June 2016

Dear New Employee:

Welcome to Millersville University. We are eager to have you join our organization and hope you have a satisfying and rewarding career at Millersville.

We are committed to ensuring that our campus is a safe, positive environment for learning, living, and working for all and assuring that our campus is free from unlawful discrimination or harassment, including sexual harassment and sexual violence. The university does not discriminate on the basis of race, color, religion, creed, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, age, disability, pregnancy or status as a disabled veteran, veteran or other covered veteran.

Attached are some key policies that outline in more detail how these commitments are implemented at Millersville University.

1. Letter from Millersville University President, John M. Anderson Re: Protection of Minors
2. Arrest and Conviction Disclosure Form
3. Mandatory Reporting of Child Abuse Policy
4. PASSHE Board of Governors Policy 2014-01 Protection of Minors
5. Title IX and Complaint Procedures, Sex Discrimination and Sexual Misconduct Policy
6. Discrimination and Harassment Policy and Complaint Procedures
7. Policy 1989-02 Drug Free Workplace
8. Employee Notification – Whistleblower Law
9. ADA Reasonable Accommodations and Access

Please read each attachment carefully, especially numbers 1, 2, 3, and 4, as these are policies based on new Pennsylvania state laws. Feel free to call the Office of Human Resources if you have any questions.

Sincerely,

Melanie DeSantis
Executive Director of Human Resources
Dear University Employees:

Millersville University and all of Pennsylvania’s State System of Higher Education remain committed to ensuring that our campuses are safe places for learning, living, and working; you play an important role in that effort. Recent laws passed by the Pennsylvania legislature and a policy passed by the Board of Governors further enhance that commitment in the following ways that involve you, as an employee:

**Protection of Minors on Campus**
In a situation of suspected child abuse involving individuals under the age of 18, all employees are considered "mandated reporters" and have or will receive training from the University regarding the reporting of suspected child abuse. More information about training will be forthcoming from the University.

1. In the meantime, if there is a situation of suspected child abuse you must immediately make an oral report to Pennsylvania’s Department of Human Services (DHS)—formerly named the Department of Public Welfare—by calling 1-800-932-0313. When an oral report is made, a written report must be made within 48 hours to DHS or the Lancaster County Children and Youth Agency and immediately following the report to DHS, you must notify the Millersville University Police Officer in Charge (OIC) by calling Lancaster County Dispatch 717-664-1180 and requesting the OIC respond. The University Police OIC will notify the University Police Chief or Deputy Chief who will assume the responsibility for facilitating the cooperation of the university with the investigation of the report.

**Arrest and Conviction Disclosure**
Related to the protection of minors on campus, all current employees will be required to report to the University if they have been arrested or convicted of crimes enumerated in the Child Protective Services Law, 23 Pa.C.S. §6344(c). Beginning December 31, 2014, you must contact our Office of Human Resources if you have been 1) arrested for or convicted of a reportable offense or if you have been 2) found or indicted as a perpetrator in a report of child abuse. You must provide such written notice within 72 hours of the arrest, conviction, or notification that you have been listed as a perpetrator in the statewide database. Failure to make a written notification as required by law could be a misdemeanor of the third degree and could subject you to discipline up to and including termination. Contact our Office of Human Resources for more information.

**Background Checks**
All current and prospective employees and volunteers will be required to have the following background clearance checks:
1) A criminal history record check or statement from the Pennsylvania State Police indicating the individual has not been convicted of a reportable offense;

2) Certification from the Department of Human Services as to whether the individual is named in the Statewide Database as a perpetrator in a pending child abuse investigation, a founded report, or an indicated report of child abuse; and

3) A federal criminal history record information, including fingerprinting and review by the Federal Bureau of Investigation for the purpose of verifying the identity of the individual and obtaining a current record of any criminal arrests and convictions.

These are the same background clearance checks that are routinely required of all K-12 teachers in Pennsylvania as well as others who have regular contact with minors, including those who volunteer with churches and other community organizations.

You may be asked to obtain the above background checks immediately if the University has reason to believe that you were arrested or convicted of one of the crimes enumerated in the new law. Otherwise the timing of the checks will depend on whether you have ever had background certifications in the past in accordance with the following:

- If you have had certifications and the certifications are more than 36 months old you will need to have new certifications by December 31, 2015.
- If your certifications are less than 36 months old, you will have to have new certifications within 36 months of the date of your last certifications.
- If you have never had certifications, you will have to have them by December 31, 2017, and every three years thereafter.

The University will fully review the results of the background checks and act pursuant to both Board policy and the law. Details regarding the process for obtaining the certifications will be provided in a separate communication.

We want to thank you for your continued commitment to keep our campus a safe and productive environment for learning and discovery. We look forward to 2015 as another remarkable year for our students, faculty, staff, and the community we serve. If you have any questions regarding this information, please contact our human resources office at 717-871-4950.

Thank you,

Dr. John M. Anderson
President
Millersville University
Please read this entire form carefully before completing it. This form is to be used by current employees and volunteers to provide written notice within 72 hours after an arrest or conviction for a Reportable Offense or notice of being listed in the statewide database as a perpetrator of a founded or indicated report of child abuse.

