

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JANE DOE,
Street number withheld
Phillipsburg, New Jersey 08865,

Plaintiff,

v.

Civil Action No.: _____

UNIVERSITY OF DELAWARE,

and

MONIQUE N. COLCLOUGH,
in her Official and Individual Capacities,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Jane Doe, by and through undersigned counsel, and for her Complaint against Defendants University of Delaware and Monique N. Colclough, alleges and states as follows:

Nature of the Case

This cause of action arises from Defendants' unlawful response to a student-on-student sexual assault and subsequent sex-based harassment against Plaintiff. The Defendants knew that Plaintiff had been the victim of sexual assault, but failed to promptly and appropriately investigate and respond to that sexual assault as required by Title IX of the Education Amendments of 1972 ("Title IX"), 20. U.S.C. § 1681, *et seq.*, in order to protect and preserve Plaintiff's right to the educational opportunities at the University of Delaware. Instead, the

Defendants advised Plaintiff to leave the University. The Defendants' unlawful conduct subjected Plaintiff to further sexual harassment and a hostile environment, and effectively denied her access to educational benefits and opportunities on the basis of gender, all in violation of both Title IX and 42 U.S.C. § 1983.

Jurisdiction

1. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because this litigation involves violations of federal law, including violations of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and 42 U.S.C. § 1983.

2. The University of Delaware and Monique N. Colclough were located in Delaware at all relevant times herein, and the majority of relevant facts occurred in Delaware, so venue in this Court is proper.

Parties

3. Plaintiff Jane Doe is a resident of the State of New Jersey, and, at all relevant times herein, was a student at the University of Delaware.

4. Defendant University of Delaware (the "University") is a public university of higher education located in the County of New Castle, State of Delaware.

5. At all material times, Defendant Monique N. Colclough was the Assistant Dean of Students at the University, and was acting in her official and individual capacities, and within the County of New Castle, State of Delaware.

6. At all material times, Defendant Colclough was an agent and/or employee of Defendant University of Delaware, was acting (and failing to act) within the scope, course, and authority of her employment, and on behalf of her employer.

7. At all material times, Plaintiff's attacker, "John Doe," was a student-athlete at the University.

Factual Allegations Common to All Counts

8. At all material times, the University was receiving federal funding, as contemplated by Title IX, 20 U.S.C. § 1681, *et seq.*

9. The University implemented and executed policies and customs in regard to the events that resulted in the deprivation of Plaintiff's constitutional and statutory rights.

10. The University is responsible for ensuring that all of its employees are properly trained and supervised to perform their jobs.

11. The University is responsible for the acts and omissions of an employee when the employee is acting within the scope, course, and authority of her employment, and on behalf of her employer.

12. At the time of the sexual assault that gave rise to the events complained of herein, Plaintiff was a 19 year-old freshman at the University, and was a full-time member of a University-sponsored group.

13. At the time of Plaintiff's sexual assault, John Doe was a student in his sophomore year and an athlete at the University. John Doe was 6'-1" tall, and he weighed over 215 pounds.

14. During the mid-year break between the Fall 2011 Semester and Spring 2012 Semester, the University required Plaintiff to be on campus for her University-sponsored group's activities, but did not provide housing for her during that time.

15. Because the University offered no housing for her between semesters for the 2011-2012 academic year, Plaintiff was forced to stay with a classmate at off-campus apartments

known as the University Courtyard Apartments, while she fulfilled her mandatory responsibilities to the University.

16. On Friday night, December 30, 2011, John Doe contacted Plaintiff by mobile phone and invited her to his apartment at the Ivy Hall Apartments, which are situated immediately adjacent to the University's campus in an area predominantly comprised of student housing and academic buildings. Plaintiff knew John Doe only casually.

17. Plaintiff accepted John Doe's invitation, intending to visit only briefly with John Doe and his roommates before returning to her classmate's apartment at the University Courtyard Apartments. She arrived at John Doe's apartment at approximately 10:30 p.m.

18. As midnight approached on December 30, 2011, Plaintiff told John Doe that she wished to leave and return to her classmate's apartment.

19. Plaintiff had not consumed alcohol that evening. Plaintiff had no overnight bag with her.

20. John Doe objected to Plaintiff's statement that she wished to leave. John Doe told Plaintiff that it was too late and too unsafe for her to walk to her classmate's apartment, which was over a mile away.

21. John Doe did not offer to escort Plaintiff back to her teammate's apartment. John Doe did not offer to transport Plaintiff back to her teammate's apartment. John Doe did not offer to help Plaintiff find transportation back to her classmate's apartment.

22. Instead, John Doe instructed Plaintiff to stay and sleep in his room.

23. Plaintiff initially declined John Doe's invitation to sleep in his room, and stated to John Doe that she wanted to go home and have no sexual contact of any nature with John Doe.

24. John Doe insisted that Plaintiff stay, and directed Plaintiff to “crash” on his bed. He assured Plaintiff, falsely, that he would not initiate any sexual contact with her, and would sleep on the opposite side of the bed.

25. Plaintiff, feeling isolated, pressured, intimidated, and without a safer alternative, relented to John Doe’s directive that she spend the night on his bed, with John Doe sleeping on the opposite side of the bed.

26. After Plaintiff went to sleep, John Doe climbed on top of Plaintiff, forcibly removed her clothes, and had forcible sexual intercourse with Plaintiff, against her will and without her consent, all of which constituted a sexual assault by John Doe.

27. John Doe knew at this time that he had an incurable sexually transmitted disease but never disclosed that fact to Plaintiff, who neither knew nor had any reason to believe that John Doe was a carrier of this disease.

28. Plaintiff returned by foot to her classmate’s apartment the next morning. Unbeknownst to Plaintiff at that time, John Doe had infected her with his incurable disease. Plaintiff was severely distressed by John Doe’s sexual assault.

29. By Sunday, January 1, 2012, Plaintiff felt ill because of the infection. She also felt scared and vulnerable due to John Doe’s assault.

