar to marijuana (cannabis) and that are marketed as "safe," legal alternatives to that drug. Sold under many names, including K2, fake weed, Yucatan Fire, Skunk, Moon Rocks, and others — and labeled "not for human consumption" — these products contain dried, shredded plant material and chemical additives that are responsible for their psychoactive (mind-altering) effects.

Health Risks- Spice users report experiences similar to those produced by marijuana—elevated mood, relaxation, and altered perception—and in some cases the effects are even stronger than those of marijuana. Some users report psychotic effects like extreme anxiety, paranoia, and hallucinations. So far, there have been no scientific studies of Spice's effects on the human brain, but we do know that the cannabinoid compounds found in Spice products act on the same cell receptors as THC, the primary psychoactive

component of marijuana. Some of the compounds found in Spice, however, bind more strongly to those receptors, which could lead to a much more powerful and unpredictable effect. Because the chemical composition of many products sold as Spice is unknown, it is likely that some varieties also contain substances that could cause dramatically different effects than the user might expect.

**Marijuana-** Marijuana is a dry, shredded green and brown mix of leaves, flowers, stems, and seeds from the hemp plant *Cannabis sativa*. In a more concentrated, resinous form, it is called hashish, and as a sticky black liquid, hash oil. The main psychoactive (mind-altering) chemical in marijuana is delta-9- tetrahydrocannabinol, or THC.

Health Risks- Marijuana use may have a wide range of effects, particularly on cardiopulmonary and mental health. Marijuana smoke is an irritant to the lungs, and frequent marijuana smokers can have many of the same respiratory problems experienced by tobacco smokers, such as daily cough and phlegm production, more frequent acute chest illness, and a heightened risk of lung infections. One study found that people who smoke marijuana frequently but do not smoke tobacco have more health problems and miss more days of work than those who don't smoke marijuana, mainly because of respiratory illnesses. It is not yet known whether marijuana smoking contributes to risk for lung cancer.

**MDMA (Ecstasy/Molly)-** MDMA (3,4-methylenedioxy-methamphetamine), popularly known as ecstasy or, more recently, as Molly, is a synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. It produces feelings of increased energy, euphoria, emotional warmth and empathy toward others, and distortions in sensory and time perception.

Health Risks- MDMA can have many of the same physical effects as other stimulants like cocaine and amphetamines. These include increases in heart rate and blood pressure, which are particularly risky for people with circulatory problems or heart disease. MDMA users may experience other symptoms such as muscle tension, involuntary teeth clenching, nausea, blurred vision,

faintness, and chills or sweating. In high doses, MDMA can interfere with the body's ability to regulate temperature. On rare but unpredictable occasions, this can lead to a sharp increase in body temperature (hyperthermia), which can result in liver, kidney, or cardiovascular system failure or even death. MDMA can interfere with its own metabolism (breakdown within the body), causing potentially harmful levels to build up in the body if it is taken repeatedly within short periods of time. Compounding the risks is the fact that ecstasy tablets and even capsules of supposedly pure "Molly" sometimes actually contain other drugs instead or in addition. Those may include ephedrine (a stimulant), dextromethorphan (a cough suppressant), ketamine, caffeine, cocaine, methamphetamine, or even, most recently, synthetic cathinones (the psychoactive ingredients in "bath salts"). These substances are harmful alone and may be particularly dangerous mixed with MDMA. Users who intentionally or unknowingly combine such a mixture with additional substances such as marijuana and alcohol may be putting themselves at even higher risk for adverse health effects. Additionally, the closeness-promoting effects of MDMA and its use in sexually charged contexts (and especially in combination with sildenafil) may encourage unsafe sex, which is a risk factor for contracting or spreading HIV and hepatitis.

**Methamphetamine-** Methamphetamine is a central nervous system stimulant drug that is similar in structure to amphetamine. Due to its high potential for abuse, methamphetamine is classified as a Schedule II drug and is available only through a prescription that cannot be refilled. Although methamphetamine can be prescribed by a doctor, its medical uses are limited, and the doses that are prescribed are much lower than those typically abused. Most of the methamphetamine abused in this country comes from foreign or domestic superlabs, although it can also be made in small, illegal laboratories, where its production endangers the people in the labs, neighbors, and the environment.

Health Risks- Taking even small amounts of methamphetamine can result in many of the same physical effects as those of other stimulants, such as cocaine or amphetamines. These include increased wakefulness, increased physical activity, decreased appetite, increased respiration, rapid heart rate, irregular heart-beat, increased blood pressure, and increased body temperature. Long-term methamphetamine use has many negative consequences for physical health, including extreme weight loss, severe dental problems ("meth mouth"), and

skin sores caused by scratching. Methamphetamine use also raises the risk of contracting infectious diseases like HIV and hepatitis B and C. These can be contracted both by sharing contaminated drug injection equipment and through unsafe sex. Regardless of how it is taken, methamphetamine alters judgment and inhibition and can lead people to engage in these and other types of risky behavior.