Section 1. Personal Information

Full Legal Name: __________________________________________________ Date of Birth: ____/____/_______

Any former names or aliases by which you have been identified: _____________________________________________

Section 2. Instructions

Individuals completing this form are required to submit the form to Millersville University, Office of Human Resources.

If you have any question about whether to report an offense, you should report it. An employee or volunteer who willfully fails to disclose information required for self-reporting could be charged with a misdemeanor of the third degree and may be subject to discipline up to and including termination or denial of employment or volunteer position.

List of Reportable Offenses

A Reportable Offense enumerated under Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. §6344(c), consists of one or more of the following:

1. Provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or an equivalent crime under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of the Commonwealth of Pennsylvania:
   - Chapter 25 relating to criminal homicide
   - Section 2702 relating to aggravated assault
   - Section 2709.1 relating to stalking
   - Section 2901 relating to kidnapping
   - Section 2902 relating to unlawful restraint
   - Section 3121 relating to rape
   - Section 3122.1 relating to statutory sexual assault
   - Section 3123 relating to involuntary deviate sexual intercourse
   - Section 3124.1 relating to sexual assault
   - Section 3125 relating to aggravated indecent assault
   - Section 3126 relating to indecent assault
   - Section 3127 relating to indecent exposure
   - Section 4302 relating to incest
   - Section 4303 relating to concealing death of a child
   - Section 4304 relating to endangering welfare of children
   - Section 4305 relating to dealing in infant children
   - A felony offense under Section 5902(b) relating to prostitution and related offenses
   - Section 5903(c) or (d) relating to obscene and other sexual materials and performances
   - Section 6301 relating to corruption of minors
   - Section 6312 relating to sexual abuse of children

2. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” committed within the preceding five-year period.

3. A founded report or indicated report of child abuse within the preceding five-year period in the statewide database maintained by the Department of Human Services.
Section 3. Report of Arrest or Conviction

☐ By checking this box, I report that I have been arrested for, or convicted of, a Reportable Offense or an offense similar in nature to a Reportable Offense under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of the Commonwealth of Pennsylvania; or that I have been named as a perpetrator of a founded or indicated report in the statewide database maintained by the Department of Human Services. (See Section 2 for a list of Reportable Offenses.)

For each arrest for or conviction of any Reportable Offense, specify in the space below (or on additional attachments, if necessary) the offense for which you have been arrested or convicted, the date and location of arrest and/or conviction, docket number, and the applicable court.

Section 4. Certification

By signing this form, I swear and affirm under penalty of law that the statements made in this form are true, correct, and complete. I understand that false statements herein, including, without limitation, any failure to accurately report any arrest or conviction for a Reportable Offense, shall subject me to criminal prosecution under 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Signature

Date
Administrative Policy
MANDATORY REPORTING OF CHILD ABUSE

Approved: December 10, 2014, MU Council of Trustees

Purpose and Scope
The purpose of this policy is to create a supportive environment and to promote the safety and security of children who participate in programs and activities held on Millersville University property and to comply with the requirements of the Child Protective Services Law, 23 Pa.C.S. §§ et seq. Accordingly, this policy defines who is a mandated reporter and establishes the protocols that mandated reporters must follow with respect to reporting suspected child abuse.

Applicability
This policy applies to all individuals who are employed by or perform services for the University and to all programs and activities involving children, including graduate and undergraduate course offerings, programs operated by the university or non-university sponsored programs on campus, and programs under the direction and authority of the university at locations off campus. This policy applies to such programs and activities whether they are limited to daily activities or involve the housing of children. Examples of programs governed by this policy include, but are not limited to: summer camps, specialty camps (e.g., academic and sports camps), outreach activities, workshops, conferences, tutoring, educational programs, and affiliated entity activities.

Authorized Adults or Program Staff Code of Conduct
Authorized adults or program staff should be positive role models for children and act in a responsible manner that is consistent with the educational mission of Millersville University. Authorized adults or program staff working in programs covered by this policy must follow these expectations:

Definitions
Child Abuse: Child abuse is defined in the Child Protective Services Law, 23 Pa. C.S. § 6303. The statutory definition of the term “child abuse” includes intentionally, knowingly or recklessly doing any of the following:

1. Physical Abuse: causing bodily injury to a child this including but not limited to kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;
2. Sexual Abuse or Exploitation: includes, but is not limited to, rape, sexual assault, molestation, incest, indecent exposure, or otherwise exploiting a child in a manner in
which the child is used for the purpose of sexual stimulation or gratification of any individual.

3. Emotional or Mental Abuse: causing or substantially contributing to serious mental injury to a child through any act or series of such acts or failures to act.

4. Neglect: a severe or persistent failure to provide for a child’s physical needs.

Mandated Reporter: The Child Protective Services Law, 23 Pa.C.S. §6311 and Millersville University policy designate all Millersville University employees as mandated reporters. This includes individuals who fall within one or more of the following classifications: all administrators, faculty, academic staff, adjunct faculty, clinical faculty, support staff (including regular, temporary, and on-call), student employee, coaches, contractors, volunteers, graduate teaching assistant, graduate research assistant, and leased employee. University contractors and volunteers are also deemed mandated reporters under this policy.