30. Plaintiff’s illness and fear over the consequences of her assault worsened over the next several days, during which she participated in numerous activities for her University-sponsored group.

31. During this time, Plaintiff feared that John Doe had infected her with a sexually transmitted disease, but when she asked him directly if he had a sexually transmitted disease, he falsely denied it.

32. Over the next several days, Plaintiff felt more and more intimidated and harassed by John Doe's assault. She feared that he might attack her again, or seek a confrontation over her questioning about his sexually transmitted disease.

33. On January 9, 2012, Plaintiff visited Student Health Services at the University. She described her sexual assault by John Doe, and was told by a University representative that "we see this all the time with [athletes like John Doe]." Plaintiff submitted to an examination and blood tests.

34. Within forty-eight (48) hours of visiting Student Health Services, lab results confirmed that John Doe had infected Plaintiff with the incurable sexually transmitted disease.

35. Upon information and belief, John Doe transmitted the incurable sexually transmitted disease to other unknowing female students at the University before and after his encounter with Plaintiff on the night of December 30, 2011.

36. Upon information and belief, the University knew or should have known that John Doe had a history of anti-social behavior prior to his enrollment at the University as a transfer from another university.

37. The University knew or should have known that John Doe was infected with a sexually transmitted disease because it obtained blood test results prior to his participation as a University athlete.

38. From January 12-16, 2012, Plaintiff participated in out-of-state activities for her University sponsored group, but felt distress and anxiety about ongoing harassment by John Doe when she returned to campus.

39. By January 19, 2012, Plaintiff feared that the only way for her to escape the ongoing sexual harassment by John Doe was to leave the University.

40. On or about January 19, 2012, Plaintiff met with Defendant Monique Colclough, the Assistant Dean of Students, to inquire about taking a leave of absence from the University in order to escape the ongoing harassment.

41. During that meeting, Ms. Colclough asked Plaintiff why was inquiring about leaving the University. Plaintiff then disclosed to Ms. Colclough the circumstances of her sexual assault by John Doe.

42. Ms. Colclough stated to Plaintiff that John Doe's conduct constituted sexual assault.

43. Even if the University did not have knowledge about John Doe's anti-social behavior prior to and during his enrollment at the University, Ms. Colclough knew or should have known that Jane Doe's allegations amounted to unlawful sexual assault by John Doe were true.

44. The University has an anti-sexual assault policy as part of its Code of Conduct. (Attached as Exhibit 1). That policy states that the University "will not tolerate sexual assault," which "occurs when a person is physically forced, is coerced, or is physically or mentally unable to give consent; and assault may be committed by an acquaintance or a stranger."

45. The University's Code of Conduct further provides:

Consent may not be inferred from silence, passivity or lack of active response alone.

...

Conduct will be considered "without consent" if no clear consent, verbal or non-verbal, is given. In some situations, an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is . . . scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, beaten, threatened, isolated or confined.

46. The University's Statement of Policy on sexual assault provides that "[v]iolations will be adjudicated by the University and may be reported to the appropriate law enforcement authorities."

47. The University has adopted an anti-sexual harassment policy as part of its Code of Conduct. That policy states that "[t]he University will not tolerate any form of unlawful harassment and discrimination." The University's policy recognizes sexual assault as a type of sexual harassment.

48. The Code of Conduct further states that "[a] violation of the Code of Conduct may also constitute a violation of city, state or federal law and vice versa. If so, simultaneous prosecutions may result."

49. In its statement of policy on the Student Conduct System, the University expressly states that "[t]he University affords its students the right to pursue their studies and be rewarded according to their own achievements, to seek redress from actions of those that interfere with those rights."

50. Although Ms. Colclough concluded that Plaintiff had been the victim of a sexual assault, she did nothing further to investigate the matter or to protect Plaintiff from the consequences of the sexual assault.

51. To the contrary, after stating her opinion about the nature and seriousness of John Doe's conduct toward Plaintiff, Ms. Colclough prodded Plaintiff to complete immediately the paperwork necessary to withdraw from the University.

52. Ms. Colclough gave Plaintiff no information about her rights as a victim of sexual assault.

53. Ms. Colclough did not explain to Plaintiff that, among other things, the University was required to make accommodations for Plaintiff to protect her from ongoing contact with John Doe.

54. Ms. Colclough did not notify, or offer to notify, the police, campus safety officials, or anyone else in the University's administration, including the Title IX compliance officer, about Plaintiff's sexual assault.

55. Ms. Colclough did not outline any of Plaintiff's options for seeking to hold John Doe accountable for his actions on the night of December 30-31, 2011.

56. Ms. Colclough did not outline any of the actions that the University could take to protect Plaintiff from harassment by John Doe.

57. Ms. Colclough did not advise Plaintiff about available counseling, mental health, or medical services, both on campus and in the community.

58. Ms. Colclough decided not to investigate in any manner Plaintiff's report of sexual assault and sexual harassment in violation of Title IX.

59. As a result of Ms. Colclough's conduct, Plaintiff suffered sex-based discrimination that deprived Plaintiff of the ability to participate in and/or benefit from the educational opportunities and activities of the University.

60. University officials, including Ms. Colclough, had the authority to take remedial action to correct the sex-based harassment by John Doe.

61. The University had actual knowledge of the sex-based harassment by John Doe.

62. The University and Ms. Colclough responded with deliberate indifference to the sex-based harassment by John Doe.

63. Before the sexual assault by John Doe, Plaintiff was an outstanding student, sacrificing much of her time for the University's benefit. After her sexual assault, Plaintiff was traumatized, physically ill, beset by worry about the disease transmitted to her by John Doe, felt isolated, marginalized, and abandoned by the University, lost interest in her activities, and sought to withdraw from classes.

64. Plaintiff also felt targeted by John Doe, who sexually harassed and intimidated her because she divulged that he had infected her with a sexually transmitted disease.

