

FWP Recommended Revisions (11/3):

1. In section I. B (page 2), delete the phrase ~~is alleged to have~~.
2. I.C (p. 3), delete the phrase ~~complaints or reports about conduct prohibited by~~ and replace it with violations of
3. II.D (p. 4), replace the specific info with general title.
4. II.E (p. 4), add administrators.
5. II.M (p.6), delete ~~in the alleged victim's position~~
6. VI. A (p. 12), delete ~~Academic freedom is the freedom to teach, to conduct research and other scholarly or creative activities, and to publish or otherwise disseminate the results, even if the conclusions are unpopular or contrary to public opinion.~~
7. VI. A (p. 13.), add (3.1.1 & 4.2.1) and (Article II) .
8. VI.F. (p. 14) revise “The standard of proof in all matters under this Policy will be ~~preponderance of the information.~~ clear and convincing evidence. ~~This standard requires the Investigator to conclude that it is more likely than not that the Respondent violated this policy in order for there to be a finding of responsible.~~ Under this standard, individuals are presumed not to have violated this Policy unless ~~a preponderance of the information supports a finding of responsible~~ the Investigator concludes that there is clear evidence that would convince a reasonable person that the Respondent violated the University’s Non-Discrimination Policy.
9. VII.B. 5 (p. 19), revise “The burden of proof rests with the Complainant and a finding must be based on ~~the preponderance of the information-~~ clear and convincing evidence available to the Investigator. This means in order to find the Respondent responsible, the Investigator must conclude that there is clear evidence that would convince a reasonable person that the Respondent violated the University’s Non-

~~Discrimination Policy. that it is more likely than not that the Respondent violated the University's Non-Discrimination Policy.~~ If the Investigator cannot reach such a conclusion, then the finding must be “not responsible.” If the Investigator concludes that the Complainant filed the report falsely or maliciously, then the University may take disciplinary action against the Complainant.”

10. VII.B.5 (p. 20) add The Director will provide each of the parties a written summary of the draft report, redacted as necessary to protect the privacy interests of the Complainant, Respondent or other witnesses.

11. VII.B.5 (p. 20) add: and any additional investigation flowing out of those comments,

12. VII.B.5 (p. 20) add The Director will provide each of the parties a written summary of the final report, redacted as necessary to protect the privacy interests of the Complainant, Respondent or other witnesses. NOTE: items 10 & 12 are separate.

13. VIII.A (p. 22) check link. <http://www1.udel.edu/stuguide/17-18/index.html>

14. IX.C (p. 26) check link. <http://www.udel.edu/content/dam/udelImages/human-resources/EmployeeRelations/cbas/AAUP.pdf>