Child (Minor): A person under 18 years of age. Children may be enrolled undergraduate/graduate students; students “dually enrolled” with the university and in elementary, middle, or high school; employees; or participants in program or activities.

Child Abuse and Child Neglect Reporting

1. All mandated reporters shall call 911 for an in progress child assault.

2. All mandatory reporters shall make an immediate report of suspected child abuse to the Department of Human Services (DHS) Childline by calling 1-800-932-0313 if the reporter suspects that a child is a victim of child abuse under any of the following circumstances:
   a. The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
   b. The mandated reporter is responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
   c. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
   d. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
   e. The child is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.

3. After an oral report is made, a written report (CY-47 form) shall also be made within 48 hours to DHS using electronic technologies when available, or to Lancaster County Children and Youth Agency.

4. Immediately following the report to DHS the mandatory reporter must notify the University Police Officer in Charge (OIC) by calling Lancaster County Dispatch 717-664-1180 and requesting the OIC respond. The University Police OIC will notify the University Police Chief or Deputy Chief who will assume the responsibility for
facilitating the cooperation of the university with the investigation of the report. More than one report of the suspected abuse is not required.

5. DHS does not require more than one report from Millersville University.

Protecting Identity of Reporters

Millersville University and PA Childline will not release data that will identify the individual who made a report of suspected child abuse or who cooperated in a subsequent investigation except to a law enforcement official investigating allegations of false reports under 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse). Law enforcement officials shall treat all reporting sources as confidential informants.

Intimidation, Retaliation or Obstruction in Retaliation to Reporting

Reporters of child abuse are protected by the Child Protective Services Law, 23 Pa.C.S. §6311, against intimidation and retaliation for having filed a report of child abuse. Any person who experiences intimidation or retaliation for having reported child abuse or is obstructed in investigating a report of child abuse should immediately report the act to the Chief of the University Police and the Director of Human Resources. Millersville University will not tolerate any act which obstructs, impedes, impairs, prevents or interferes with the making of a child abuse report or the conducting of an investigation into suspected child abuse.

Violations of Policy

University mandated reporters who willfully fail to report suspected child abuse may be subject to disciplinary action, up to and including dismissal from employment. Mandated reporters may also be subject to criminal prosecution pursuant to the Child Protective Services Law, 23 Pa.C.S. §6319, for willfully failing to report suspected child abuse.

Training

All University employees and volunteers will be offered training on child abuse reporting protocols beginning December, 2014 and on an annual basis. All contracted employees will be required to acknowledge understanding and compliance to this policy prior to performing services at Millersville University.
A. **Purpose and Scope**

The purpose of this policy is to promote the safety and security of children who participate in programs held on Pennsylvania State System of Higher Education (PASSHE) university property. This policy applies to all PASSHE universities, their units, and the Office of the Chancellor. All PASSHE administrators, faculty, coaches, staff, students, contractors, and volunteers in PASSHE university-sponsored programs or in programs for minors held on university property must comply with this policy.

This policy applies to all programs and activities involving minors that fall within the scope of this policy, including graduate and undergraduate course offerings, programs operated by the university or non-university-sponsored programs on campus, and programs under the direction and authority of the university at locations off campus. This policy applies to such programs and activities whether they are limited to daily activities or involve the housing of minors. Examples of programs governed by this policy include, but are not limited to, summer camps, specialty camps (e.g., academic and patient camps), outreach activities, workshops, conferences, tutoring, educational programs, licensed child care facilities and programs, and affiliated entity activities. All programs subject to state licensure are required to comply with applicable laws and regulations. Program administrators should consult with the appropriate vice president and university legal counsel regarding licensure questions.

Except for the reporting of child abuse or child neglect, this policy does not apply to: (1) events on campus that are open to the general public and which minors attend at the sole discretion of their parents or legal guardians, (2) private events where minors attend under parental or legal guardian supervision, or (3) other programs as may be designated by the university president or designated official in advance and in writing as exempt from this policy or specific provisions of this policy.

B. **Definitions**

**Affiliated Entity:** A private organization (typically classified as a 501(c)(3) nonprofit organization for federal tax purposes) that exists solely for the benefit of the university, including, but not limited to, foundations, alumni associations, and student associations.
**Authorized Adults or Program Staff:** Individuals, paid or unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors. This includes, but is not limited to, faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and contractors. Roles of authorized adults or program staff include, but are not limited to, positions as counselors, chaperones, coaches, instructors, health care providers, and outside providers running programs in leased facilities. This definition does not include temporary guest speakers, presenters, or other individuals who have no direct contact with program participants other than short-term activities supervised by program staff; or fellow students whose only role is as a participant in the education, services, or program offered.

**Child Abuse:** Child abuse is defined in 23 Pa. C.S. §6303. That definition includes nonaccidental actions or omissions that cause serious physical or mental injuries to a child, or sexual abuse/sexual exploitation of a child including:

1. **Physical Abuse:** Acts or omissions that cause, or fail to prevent, a serious physical injury to a child.
2. **Sexual Abuse:** Includes, but is not limited to, rape, sexual assault, molestation, incest, indecent exposure, or otherwise exploiting a child in a manner in which the child is used for gratification or sexual enjoyment by another person.
3. **Emotional or Mental Abuse:** Acts or omissions that have an actual or likely severe negative impact on a child’s emotional and behavioral development, including those resulting from persistent or severe emotional mistreatment.
4. **Neglect:** A severe or persistent failure to provide for a child’s physical, emotional, or basic needs.