65. When the University, through its agent Defendant Colclough, learned about Plaintiff's sexual assault, it did not offer or provide required services to Plaintiff to allow her to continue her education at the University, or to help her overcome the trauma she experienced due to the sexual assault and in its aftermath.

66. Jane Doe took medical leave from the University and was forced to transfer to a different college in a different state.

67. Defendants' handling of this process caused Jane Doe to lose a full semester of her education, limited her ability to transfer by failing to notify her of her educational standing until long after most college's incoming classes were fully admitted, and made it difficult for her to obtain appropriate housing at another university. Defendant University's failure to provide appropriate academic advice and assistance after the sexual assault negatively affected Jane Doe and her academic standing. Finally, the medical leave option that the University encouraged Jane Doe to choose required Jane Doe to explain the leave to potential future institutions of higher education.

Count I
**(Violation of the Educational Amendments of 1972 (Title IX),
20 U.S.C. § 1681 *et seq.* -- University of Delaware)**

68. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs.

69. By its actions and inactions before and after the sexual assault of Jane Doe, Defendant University acted with deliberate indifference to the rights of Jane Doe and other female students to a safe and secure educational environment, thus materially impairing Jane Doe's ability to participate in and benefit from the activities of the University, and denied her access to educational benefits and opportunities on the basis of gender, in violation of the requirements of Title IX.

70. The University, through its employees and administrators including but not limited to Ms. Colclough, had actual knowledge of the discrimination and harassment, including sexual assaults, by John Doe.

71. Defendant University's actions, inactions, and deliberate indifference effectively barred Jane Doe access to educational opportunities and benefits at the University.

72. Further, Defendant University's actions, inactions, and deliberate indifference subjected Jane Doe to further discrimination and harassment at the hands of John Doe, including Defendant University's inappropriate response to the sexual assault by John Doe.

73. By its actions after Jane Doe's injuries, Defendant University acted with deliberate indifference toward the rights of Jane Doe to a safe and secure education environment, thus materially impairing Jane Doe's ability to pursue her education at the University in violation of the requirements of Title IX.

74. Specifically, Defendant University violated Title IX after the sexual assault of Jane Doe by:

- a. failing to take immediate and appropriate action to investigate or otherwise determine what occurred, or, being deliberately indifferent thereto;
- b. failing to take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation;
- c. failing to provide adequate health and psychological services to Jane Doe after she was sexually assaulted or, alternatively, being deliberately indifferent thereto;
- d. failing to provide Jane Doe with academic assistance and services after she had been sexually assaulted, or, being deliberately indifferent thereto;
- e. failing to provide, offer, recommend, or coordinate adequate counseling to Jane Doe after she had been sexually assaulted, or, alternatively, being deliberately indifferent thereto;
- f. allowing Jane Doe's movement and access to education and activities to be restricted through sexual harassment and discrimination, or, alternatively, being deliberately indifferent thereto;
- g. effectively denying Jane Doe an opportunity to continue to attend the University of Delaware based on the discrimination and harassment she endured at the University after the sexual assault by John Doe, making continuing her education at the University untenable; and
- h. through other actions, inactions, and deliberate indifference.

75. Specifically, Defendant University violated Title IX before the sexual assault of Jane Doe by:

- a. failing to provide housing for Plaintiff between semesters even though the University required her to be on campus for her University-sponsored group; and
- b. through other actions, inactions, and deliberate indifference.

76. Defendant University, through its employee and administrator including, but not limited to, Ms. Colclough, had actual knowledge of the discrimination and harassment of Jane Doe after she had been sexually assaulted.

77. As a direct and proximate result of Defendant University of Delaware's actions, inactions, and deliberate indifference, Jane Doe sustained and continues to sustain injuries for which she is entitled to be compensated, including but not limited to:

- a. past, present, and future pain and suffering, both physical and emotional;
- b. past, present, and future psychological trauma and impairment;
- c. medical bills and other expenses for past and future treatment related to Defendant's acts;
- d. impaired educational capacity;
- e. all equitable relief that the Court deems fair and equitable; and
- f. attorneys' fees.

Count II
(Violation of 42 U.S.C. 1983 -- Defendant Monique N. Colclough)

78. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs.

79. Under the Fourteenth Amendment, Plaintiff had the right to personal security and bodily integrity and Equal Protection of Laws.

80. Defendant Colclough was a state actor acting under the color of state law.

81. Defendant Colclough subjected Plaintiff to violations of her right to personal security and bodily integrity and Equal Protection of Law by:

- a. failing to investigate John Doe's misconduct;
- b. failing to appropriately discipline John Doe; and
- c. manifesting deliberate indifference to the sexual assault and ongoing harassment of Plaintiff by John Doe.

82. Plaintiff has suffered emotional distress and psychological damage, and her character and standing in her community have suffered from the harassment fostered as a direct and proximate result of Defendant Monique N. Colclough's deliberate indifference to her rights under the Fourteenth Amendment.

83. As a direct and proximate result of Defendant Colclough's actions, inactions, and deliberate indifference, Jane Doe sustained and continues to sustain injuries for which she is entitled to be compensated, including but not limited to:

- a. past, present, and future pain and suffering, both physical and emotional;
- b. past, present, and future psychological trauma and impairment;
- c. medical bills and other expenses for past and future treatment related to Defendants' acts;
- d. impaired educational capacity;
- e. all equitable relief that the Court deems fair and equitable; and
- f. attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jane Doe requests judgment against Defendants as follows:

- a. Compensatory damages on Count I in an amount to be proven at trial;
- b. Compensatory damages on Count II in an amount to be proven at trial;
- c. Statutory interest;
- d. Costs;
- e. Reasonable attorneys' fees; and
- f. Such other and further relief that is just and appropriate under the circumstances.

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues so triable.