Methamphetamine use may also worsen the progression of HIV/AIDS and its consequences. Studies indicate that HIV causes more injury to neurons and greater cognitive impairment in individuals who are HIV-positive and use methamphetamine than it does in HIV-positive people who do not use the drug.

**Prescription Drugs and Cold Medicine-** Some medications have psychoactive (mind-altering) properties and, because of that, are sometimes abused—that is, taken for reasons or in ways or amounts not intended by a doctor, or taken by someone other than the person for whom they are prescribed. In fact, prescription and over-the-counter (OTC) drugs are, after marijuana (and alcohol), the most commonly abused substances by Americans 14 and older.

Health Risks- Taken as intended, prescription and OTC drugs safely treat specific mental or physical symptoms. But when taken in different quantities or when such symptoms aren't present, they may affect the brain in ways very similar to illicit drugs. For example, stimulants such as Ritalin achieve their effects by acting on the same neurotransmitter systems as cocaine. Opioid pain relievers such as OxyContin attach to the same cell receptors targeted by illegal opioids like heroin. Prescription depressants produce sedating or calming effects in the same manner as the club drugs GHB and rohypnol. And when taken in very high doses, dextromethorphan acts on the same cell receptors as PCP or ketamine, producing similar out-of-body experiences. When abused, all of these classes of drugs directly or indirectly cause a pleasurable increase in the amount of dopamine in the brain's reward pathway. Repeatedly seeking to experience that feeling can lead to addiction.

**Salvia-** Salvia (*Salvia divinorum*) is an herb in the mint family native to southern Mexico. It is used to produce hallucinogenic experiences.

Health Risks- The main active ingredient in salvia, salvinorin A, is a potent activator of nerve cell targets called kappa opioid receptors. (These receptors differ from the receptors activated by commonly known opioid drugs such as heroin and morphine.) Although salvia is generally considered a hallucinogen, it does not act at serotonin receptors that are activated by other hallucinogens like LSD or psilocybin, and its effects are reported by experienced users to be different from those drugs. Subjective effects of salvia use have been described as intense but short-lived, appearing in less than 1 minute and lasting less than 30 minutes. They include psychedelic-like changes in visual perception, mood and body sensations, emotional swings, feelings of detachment, and a highly modified perception of external reality and the self, leading to a decreased ability to interact with one's surroundings. This last effect has prompted concern about the dangers of driving under the influence of salvinorin.

**Steroids-** “Anabolic steroids” is the familiar name for synthetic variants of the male sex hormone testosterone. The proper term for these compounds is *anabolic-androgenic steroids* (abbreviated AAS)— “anabolic” referring to muscle-building and “androgenic” referring to increased male sexual characteristics.

Health Risks- Anabolic steroids work very differently from other drugs of abuse, and they do not have the same acute effects on the brain. The most important difference is that steroids do not trigger rapid increases in the neurotransmitter dopamine, which is responsible for the rewarding “high” that drives the abuse of other substances. However, long-term steroid use can affect some of the same brain pathways and chemicals—including dopamine, serotonin, and opioid systems—that are affected by other drugs, and thereby may have a significant impact on mood and behavior. Abuse of anabolic steroids may lead to aggression and other psychiatric problems, for example. Although many users report feeling good about themselves while on steroids, extreme mood swings can also occur, including manic-like symptoms and anger (“roid rage”) that may lead to violence. Researchers have also observed that users may suffer from paranoid jealousy, extreme irritability, delusions, and impaired judgment stemming from feelings of invincibility.

**Tobacco/ Nicotine-** Tobacco use is the leading preventable cause of disease, disability, and death in the United States. According to the Centers for Disease Control and Prevention (CDC), cigarette smoking results in more than 480,000 premature deaths in the United States each year—about 1 in every 5 U.S. deaths<sup>1</sup>— and an additional 16 million people suffer with a serious illness caused by smoking.<sup>1</sup> In fact,, for every one person who dies from smoking, about 30 more suffer from at least one serious tobacco-related illness.