**Direct Contact:** Providing care, supervision, guidance, or control; or routine interaction with minors.

**Mandated Reporter:** In a situation of suspected child abuse, all PASSHE administrators, faculty, coaches, staff, student workers, contractors, and volunteers are considered mandated reporters.

**Minor/Child:** A person under 18 years of age. Minors may be enrolled undergraduate/graduate students; students “dually enrolled” with the university and in elementary, middle, or high school; employees; or participants in program activities.

**One-on-One Contact:** Personal, unsupervised interaction between any authorized adult or program staff and a participant without at least one other authorized adult or program staff, parent, or legal guardian being present.

**PASSHE Entity:** One of the PASSHE universities or the Office of the Chancellor.

**Program:** Programs or activities offered by various academic or administrative units of the university, or by nonuniversity groups using university facilities where the parents or legal guardians are not responsible for the care, custody, or control of their children. This includes, but is not limited to, workshops, services, camps, conferences, campus visits, and similar activities. These do not include organized events where parents or legal guardians are responsible for minors.
Program Administrator: The person(s) who has primary and direct operational responsibility for managing a program.

Registry: An official record or list of authorized adults or programs.

Sponsoring Unit: The academic or administrative unit of the university that offers a program or gives approval for the use of university facilities.

University Facilities: Facilities owned by or under the control of a PASSHE entity, including spaces used for education, athletics, dining, recreation, university housing, and on-campus affiliate-owned housing.

University-Sponsored Programs: Programs that are directly managed by university faculty, staff, and affiliated entities on behalf of the university. All university-sponsored programs must be registered.

Non-University-Sponsored Programs: Programs that are not operated on behalf of the university or under the university’s control.

C. Policy
Each PASSHE entity offering or approving programs that involve minors within the scope of this document will establish and implement policies and procedures consistent with this policy by December 31, 2014. The locally established policies and procedures will, at a minimum, include the following requirements.

1. Authorized Adults and Program Registration
   Each university is responsible for establishing and maintaining a registry of university-authorized adults, program staff, and programs for minors. All programs must be registered within sufficient time to meet the requirements of this policy, and policy requirements should be met no later than 30 days before the program start date. Programs must be registered annually.

2. Program Registration Requirements
   The following topics must be addressed in planning and evaluating registered programs:

   a. Identification, selection, and screening of authorized adults or program staff, including criminal background checks.
   b. Training for authorized adults or program staff.
   c. Supervision ratio.
   d. Safety and security planning.
   e. Participation requirement forms.
   f. Transportation.
   g. Housing.
   h. Response protocols when there is an injury or illness.
   i. Response protocols when an authorized adult or program staff is accused of misconduct.
   j. Response protocols when a participant is accused of misconduct.
   k. Program orientation or information for minors and parents.
   l. Insurance requirements.
   m. Record retention.
3. **Authorized Adults or Program Staff Code of Conduct**

Authorized adults or program staff should be positive role models for minors and act in a responsible manner that is consistent with the mission of the PASSHE entity. Authorized adults or program staff are required to comply with all applicable laws and PASSHE Board of Governors’ and university policies. Authorized adults or program staff working in programs covered by this policy must follow these expectations.

- a. Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material with minors or assist in any way to provide access to such material to minors.

- b. Do not engage or allow minors to engage you in romantic or sexual conversations or related matters. Similarly, do not treat minors as confidantes; refrain from sharing sensitive personal information about yourself. Examples of sensitive personal information that should not be shared with minors are information about financial challenges, workplace challenges, drug or alcohol use, and romantic relationships.

- c. Do not touch minors in a manner that a reasonable person could interpret as inappropriate. All personal contact should generally only be in the open, and in response to the minor’s needs, for a purpose that is consistent with the program’s mission and culture, or for a clear educational, developmental, or health-related purpose (e.g., treatment of an injury). Any refusal or resistance from the minor should be respected.

- d. Do not use harassing language that would violate Board of Governors’ Policy 2009-03: *Social Equity*, or university harassment policies.

- e. Do not be alone with a minor. If one-on-one contact is required, meet in open, well-illuminated spaces or rooms with windows observable by other authorized adults or program staff, unless the one-on-one contact is expressly authorized by the program administrator or is being undertaken for medical care.

- f. Do not meet with minors outside of established times for program activities. Any exceptions require written parental authorization and must include more than one authorized adult or program staff.

- g. Do not invite individual minors to your home or other private locations. Any exceptions require authorization by the program administrator and written authorization by a parent/guardian.

- h. Do not provide gifts to minors or their families independent of items provided by the program.

- i. Do not engage or communicate with minors except for an educational or programmatic purpose; the content of the communication must be consistent with the mission of the program and the university.