Date: December 27, 2013

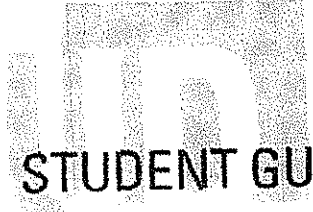
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EXHIBIT 1


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STUDENT GUIDE TO UNIVERSITY POLICIES

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I. CODE OF CONDUCT

This Code of Conduct, which contains policies arranged alphabetically, establishes standards of behavior for students and student organizations at the University.

- Academic Honesty
- Alcohol
- Complicity
- Disruptive Conduct
- Drugs
- Endangering the Safety of Others
- Failure to Comply
- False Information
- Guests
- Hazing
- Misuse of University Materials, Services or Property
- Off-Campus Conduct
- Residence Hall Regulations
- Responsible Computing and Use of University Computer Resources
- Sexual Assault
- Sexual and Other Unlawful Harassment
- Student Organizations
- Theft
- Weapons, Dangerous Instruments, and Explosive Chemicals or Devices on Campus

Note: A violation of the Code of Conduct may also constitute a violation of city, state, or federal law and vice versa. If so, simultaneous prosecutions may result. Students should be aware that student status does not insulate them from awareness of and compliance with other laws.

A. Academic Honesty

1. Statement of Policy

All students must be honest and forthright in their academic studies. To falsify the results of one's research, to steal the words or ideas of another, to cheat on an assignment, or to allow or assist another to commit these acts corrupts the educational process. Students are expected to do their own work and neither give nor receive unauthorized assistance.

Any violation of this standard must be reported to the **Office of Student**

Conduct. The faculty member, in consultation with a representative from the Office of Student Conduct, will decide under which option the incident is best filed and what specific academic penalty should be applied.

2. Academic Violations

a. Plagiarism

Plagiarism is the inclusion of someone else's words, ideas, images, or data as one's own. When a student submits academic work that includes another's words, ideas, images, or data, whether published or unpublished, the source of that information must be acknowledged with complete and accurate references and, if verbatim statements are included, with quotation marks as well. By submitting work as his or her own, a student certifies the originality of all material not otherwise acknowledged. Plagiarism includes, but is not limited to:

- i. The quotation or other use of another person's words, ideas, opinions, thoughts, or theories (even if paraphrased into one's own words) without acknowledgment of the source; or
- ii. The quotation or other use of facts, statistics, or other data or materials (including images) that are not clearly common knowledge without acknowledgment of the source.

b. Fabrication

Fabrication is the use of invented information or the falsification of research or other findings. Fabrication includes, but is not limited to:

- i. The false citation or acknowledgment of a direct or secondary source, including the incorrect documentation of a source;
- ii. The citation, in a bibliography or other list of references, of sources that were not used to prepare the academic work;
- iii. The inclusion in an academic work of falsified, invented, or fictitious data or information, or the deliberate and knowing concealment or distortion of the true nature, origin, or function of such data or information; or
- iv. The unauthorized submission of an academic work prepared totally or in part by another.

c. Cheating

Cheating is an act or an attempted act of deception by which a student seeks to misrepresent that he or she has mastered information that has not been mastered. Cheating includes, but is not limited to:

- i. Copying of all or any portion of another's academic work and submitting it, in part or in its entirety, as one's own;

- ii. Allowing another person to copy one's own academic work—whether intentionally or recklessly;
- iii. The unauthorized use or possession of a class textbook, notes, or any other material to complete or prepare an academic work;
- iv. The unauthorized collaboration with any other person on an academic exercise, including collaboration on a take-home or make-up academic exercise;
- v. The unauthorized use of electronic instruments, such as cell phones, PDAs, or personal response systems (clickers) to access or share information; or
- vi. The unauthorized completion for another person of an academic work, or permitting someone else to complete an academic work for oneself, including through the use of personal response systems (clickers).

d. Academic Misconduct

Academic misconduct is any other act that disrupts the educational process or provides a student with an academic advantage over another student. Academic misconduct includes, but is not limited to:

- i. The unauthorized possession, copying, distribution, sale, or other transfer of all or any part of an academic exercise, or the answers or solutions to an academic exercise, whether or not the exercise has been administered;
- ii. Changing, altering, attempting to change or alter, or assisting another in changing or altering any grade or other academic record, including grades or records contained in a grade book or computer file, that is received for or in any way attributed to academic work;
- iii. Entering any University building, facility, office, or other property, or accessing any computer file or other University record or storage for the purpose of obtaining the answers or solutions to an academic exercise or to change a grade;
- iv. Continuing to work on an academic exercise after the specified allotted time has elapsed; or
- v. Bribing another person to obtain an academic exercise, including answers to questions of an unadministered academic exercise.

e. Other forms of academic dishonesty not described here but in violation of the Academic Honesty Statement of Policy.

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B. Alcohol

1. Statement of Policy

All students must comply with applicable laws and these alcohol regulations.

Open Letter to All Students Regarding Drugs and Alcohol

Medical Amnesty/Good Samaritan Policy

Student health and safety are of primary concern at the University of Delaware. As such, in cases of intoxication and/or alcohol poisoning, the University encourages individuals to seek medical assistance for themselves or others. If an individual seeks medical attention due to his/her level of intoxication, the Office of Student Conduct may not pursue conduct sanctions against the student for violations of the Alcohol Policy. In lieu of student conduct sanctions, the intoxicated student (and possibly the referring student) will be required to meet with a member of the Office of Student Conduct staff who may issue educational requirements such as alcohol education class and/or an alcohol and substance abuse assessment.

Those students who assist in obtaining medical attention for individuals who are intoxicated may not receive student conduct sanctions for violations of the Alcohol Policy of the Code of Conduct.

Please note: Medical Amnesty will not be granted to students who do not seek medical assistance. Students who are confronted by university staff (ex. RA, UDPD) will be referred to the Office of Student Conduct for alleged policy violations.

Students are encouraged to read the complete **Medical Amnesty/Good Samaritan Policy**.