Health Risks- Cigarettes and other forms of tobacco—including cigars, pipe tobacco, snuff, and chewing tobacco—contain the addictive drug nicotine. Nicotine is readily absorbed into the bloodstream when a tobacco product is chewed, inhaled, or smoked. A typical smoker will take 10 puffs on a cigarette over the period of about 5 minutes that the cigarette is lit. Thus, a person who smokes about 1 pack (25 cigarettes) daily gets 250 “hits” of nicotine each day. Upon entering the bloodstream, nicotine immediately stimulates the adrenal glands to release the hormone epinephrine (adrenaline). Epinephrine stimulates the central nervous system and increases blood pressure, respiration, and heart rate. Similar to other addictive drugs like cocaine and heroin, nicotine increases levels of the neurotransmitter dopamine, which affects the brain pathways that control reward and pleasure. For many tobacco users, long-term brain changes induced by continued nicotine exposure result in addiction—a condition of compulsive drug seeking and use, even in the face of negative consequences. Studies suggest that additional compounds in tobacco smoke, such as acetaldehyde, may enhance nicotine’s effects on the brain.<sup>3</sup> When an addicted user tries to quit, he or she experiences withdrawal symptoms including irritability, attention difficulties, sleep disturbances, increased appetite, and powerful cravings for tobacco. Treatments can help smokers manage these symptoms and improve the likelihood of successfully quitting. Cigarette smoking accounts for about one-third of all cancers, including 90 percent of lung cancer cases. Smokeless tobacco (such as chewing tobacco and snuff) also increases the risk of cancer, especially oral cancers. In addition to cancer, smoking causes lung diseases such as chronic bronchitis and emphysema, and increases the risk of heart disease, including stroke, heart attack, vascular disease, and aneurysm. Smoking has also been linked to leukemia, cataracts, and pneumonia.<sup>4-5</sup>

On average, adults who smoke die 10 years earlier than nonsmokers.<sup>1</sup> Although nicotine is addictive and can be toxic if ingested in high doses, it

does not cause cancer—other chemicals are responsible for most of the severe health consequences of tobacco use. Tobacco smoke is a complex mixture of chemicals such as carbon monoxide, tar, formaldehyde, cyanide, and ammonia—many of which are known carcinogens. Carbon monoxide increases the chance of cardiovascular diseases. Tar exposes the user to an increased risk of lung cancer, emphysema, and bronchial disorders. Pregnant women who smoke cigarettes run an increased risk of miscarriage, stillborn or premature infants, or infants with low birthweight.<sup>5</sup> Maternal smoking may also be associated with learning and behavioral problems in children. Smoking more than one pack of cigarettes per day during pregnancy nearly doubles the risk that the affected child will become addicted to tobacco if that child starts smoking.<sup>6</sup> While we often think of medical consequences that result from direct use of tobacco products, passive or secondary smoke also increases the risk for many diseases. Secondhand smoke, also known as environmental tobacco smoke, consists of exhaled smoke and smoke given off by the burning end of tobacco products. Nonsmokers exposed to secondhand smoke at home or work increase their risk of developing heart disease by 25–30% and lung cancer by 20–30%.<sup>7</sup> In addition; secondhand smoke causes health problems in both adults and children, such as coughing, overproduction of phlegm, reduced lung function and respiratory infections, including pneumonia and bronchitis. Each year about 150,000 – 300,000 children younger than 18 months old experience respiratory tract infections caused by secondhand smoke.<sup>7</sup> Children exposed to secondhand smoke are at an increased risk of ear infections, severe asthma, respiratory infections and death. In fact, more than 100,000 babies have died in the past 50 years from sudden infant death syndrome (SIDS), and other health complications as a result of parental smoking.<sup>8</sup> Children who grow up with parents who smoke are more likely to become smokers, thus placing themselves (and their future families) at risk for the same health problems as their parents when they become adults. Although quitting can be difficult, the health benefits of smoking cessation are immediate and substantial—including reduced risk for cancers, heart disease, and stroke. A 35-year-old man who quits smoking will, on average, increase his life expectancy by 5 years.<sup>9</sup>

## **ON-CAMPUS PROHIBITION OF DRUGS OR ALCOHOL**

**Employees-** As a condition of employment, employees will notify the school of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within 30 days of the employee

notification of the first such conviction, the school will either terminate the employee or request written documentation from the employee that he/she has entered a rehabilitation program. A second conviction will result in termination.

**Students-** The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or abuse of alcohol by anyone on school property or as a part of any school activity is prohibited. Students taking prescribed or over-the-counter medication which may affect functioning should so inform Campus Security Authorities.

If a final determination is made that any student of the School is found to be abusing alcohol or using, possessing, manufacturing or distributing controlled substances in violation of the law on school property or at school events, they shall be subject to, at a minimum, the referral to counseling and automatic and immediate suspension or dismissal from School. Academy of Massage & Bodywork imposed sanctions are additional to any legal actions taken by local, state or federal authorities.