- j. Do not engage in any abusive conduct of any kind toward, or in the presence of, a minor, including, but not limited to, verbal abuse, striking, hitting, punching, poking,
spanking, or restraining. If restraint is necessary to protect a minor or other minors from harm, all incidents must be documented and disclosed to the program administrator and the minor’s parent/guardian.

k. Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty, or in the presence of minors involved in a program, or when responsible for a minor’s welfare.

l. Do not provide alcohol or illegal substances to a minor.

m. Do not provide medication to a minor unless authorized by the program’s medication management guidelines.

n. When transporting minors, more than one authorized adult or program staff from the program must be present in the vehicle, except when multiple minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles if possible and comply with the program’s transportation guidelines.

Violations of any of the forgoing shall be reported to the program administrator.

4. Criminal Background Screening

At a minimum, universities will establish and implement criminal background screening policies and procedures consistent with applicable law and Board of Governors’ Policy 2009-01: Criminal Background Investigations, for all employees. Before being allowed to use or lease university facilities, program administrators of non-university-sponsored programs or nonuniversity groups providing services to university-sponsored programs are required to certify that they have conducted criminal background checks and determined the fitness of all authorized adults and program staff.

5. Participant Requirements

Minors and parents or legal guardians of minors must submit required forms before minors will be allowed to participate. These forms may include, but are not limited to, a participation agreement, health form, emergency contact form, proof of medical insurance, photo and recording release, and participant code of conduct.

6. Training

All authorized adults or program staff working with minors are required to be trained on policies and issues related to minor safety and security. The training should be completed annually and may vary based on the role of the authorized adult. Documentation of training completion is required to be maintained by the program administrator. Program administrators of non-university-sponsored programs or nonuniversity groups providing services to university-sponsored programs are required to certify that they have satisfactorily completed required training before being allowed to use university facilities. Training should address the following topics.

a. Detecting and reporting abuse or neglect.
b. First aid/CPR and medication management.
c. Participant conduct management and disciplinary procedures.
d. Authorized adult or program staff code of conduct.
e. Sexual and other unlawful harassment.
f. Safety and security protocols.
g. Crime reporting procedures.
7. **Reporting Obligations**

   In a situation of suspected child abuse, all members of the university community, contractors, and volunteers are mandated reporters under this policy. Everyone who is deemed a mandated reporter pursuant to this policy shall be trained as if designated a mandated reporter by Pennsylvania law.

   All mandated reporters shall make an immediate report of suspected child abuse or cause a report to be made if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

   a. The mandated reporter comes into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.
   
   b. The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.
   
   c. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
   
   d. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

   The minor is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.

   Mandated reporters must immediately make an oral report of suspected child abuse to the Department of Public Welfare (DPW) by calling 1-800-932-0313, or a written report to DPW using electronic technologies when available. If an oral report is made, a written report shall also be made within 48 hours to DPW or the county agency assigned to the case as prescribed by DPW.

   Immediately following the report to DPW, the mandatory reporter must notify the designated person in charge at the university who will assume responsibility for facilitating the university’s cooperation with the investigation of the report. More than one report of the suspected abuse is not required.

8. **Facilities Use Agreements**

   Universities licensing, leasing, or allowing the use of university facilities for non-university-sponsored programs or events primarily serving minors are required to include language in the agreement requiring identification of authorized adults or program staff, supervision ratios, adult code of conduct, training, and background screening consistent with this policy.

   **D. Effective Date:** December 31, 2014.
This policy statement describes the University’s position regarding sex discrimination, including sexual harassment and sexual violence and outlines the procedures to be followed when reporting complaints of sexual misconduct. For the purpose of this policy statement, “sexual misconduct” includes sexual assault, rape, sexual harassment, intimate partner/dating violence, stalking, domestic violence, or other gender-based harassment or discrimination.

POLICY AND PURPOSE

Millersville University (“the University” hereinafter) is strongly committed to maintaining a positive learning, working, and living environment for all and assuring its educational and employment environment is free from unlawful sex discrimination, including sexual harassment and sexual violence. Sexual misconduct that occurs in the educational setting (on or off campus) may implicate several state and federal laws, including the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act), as amended by the Violence Against Women Act (VAWA), and a federal civil rights law called Title IX of the Higher Education Amendments of 1972. Pursuant to Title IX, “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” Therefore, educational institutions that receive federal financial assistance, such as Millersville University, are covered by Title IX.

The University strictly prohibits and will not tolerate acts of sexual misconduct or related retaliation against or by any student or employee. Sexual misconduct, in any form, is considered unacceptable behavior and counterproductive to the mission of an educational institution in which students, faculty, and staff form bonds based on intellectual trust and dependence. The University regards sexual misconduct, whether verbal, non-verbal, written or physical, as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, those inflicting such behavior on others are subject to the full range of internal institutional disciplinary actions up to, and including, separation from the University. For more detailed information about the University’s Title IX program, please refer to the online Title IX/Sexual Violence and Misconduct Response and Resource Guide via the webpage found at [http://www.millersville.edu/sexualviolence/title-ix/title-ix-policies-and-procedures.php](http://www.millersville.edu/sexualviolence/title-ix/title-ix-policies-and-procedures.php). The University is committed in its support of protected free expression and principles of academic freedom. As such, legally protected expression and the proper exercise of academic freedom will not constitute unlawful discrimination or harassment.
SCOPE

This policy and procedure applies to and covers all areas of University operations, programs, sites, and includes the conduct of employees, students, visitors/third parties, and applicants. Any individual (i.e., person, visitor, student, faculty, staff, administrator, or applicant) may seek information about unlawful sexual misconduct or file an informal or formal complaint. Any individual may contact the Title IX Coordinator and/or the Chief Deputy Title IX Coordinator directly for informal discussion, advice, and assistance. The Office of the President and Office of Human Resources (HR) are designated as the offices of referral for information, advice, assistance, and resolution. No other person other than those specifically designated may conduct an official investigation of sexual misconduct/sex discrimination. Complaints involving same-sex instances are covered under this policy – gender is not an issue.