2. Prohibited Activities

The University prohibits alcohol intoxication (regardless of age); the unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol; and driving while impaired due to alcohol consumption. Specifically this offense includes, but is not limited to:

- a. The possession, use, consumption, manufacture, sale, or distribution of alcohol by anyone under the legal age to do so;
- b. The possession, use, consumption, manufacture, sale, or distribution of alcohol in violation of any applicable law, including the laws of the State of Delaware or the City of Newark, Delaware;
- c. The possession, use, consumption, manufacture, sale, or distribution of alcohol in any University building, facility, or property except in the confines of a student's own residence hall room if the student is over the legal age to do so;
- d. The possession of beer kegs in any University building, facility, or property;

- e. The possession or use of any apparatus, including but not limited to beer pong tables and beer funnels, used to facilitate 1) the rapid consumption of alcohol or 2) drinking games; or
- f. A violation of any University policy or procedure concerning the use of alcohol or enacted to monitor or control the use of alcohol.

3. Use of Alcohol Off-Campus

The University accepts no responsibility for the possession, use, consumption, manufacture, sale, or distribution of alcoholic beverages by students off-campus, including at events or functions sponsored in whole or in part by one or more student organizations or individuals. A student hosting or attending an off-campus function should be aware of the applicable laws regarding alcohol and should be aware that the University may also impose sanctions upon the student for such behavior.

4. Use of Alcohol On-Campus

As described above, the possession, use, consumption, manufacture, sale, or distribution of alcoholic beverages is prohibited except when and where explicitly permitted by this Alcohol Policy.

a. Student Organizations

No student organization that hosts, organizes, conducts, or participates in an on-campus function or event sponsored or sanctioned by the University shall serve alcohol or permit the possession, use, consumption, manufacture, sale, or distribution of alcohol except as provided here.

- i. No alcoholic beverages shall be distributed, served, or sold at a function or event on-campus without the explicit, prior approval of the **Director of the Student Centers**.
- ii. Outside functions or events involving the use of alcohol are not permitted on campus.

b. Alcohol in Residence Halls

A resident over the age of 21 may possess or consume alcoholic beverages in his or her own room. No student under the age of 21 may possess or consume alcohol anywhere, including the student's room. The possession or consumption of alcohol by a student over the age of 21 is subject to the following limitations and conditions, and any violation of these conditions shall be a violation of this Code of Conduct.

- i. Possession of an open container or consumption of alcoholic beverages in any area other than a resident's room is prohibited.
- ii. A guest may only possess or consume alcohol if the guest is over the age of 21 and is visiting a resident's room where at least one of the assigned student residents is also of legal

drinking age and is present (i.e., if a double-occupancy room is occupied by two students under the age of 21, those students shall not permit the consumption, possession, or use of alcohol by anyone, including guests, in that room. However, if one of the roommates is over the age of 21, he or she must be present to allow the possession or consumption of alcohol by guests who are over 21).

- iii. The student's (or a guest's) possession, use, or consumption of alcohol shall not infringe upon the privacy, peace, or enjoyment of other students or guests in the residence hall.
- iv. A residence hall student has a duty to know if there is or has been illegal use or possession of alcohol in his or her room. Therefore, the responsibility to establish lack of knowledge shall be on the resident in cases where the resident claims no knowledge of such use.

c. **Alcohol at the University Football Stadium**

The possession, use, consumption, manufacture, sale, or distribution of alcohol at the University football stadium is prohibited, except that alcohol may be possessed and consumed in the stadium parking areas only on the day of a home varsity football game and only by those of legal drinking age. Beer kegs and any alcohol-related games, activities or apparatus (such as a beer pong table, ice slides, beer funnels, etc.) are prohibited at all times, and alcoholic beverages are not permitted in the stadium. Individuals are not permitted to possess any open container containing spirits, wine, or beer, or consume any spirits, wine, or beer in stadium parking areas while the football game is in progress.

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C. **Complicity**

Statement of Policy

A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove him or herself from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

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D. **Disruptive Conduct**

1. **Statement of Policy**

A student shall not impair, interfere with, or obstruct the orderly conduct, process, or function of the University or any of its students, faculty

members, University officials, guests or the surrounding community.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. Committing or threatening to commit any act of violence against self or other;
- b. Threatening the health, safety, or welfare of another;
- c. Acting recklessly or in a manner that endangers or could reasonably be expected to endanger the health, safety, or welfare of the student or anyone else;
- d. Interfering with the freedom of movement of another person;
- e. Invading the privacy of another person;
- f. Bullying (Any deliberately hurtful behavior, usually repeated over time, with the desired outcome of frightening, intimidating, excluding or degrading a person. This includes, but is not limited to, physical assault, verbal abuse, teasing, ridiculing and spreading of rumors or private information about a person and may be done by any method of delivery, such as verbal, written or electronic);
- g. Stalking (Purposely and repeatedly engaging in behavior directed at a specific person which reasonably causes that person alarm, distress, fear or a change of normal behavior);
- h. Interfering with the right of another to enter, use, or leave any University building, facility, property, service, resource, or activity;
- i. Interfering with a faculty member or University official in the performance of his or her duty;
- j. Interfering with the freedoms of speech, religion, or association of another;
- k. Trespassing or the unauthorized entering or accessing of any University building, facility, property, service, resource, or activity;
- l. Instigating or otherwise encouraging others to engage in a fight, riot or other disruption;
- m. Making, exhibiting, or producing any inappropriate, loud, or disruptive noise or behavior;
- n. Exhibiting public nudity or lewd behavior; or
- o. Urinating in any area of University buildings, facilities, or property other than restrooms.

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E. Drugs

1. Statement of Policy

The University prohibits the illegal possession, use, consumption, manufacture, sale, or distribution of drugs and drug paraphernalia. Any violations of this drug policy may be subject to sanctions by the undergraduate or graduate Student Conduct System and may be reported to all appropriate law enforcement authorities. The claim that the use of marijuana was done for medicinal purposes will not automatically be sufficient for dismissal of any pending charges nor for a determination that the student is not responsible for violating this policy. All University buildings, including residence halls, are designated as smoke-free for all substances.