### **Federal Penalties and Sanctions for Possession of a Controlled Substance**

(From the Federal Register, Vol. 55, No. 159, August 16, 1990)

21 U.S.C. 844 1st conviction: Up to a one-year imprisonment and fined at least \$1,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000. Special sentencing provisions for possession of substance with a cocaine base: Mandatory 5 years in prison or more, not to exceed 20 years, and fined a minimum of \$1,000, or both if:

- (a) First conviction and the amount of crack possessed exceeds 5 grams.
- (b) Second crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.

21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 862 Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, upto one year for first offense, up to five years for second and subsequent offenses.

16 U.S.C. 922(g) Ineligible to receive or purchase a firearm.

## **Delaware Penalties and Sanctions for Possession of a Controlled Substance**

The sections of the Delaware Code dealing with drug laws are extensive. Delaware has adopted the Uniform Controlled Substances Act, 16 Delaware Code 4701-4796. The following outline is an effort to provide a general summary of the law. Employees with specific questions about the law should seek legal advice from an attorney and not rely on the following summary for complete information. Illegal drugs are divided into five schedules (or categories) by the law:

1. Schedule I- Substances with a high potential for abuse and for which there is no accepted medical use for treatment in the United States. This schedule includes certain opiates, opium derivatives (including heroine), hallucinogenic substances (including Phencyclidine (PCP), Lysergic acid diethylamide (LSD), mescaline and psilocybin), and marijuana.
2. Schedule II- Substances with a high potential for abuse and for which there is a currently accepted medical use for treatment in the United States. This schedule includes certain opium and opiates, and derivatives; coca leaves and derivatives; certain central nervous system stimulants (including amphetamines, phenmetrazines and methamphetamines); and certain central nervous system depressants (including methaqualones).

3. Schedule III- any stimulant or depressant drug; certain barbiturates with short-term effects; and certain narcotic compounds and combinations, all having less potential for abuse than Schedule I and II.

4. Schedule IV- certain barbiturates and other central nervous system depressants having lower potential for abuse than Schedule III. This schedule now includes dextropropoxyphene (Darvon).

5. Schedule V- drug substances with a lower potential for abuse than Schedule IV. (These substances may contain narcotic drugs, but certain sufficient quantities of non-narcotic drugs with medicinal qualities must be present.)

Under Delaware law, drug offenses are divided into two basic categories: (1) illegal delivery (sale), possession with intent to deliver; manufacture; or intent to manufacture and (2) illegal possession, use or consumption. Penalties under the law are generally severe. Jail sentences may be imposed for most offenses, and the judge has discretion to impose a sentence within the range allowed by the law. For the illegal manufacture, delivery or possession with an intent to manufacture or deliver a controlled substance or counterfeit controlled substance classified in Schedule I or II that is a narcotic drug, one is guilty of a class C felony and shall be fined at least \$5,000 but no more than \$50,000 and shall serve at least 6 years imprisonment for a first conviction and at least 12 years imprisonment for a second and subsequent convictions. For the illegal manufacture, delivery or possession with intent to manufacture or deliver a controlled substance or counterfeit controlled substance classified in Schedule I-V that is not a narcotic drug, one is guilty of a class E felony and shall be fined at least \$1,000 but no more than \$10,000 and shall serve no more than 5 years imprisonment. Delaware classifies as a class A misdemeanor the illegal possession, use or consumption of a controlled substance or counterfeit controlled substance which is a narcotic drug. Delaware also classifies as a class B misdemeanor the illegal possession, use or consumption of any controlled substance or counterfeit substance classified in Schedule I-V that is not a narcotic drug.

**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)**

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	
Any Amount Of All Schedule V Drugs	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

## **Prevention and Treatment Centers Delaware:**

Chief Bureau of Alcoholism and Drug Abuse 1901 North Dupont Highway

New Castle, DE 19720 1(302)421-6101

Maryland: Director Alcohol and Drug Abuse Administration

201 W. Preston St. Baltimore, MD 21201

1(301)225-6910

New Jersey: Director Division of Narcotic and Drug Abuse Control Department of Health

CN 362

Trenton, NJ 08625

1(609)292-5760

Pennsylvania: Deputy Secretary Drug and Alcohol Programs Department of Health

P.O. BOX 90 Harrisburg, PA 17108

1(717)787-9857

## **HOTLINES**

**AL-Anon**-1-800-356-9996

***American Council on Alcoholism Help Line***

1-800-527-5344

**Cocaine Hotline** 1-800-COCAINE

**National Council on Alcoholism** 1-800-NCA- CALL

**National Institute on Drug**

**Abuse Hotline** 1- 800-662-HELP