In any incident where the respondent is a University student, the complaint will be processed through the Office of Judicial Affairs under the procedures established within the Judicial Affairs Handbook. For more detailed information about examples of policy violations and scope of coverage, please refer to the online Judicial Affairs Handbook.

DEFINITIONS

Consent: is clear, 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, clear permission regarding willingness to engage in (and the conditions of) sexual activity:

1. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

2. Previous relationships or prior consent cannot imply consent to future sexual acts.

3. In order to give effective consent, one must be of legal age.

Complaint/Incident Report: A detailed written statement of allegations of unlawful or prohibited discrimination or harassment that is signed and dated by the complainant. Complaints submitted electronically, in writing, or verbally are permissible under these procedures.

Complainant: The complainant is the individual (i.e., student, employee, applicant, person, or visitor) who makes allegations that prohibited sexual misconduct has occurred.

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 complainant; and 2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship (b) the type of relationship (c) the frequency of interaction between the persons involved in the relationship.

Domestic Violence: The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim.
under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.

**Investigation:** This is a systematic collection of all reasonably ascertainable and relevant facts in a fair and objective manner. An assigned Investigative Team conducts an investigation, including investigatory interviews of witnesses, the employee or student making the complaint and the employee or student respondent. The Investigative Team prepares an investigative fact-finding report at the conclusion of the investigation. Generally, the Investigative Team will consist of the Title IX Coordinator, Chief Deputy Title IX Coordinator and/or a Deputy Title IX Coordinator; however, depending on the circumstances of the complaint alternative individuals may be assigned to conduct an investigation of a complaint.

**Investigative Team:** The investigative team may be led by the Title IX Coordinator or the Chief Deputy Title IX Coordinator. Under certain circumstances, it may be appropriate to have other individual(s) to conduct a formal investigation. Investigators will have relevant and continuous training, qualifications, and experience. All investigations will be led by the Title IX Coordinator, Chief Deputy Title IX Coordinator or a Deputy Title IX Coordinator.

**Pre-Disciplinary Conference:** This is a meeting scheduled to afford an employee an opportunity to provide relevant information regarding employment matters that may result in disciplinary action against an employee.

**Preponderance of the Evidence:** This is the standard by which the University decides sexual misconduct cases. A preponderance of the evidence standard means whether it is more likely than not that sexual misconduct occurred.

**Respondent:** The respondent is the individual against whom allegations of sexual misconduct or retaliation have been made.

**Responsible Employee:** This includes any employee: who has the authority to take action to redress sexual misconduct; who has been given the duty of reporting incidents of sexual misconduct or any other misconduct by students to the Title IX Coordinator and/or Chief Deputy Title IX Coordinator; or whom a student could reasonably believe has this authority or duty.

**Retaliation:** Retaliation occurs when a student or employee is subjected to adverse action in response to that individual expressing concern about sexual misconduct or participating in the opposition or resolution of a complaint involving sexual misconduct. See page 10 for policy on retaliation.

**Sex Discrimination:** Sex Discrimination is defined as conduct that denies or limits an individual’s ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual’s sex. Examples of the types of discrimination that are covered under Title IX include, but are not limited to, disparate treatment, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, and discrimination based on pregnancy.
**Sexual Misconduct:** Sexual misconduct can be defined as any type of sexual contact or conduct that occurs without the explicit consent of the recipient. Sexual misconduct violations include but are not limited to:

**Sexual Harassment:** Sexual harassment consists of interaction between individuals that is characterized by 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, living conditions and/or educational evaluation; 2) submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or 3) such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

In *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999), the U.S. Supreme Court ruled that in order to constitute sex discrimination in violation of Title IX of the Education Amendments of 1972, the harassment of a student must be “so severe, pervasive and objectively offensive that it can be said to deprive the victim’s access to the educational opportunities or benefits provided by the school.”

**Non-Consensual Sexual Intercourse:** This is any sexual intercourse (anal, oral or vaginal), including the use of an object for sexual intercourse, however slight, by one person upon another without consent.

**Non-Consensual Sexual Contact:** This is any sexual touching (including touching with an object) however slight, by one person on another without consent.

**Sexual Exploitation and/or Exposure:** This is when an individual takes non-consensual, unjust or abusive sexual advantage of another for his/her own pleasure, advantage or benefit, or to pleasure, benefit or advantage anyone other than the one being exploited. Sexual exposure occurs when an individual engages in lewd exposure of the body done with the intent to arouse or satisfy the sexual desire of any person.