Open Letter to All Students Regarding Drugs and Alcohol**2. Definitions**

The term "Drugs" broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound, or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use.

The term "Drug Paraphernalia" broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, hypodermic needles and syringes.

3. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. The possession, use, consumption, manufacture, sale, or distribution of any illegal drug or drug paraphernalia, prescription or prescription drug not prescribed to the student;
- b. The delivery, transfer, or intent to deliver, transfer, or manufacture any drug or drug paraphernalia;
- c. The misuse, sale, delivery, or transfer of a prescription or prescription drug;
- d. The possession of a prescription or prescription drug not issued to the student;
- e. Driving while impaired by any drug, whether it be legal or illegal; or
- f. A violation of any applicable local, state or federal law relating to drugs or drug paraphernalia.

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F. Endangering the Safety of Others**1. Statement of Policy**

A student shall not endanger the lives or safety of others.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. Creating an unsafe condition or environment which could cause harm to others;
- b. Setting or causing a fire;
- c. Tampering with, misusing or damaging fire or safety equipment, such as alarms, heat sensors, smoke detectors, hoses, and fire extinguishers;
- d. Failing to immediately exit any facility or building when a fire alarm has been sounded, or hindering or impairing the orderly evacuation of any University facility or building; or
- e. Disobeying a command by any University official or faculty member in connection with a fire, alarm, or other safety or security matter.

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G. Failure to Comply

1. Statement of Policy

It is a violation to ignore, disobey, disregard, or otherwise violate any provision of this Code of Conduct or any applicable rule.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. Failing to comply with the directive of any University official or faculty member, including any sanction imposed by the Office of Student Conduct upon a group or individual;
- b. Failing to comply with the terms of any policy, procedure or agreement, including the University's **Housing and Dining Agreement, University Student Centers policies** or any other agreement between a student and a University official or department;
- c. Failing to comply with any applicable federal, state, or local law; or
- d. Failing to advise the University of an off-campus criminal charge(s) or conviction.

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H. False Information

1. Statement of Policy

A student shall not provide false or misleading information.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. Making a false or misleading oral or written statement to any University official or faculty member (including, but not limited to, application for admission, financial aid, residency classification or participation in any special programs sponsored by the University) when the student knew or should have known the statement was false;
- b. Making a false or misleading oral or written statement that misrepresents the character, qualifications, or reputation of another;
- c. Falsely reporting a safety hazard (including but not limited to, a fire, explosive or incendiary device) by any means including by activating an emergency phone on campus when no emergency actually exists;
- d. Falsely reporting a crime or a violation of this Code of Conduct; or
- e. Possessing or displaying any form of false identification or any identification not one's own.

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I. Guests

Statement of Policy

Students are responsible for the behavior of their guests and must ensure that guests comply with University regulations, including the standards in this Code of Conduct. Students in residence halls are responsible for abiding by the Rules for Hosting Visitors in the Residence Halls.

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J. Hazing

1. Hazing is any action taken toward, or circumstance directed at, one or more students, which action or circumstance exposes such student(s) to unpleasant, harassing, embarrassing, degrading or hazardous conditions, the endurance of which is intended to be a condition upon which the student(s) may become a member of, or participate with, any group, regardless of whether the group is recognized by the University or has been formally organized. It is intended that the term "group" be interpreted in the broadest sense and could mean, for example, a particular section of a residence hall, students in a particular program or informal clubs or gatherings of students. Specific violations of this policy include, but are not limited to:
 - a. Requiring the consumption of any food, liquor, drug, or other substance;

- b. Requiring participation in physical activities, such as calisthenics, exercise, or other games or activities requiring physical exertion;
 - c. Exposing another to weather elements or other physically or emotionally uncomfortable situations;
 - d. Forcing fatigue from sleep deprivation, physical activities, or exercise;
 - e. Requiring anything that would be illegal under any applicable law, including laws of the State of Delaware or City of Newark, Delaware;
 - f. Requiring anything that can be reasonably expected to be morally offensive to another;
 - g. Committing or requiring any act that demeans another based on race, gender, ability, sexual orientation, religion, or age;
 - h. Committing any act of physical brutality against another, including, but not limited to, paddling, striking with fists, open hands or objects, and branding;
 - i. Kidnapping or transporting another with the intent of stranding him or her;
 - j. Committing verbal abuse;
 - k. Forcing or requiring conduct that can be reasonably expected to embarrass or adversely affect the dignity of another, including the performance of public stunts and activities such as scavenger hunts;
 - l. Intentionally creating work or labor for another;
 - m. Denying sufficient time for study or other academic activities; or
 - n. Committing or requiring another to commit any sexual act or engage in lewd behavior.
2. Students have a duty to avoid being hazed. Therefore, it shall be an offense under this section for a student to permit himself or herself to be hazed, subject only to the defense that the student could not reasonably have prevented the hazing.

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K. Misuse of University Materials, Services, or Property

1. Statement of Policy

A student shall not misuse any University material, service or property.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. Destroying, damaging, misusing, or defacing any University building, facility, or property, or any private property on-campus or being used for a University-sponsored event;
- b. Destroying, damaging, misusing, reproducing, altering or defacing any student identification card, University-provided key or access card, residence hall key or access card, laboratory equipment, emergency phone, athletic equipment, or any material issued or owned by the University;
- c. Impairing or otherwise hindering another's use of a University material, service, or property;
- d. Reading, duplicating, removing, photographing, forging, counterfeiting, or altering any University document or record without authorization;
- e. Littering on or in any University property, facility, or building; or
- f. Engaging in conduct that may result in damage or destruction of any University building, facility or property, including without limitation skateboarding or rollerblading on steps, railings, banisters or curbing.