**Stalking:** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress.

**Unwelcome:** Unwelcome behavior will be considered "unwelcome" if the individual did not solicit or invite it and particularly if s/he indicates that s/he finds the conduct undesirable or offensive. Acquiescence or failure to complain does not mean that the conduct is welcome. However, if a student or employee actively participates in sexual banter or discussions without giving an indication that s/he does not like it, it will probably not meet the definition of "unwelcome". Not every act that might be offensive to an individual or a group necessarily will be considered as harassment and/or a violation of the University's standard of conduct. In determining whether an act constitutes harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.
DESIGNATION AND ROLE OF THE TITLE IX COORDINATOR AND DEPUTY COORDINATORS

Designation of Title IX Coordinator and Deputy Coordinators
The University has designated the following administrator as the campus Title IX Coordinator:

Dr. James McCollum, MUTitleIXCoordinator@millersville.edu
Executive Deputy/Chief of Staff
Title IX Coordinator
Office of the President - Biemesderfer Executive Center
101 North George Street
Millersville, PA 17551
(717) 871-4100

To assist with compliance efforts and ensure prompt action, the University has also designated the following staff members to serve as Deputy Title IX Coordinators:

Mrs. Lori Austin, Lori.Austin@millersville.edu
Director of Judicial Affairs/Deputy Title IX Coordinator
Student Memorial Center
Millersville, PA 17551
(717) 872-5841

Mrs. Melanie DeSantis, Melanie.DeSantis@millersville.edu
Executive Director of Human Resources/Chief Deputy Title IX Coordinator
Dilworth Administration Building
Millersville, PA 17551
(717) 872-3017

Ms. Peg Kauffman, Peg.Kauffman@millersville.edu
Director of Intercollegiate Athletics/Deputy Title IX Coordinator
Jefferson Hall
Millersville, PA 17551
(717) 872-3402

Ms. Melissa Wardwell, Melissa.Wardwell@millersville.edu
Director, Experiential Learning & Career Management/Deputy Title IX Coordinator
Huntingdon House
Millersville, PA 17551
(717) 872-3774

Mr. Ron Wiafe, Ron.Wiafe@millersville.edu
Assistant Director of Judicial Affairs/Deputy Title IX Coordinator
Student Memorial Center
Millersville, PA 17551
(717) 872-5841
Role of Title IX Coordinator and Deputy Coordinators
The Title IX Coordinator's role includes providing leadership and direction in the areas bulleted below. In the absence of the Title IX Coordinator, Deputy Coordinators shall collaborate with the relevant staff to fulfill the following:

1. Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all discrimination complaints filed pursuant to Title IX;

2. Provide direction and oversight for all activities of the Title IX program including consulting with relevant policy-making bodies and senior management team members for the purpose of advising, clarifying and identifying necessary action to eliminate sex and/or gender-based discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources are gender equitable throughout campus;

3. Provide ongoing training, consultation, and technical assistance on Title IX for all students and employees (faculty, staff, and administrators), with specialized training for investigators/fact-finders;

4. Partner with stakeholders and engage the campus community in strategic efforts aimed at the prevention of sexual violence and other forms of sex and/or gender-based discrimination;

5. Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the campus community (students, faculty, administrators, staff, and parents) of Title IX rights, responsibilities and resources both on and off campus;

6. Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact, and timely resolution of all instances of sex/gender discrimination made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;

7. Partner with and support Title IX compliance efforts of other campus departments and offices (e.g., deputy Title IX coordinators, investigators/fact-finders, complainant/victim services, University Police, Health Services, Center for Counseling & Human Development, divisional senior management teams, Human Resources, faculty/academic affairs administrators, Intercollegiate Athletics, etc.);

8. Provide appropriate notice of an investigation; determine the extent of an investigation; appoint, train, and supervise Title IX investigators and any deputy coordinators; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; ensure delivery of appropriate notice of charge, notice of hearing, notice of outcome, duty to warn, and remedies, and ensure a repository for and source of institutional record-keeping;

9. Provide guidance and assistance to alleged complainants of sexual violence and sex/gender discrimination including referral to support resources, notice of right to file internal complaints, notice of the right to grieve to the U.S. Department of Education - Office for Civil Rights, and notice of the right to report incidents to law enforcement;

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Sex Discrimination and Sexual Misconduct
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10. Organize and maintain complaint files, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints;

11. Serve as principal contact for government inquiries pursuant to Title IX.

**Clery Act Reporting**

The University also complies with the Clery Act. Clery requires the University to collect statistics on campus and within the geography covered by the law, and to publish the information in an Annual Security Report (ASR). All Campus Security Authorities, those who have significant responsibility for student activities such as club advisors, resident assistants, and coaches are required to report to University Police allegations of Clery Act crimes, including timely warnings to students and employees if a report is timely and there is a reasonable belief the incident represents a threat to other students or employees and someone else may be the target of the same offender.

**REPORTING DUTIES AND RESPONSIBILITIES**

Any individual receiving a report of sexual misconduct is required to contact the Title IX Coordinator, or the DHR, or any manager, supervisor or other designated employee listed in the University Resources section (Section 9) of this policy. If the person to whom the sexual misconduct would be reported is the individual accused of the sexual misconduct, complaints should be made to another manager, supervisor, or designated resource person. This person shall in turn ensure prompt notification to the Title IX Coordinator and/or DHR. Reports of sexual misconduct should be brought as soon as possible after the alleged conduct occurs. The Title IX Coordinator and/or DHR are designated as the persons of referral for information, advice, assistance, and resolution. No other person other than those specifically designated may conduct an official investigation of sexual misconduct/sex discrimination.