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L. Off-Campus Conduct

1. Statement of Policy

Violations of local, state, or federal law are subject to University action. A student who has pleaded guilty to or otherwise accepted responsibility for a violation (e.g. Probation Before Judgment or *no lo contendere*) should be aware that the University may also sanction the student.

2. Notification of Criminal Arrest

- a. A student is responsible for notifying the University of any off-campus arrest.
- b. When the **Office of Student Conduct** (for undergraduate students) or the **Office of Graduate and Professional Education** (for graduate students) is informed of the arrest of a student, the University will send a letter to the student requiring that he or she make an appointment for an interview with the Office of Student Conduct or Office of Graduate and Professional Education. During this interview, the facts involved in the student's arrest, the student's obligation to keep the University informed of the progress of the criminal charge(s), and the student's obligation to advise the University of the final disposition of the criminal charge(s) will be discussed with the student.

3. Withdrawal When Certain Criminal Charges are Pending

The University may withdraw any student when certain charges are pending against that student, subject to the procedures set forth in the

Student Conduct System section of this Guide.

Specifically, withdrawal may be mandated where the crime involves an act of violence, the sale, manufacture or delivery of drugs or any other conduct that is egregiously offensive to the University's mission.

4. Emergency Suspension

The University may remove any student where the continued presence of the student on-campus poses a threat to safety or the rights, welfare, or property of another, subject to the procedures set forth in the **Student Conduct System** section of this Guide.

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M. Residence Hall Regulations

Statement of Policy

A residence hall resident shall comply with all provisions of this Code of Conduct, and should refer to the **Residence Hall Regulations**, the **Housing Agreement**, and **Residence Hall Student Rights and Responsibilities** for additional rules and responsibilities that supplement the Code of Conduct. Residence hall residents are responsible for the behavior of their guests and for ensuring that guests comply with all University regulations.

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N. Responsible Computing and Use of University Computer Resources

1. Statement of Policy

All students must comply with local, state, and federal laws relating to **copyright**, security, and electronic media. Students must act **responsibly** and in accordance with relevant **laws**, contractual obligations, and the **Policy for Responsible Computing**.

All students must make certain that their computer is **secured** against viruses, worms, hacker attacks, and other intrusions. Further, students are responsible for all uses of their computer and will be held accountable for network traffic originating at their computer or traced back to their computer's IP number (Internet address).

All students **are expected to access and use their UD e-mail** and read e-mail in a timely manner. Faculty will send e-mail with important information about classes, and the administration, including the Office of Student Conduct, will send messages with timely, sometimes critical, announcements. These messages are sent to the "udel.edu" e-mail address assigned to each student. If students prefer to use a different e-mail service, they must still check their UD e-mail account or be sure to forward the "udel.edu" messages to the preferred account.

2. Prohibited Activities

A student shall not damage, destroy, misuse, or otherwise endanger the University's computing and information resources. Specific violations of

this standard include, but are not limited to:

- a. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for any activity other than that for which access or use was assigned or authorized;
- b. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for commercial use;
- c. Accessing any University computer, facility, equipment, software, network, or other resource, including e-mail, without authorization;
- d. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit any other violation of this Code of Conduct;
- e. Disrupting, hindering, or damaging the service, use, or ability of others to access or use any University computer, facility, equipment, software, network, or other resource, including e-mail;
- f. Damaging, destroying, misusing, or otherwise harming any University computer, facility, equipment, software, network, or other resource, including e-mail; or
- g. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit acts prohibited under applicable federal, state, or local laws.

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O. Sexual Assault

1. Statement of Policy

The University will not tolerate sexual assault. Sexual assault occurs when a person is physically forced, is coerced, or is physically or mentally unable to give consent; and assault may be committed by an acquaintance or a stranger. Violations will be adjudicated by the University and may be reported to the appropriate law enforcement authorities.

Sexual Assault Amnesty

The Office of Student Conduct grants Amnesty to students who may have violated the Code of Conduct's Alcohol Policy at the same time of the incident when he or she became a victim of sexual assault. Therefore, no alcohol charges are applied to a student who reports that he or she was under the influence of alcohol at the time of a sexual assault.

2. Consent

The University's Sexual Assault Policy requires that each participant consents to each act of sexual activity. Consent is an affirmative decision to willingly engage in mutually acceptable sexual activity given by clear words or actions. It is an informed decision made

freely and actively by all involved parties.

Relying solely on non-verbal communication can lead to miscommunication about one's intent. It is important not to make assumptions. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant clarifies his or her willingness to continue at each progression of the sexual interaction.

Consent may not be inferred from silence, passivity or lack of active response alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent.

Conduct will be considered "without consent" if no clear consent, verbal or non-verbal, is given. In some situations, an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, beaten, threatened, isolated or confined.

The use of alcohol or drugs can limit a person's ability to freely and clearly give consent. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether or not consent has been freely and clearly given. The perspective of a reasonable person will be the basis for determining whether one should have known how the use of alcohol or drugs impacted another's ability to give consent. Being intoxicated or impaired by drugs is never an excuse for sexual assault.

3. Prohibited Activities

Specific violations of this standard include, but are not limited to:

Any uninvited, unwelcome advance, request for sexual favor, or touching or kissing of a sexual nature, where such conduct placed the victim in a position where he or she reasonably felt unable to avoid the uninvited conduct. Conduct includes, but is not limited to, rape, sodomy or oral copulation, sexual assault, or battery.

Note: Contact the Office of Equity and Inclusion and Victim's Rights and Resources for more detailed information. Additional information may be found on the University's sexual assault resources page.

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P. Sexual and Other Unlawful Harassment

The University of Delaware is committed to protecting the rights and dignity of all students, and seeks to maintain an environment that is free from all forms of unlawful harassment and discrimination. The University will not tolerate any form of unlawful harassment and discrimination.

Unlawful harassment goes beyond the mere expression of views or thoughts (spoken or written) that an individual may find offensive. The conduct must be sufficiently serious to unlawfully limit a student's ability to participate in or benefit from the activities of the University. Further, prohibited conduct must be evaluated from the perspective of a reasonable person in the alleged victim's position, taking into account all of the circumstances involved in a particular matter.

1. **Sexual Harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or (3) such conduct has the purpose or effect of unlawfully interfering with an individual's work or academic performance or unlawfully creating an intimidating, hostile, or offensive working or academic environment.

The following types of actions may constitute sexual harassment, whether the harasser is a co-worker, supervisor, student or faculty member:

- a. demand for sexual favors accompanied by implied threats about the person's employment status, or implied promises of preferential treatment;
- b. persistent, unwelcome flirtation, requests for dates, advances or propositions of a sexual nature;
- c. unwanted touching such as patting, pinching, hugging or repeated brushing against an individual's body;
- d. repeated degrading or insulting comments that demean an individual's sexuality or sex;
- e. unwarranted displays of sexually suggestive objects or pictures;
- f. sexual assault.

2. **Other Unlawful Harassment**

Other unlawful harassment includes any verbal or physical conduct toward another that is based on the other's race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation or any other characteristic protected by law, and that (1) unlawfully creates an intimidating, hostile, or offensive learning and/or working environment or (2) unlawfully interferes with an individual's work or academic performance.

Threatening, intimidating or engaging in hostile acts that create an unlawful, hostile environment based on an individual's race, color, gender, religion, national origin, disability, veteran status or any other characteristic protected by law may constitute unlawful harassment, whether the harasser is a co-worker, supervisor, student or faculty member.

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Q. Student Organizations

1. Standard of Conduct

Student organizations are expected to adhere to the same standards of conduct applicable to individual students. Specific violations of this standard include, but are not limited to:

- a. Violating, or permitting its members or their guests to violate, or failing to prevent where such prevention was possible the violation of this Code of Conduct or any applicable city, state, or federal regulation;
- b. Violating, or permitting its members or their guests to violate, or failing to prevent where such prevention was possible the violation of any contract or other agreement between the student organization and the University; or
- c. Committing any act in violation of any policy, procedure or agreement, including the University's **Housing and Dining Agreement, University Student Centers policies** or any other agreement between a student organization and a University official and department, as well as rules promulgated by the appropriate University official and any other rules made applicable to student organizations.

2. Application of Policy

- a. Each use of the term "Student" in this Code of Conduct shall refer to and include student organizations and their members.
- b. Any violation of this Code of Conduct by one or more members of a student organization may constitute a violation by the organization itself. Where those administering the Student Conduct System conclude that there is sufficient connection between the acts of individual students and an organization to which they belong, sanctions may be imposed on the organization as well as any offending member. Conversely, when an organization has been found guilty of a Code offense, those administering the Student Conduct System may impose sanctions on some or all members of that organization depending upon the degree of general participation in the offense.

3. Membership

- a. Membership in a Registered Student Organization may not be restricted on the basis of race, creed, color, gender, age, religion, national origin, veteran status, handicap status, or sexual orientation, except for any fraternity or sorority whose national organization requires it to be single-sex, and then only when such group demonstrates that it will not discriminate on any other basis.
- b. A student may not frustrate the University's suspension of a Student Organization by joining, becoming a member of, or in any way assisting or participating in a student organization that is currently on suspension from the University.

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R. Theft

1. Statement of Policy

Theft is defined as taking or possessing the property of another without right or permission. Students shall respect the property of the University, its guests, and all members of the University community.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. The unauthorized taking, misappropriation, possession, retention, or disposal of any property owned or maintained by the University, another student, a person attending a University sponsored event, or any other person; or
- b. The unauthorized taking or use of any University owned or contracted service.

3. Possession of Lost or Misplaced Items

Any lost or misplaced item that is found should immediately be turned in to the proper University office. For instance, items found in the library should be taken to the library's circulation desk. Inquiries concerning lost books, articles of clothing, or identification cards should be directed to the Lost and Found section of the **Department of Public Safety**.

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S. Weapons, Dangerous Instruments, and Explosive Chemicals or Devices on Campus

1. Statement of Policy

The possession, use or threat of use of any object that may reasonably be believed to cause physical injury to another person is prohibited.

2. Prohibited Activities

A student shall not possess, use, or threaten to use any of the following

items on campus:

- a. Any firearm (including any weapon or instrument from which a shot, projectile, or other object may be discharged by force, whether operable or inoperable, loaded or unloaded);
- b. Any deadly weapon, defined as any instrument, item, or material readily capable of causing death or serious physical injury;
- c. Any BB gun, pellet gun, air rifle, paint gun, sword (whether decorative or not), or other martial arts weapon;
- d. Any knife (other than an ordinary pocketknife carried in a closed position, with a blade of three inches or less or cutlery of a reasonable size, when used in a kitchen or other food preparation area); or
- e. Any explosive chemical or device including a substance or a combination of substances possessed or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including fireworks and illegal or potentially dangerous chemicals.

Note: Possession of a license to possess or use any of the above items shall not constitute a defense of any violation of this section.

3. Interpretation

This policy does not prohibit any instrument or chemical expressly authorized for the pursuit of the academic mission of the University and used in an authorized manner consistent with that academic mission. Questions concerning authorized chemicals and prohibited instruments should be addressed to the **Department of Public Safety** or **Occupational Health and Safety**.

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DOE, JANE

DEFENDANTS

UNIVERSITY OF DELAWARE and
COLCLOUGH, MONIQUE N.

(b) County of Residence of First Listed Plaintiff WARREN
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant NEW CASTLE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Seitz, Van Ogtrop & Green, P.A.
222 Delaware Avenue, Suite 1500
Wilmington, DE 19801

Attorneys (If Known)
Saul Ewing, Esq.
222 Delaware Avenue, Suite 1200
Wilmington, DE 19801

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332

Brief description of cause:
Improper response to student report of sexual assault and harassment in violation of Title IX

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 12/27/13 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____