**Supervisor/Manager Obligation to Report**

Any supervisor/manager who witnesses or receives a written or oral complaint of sexual misconduct or retaliation that occurs in University employment and/or educational programs and activities, are required to promptly report it to the Title IX Coordinator and/or DHR. A failure to report sexual misconduct may constitute a policy violation. This requirement does not obligate a supervisor to keep certain communications confidential as mandated by law.

**General Obligation to Report**

In order to take appropriate and prompt corrective action, the University must be aware of the alleged sexual misconduct or retaliation that occurs in University employment and educational programs and activities, therefore, any Responsible Employee (i.e., faculty, staff or administrator) who witnesses or receives a written or oral complaint of sexual misconduct or retaliation, are required to promptly report the information to the Title IX Coordinator and/or DHR.

**GENERAL COMPLAINT PROVISIONS**

**Assistance for Complainants and Respondents**

It is the University’s policy to recognize and respect the rights of any individual against whom a complaint has been filed. All students and employees enjoy procedural due process rights which include notice and the opportunity to be heard. If applicable, employees accused of sexual misconduct shall have the right to be assisted by their collective bargaining unit.
A complainant and respondent may be accompanied by an advisor during any meeting. The advisor may be an attorney, union steward, judicial advocate, or any support person (including YWCA representative or another student). In the University’s process, the complainant and respondent will not be permitted to directly question each other. Both a complainant and a respondent have the right to identify witnesses and provide other information relevant to the investigation. The University will decide cases based on a preponderance of the evidence standard, i.e., whether it is more likely than not that the sexual misconduct occurred.


**Interim Measures**

The University will take interim steps to protect a complainant while a case is pending. Depending on the circumstances of a particular case and the complainant’s wishes, these steps may include academic and extracurricular schedule changes, on-campus housing moves – if applicable, assistance with transportation, dining, and employment situations, ordering a respondent not to have contact with a complainant, excluding a respondent from parts of campus, or providing a complainant with an escort – if appropriate. Any adjustments made will be designed to minimize the burden on the complainant’s educational program and/or workplace conditions.

**Confidentiality**

Students and employees who would like to discuss their situations in a private environment, and share or seek information about a sexual misconduct issue without making a formal complaint have a number of options. At various offices on campus and off campus, students and employees can speak to individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, students or employees who are concerned about confidentiality should always discuss that concern with the person to whom they are speaking, and should inquire about any limits on that confidentiality.

Generally, under Pennsylvania law, confidentiality applies when a student seeks services from the following persons:

1. A YWCA Sexual Assault Counselor;
2. A psychological counselor or other mental health professional, (e.g., Center for Counseling & Human Development);
3. A personal attorney; or
4. A member of the clergy.

When the University becomes aware of an alleged sexual misconduct, the University will make every effort to provide confidentiality. In some circumstances, such as a report indicating a repeat offender, the University may have an obligation to proceed with an investigation, regardless of a complainant’s wishes, in order to ensure campus safety.
Complainants are not required to participate if they choose not to; however, this may limit the University’s ability to respond to an incident. If a complainant requests that their name or other identifying information not be used in an investigation, the University will consider the request in light of the context of the University’s responsibility to provide a safe and nondiscriminatory environment. In most cases, information including the complainants name may be shared with the respondent, witnesses and with University officials who have a legitimate need to know. Beyond that, the University will take steps to protect the identity of all individuals involved. Good faith efforts shall be made, to the extent possible, to protect the privacy of those involved in the filing and investigation of a complaint. The University, however, is not able to guarantee absolute confidentiality. In recognition of the dignity and reputation of all individuals, the University’s intent is to preserve the confidentiality of the complaint during its investigation. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and resolution, are involved in the investigation. The University will take reasonable measures to protect the confidentiality of the testimony and records produced during an investigation conducted pursuant to this policy. The complainant and respondent are strongly encouraged to maintain confidentiality. The following steps should be taken to help assure confidentiality:

1. The number of persons with knowledge of the complaint shall be kept to a minimum. Only persons with a need to know shall be notified of the complaint;

2. The Title IX Coordinator or HR shall exercise discretion in the setting of dates and locations of interviews, and the placing of, and responding to, telephone calls and written correspondence related to the complaint; and

3. The Investigative Team will interview, in person, individuals named as witnesses by the complainant and respondent to the extent possible. Solicitation of comments from others, unless there is reason to believe they have relevant, first-hand knowledge about the complaint, will be avoided.

**Interference/False Accusations**
Any person who attempts to interfere with any individual pursuing a sexual misconduct complaint or concern may be subject to disciplinary action. Sexual misconduct are serious matters that can impact and have far-reaching effects on the careers and lives of individuals. Therefore, knowingly making a material misstatement of fact may also result in corrective or disciplinary action.

Anyone who believes that he or she has been the subject of a false complaint of sexual misconduct may meet with the Title IX Coordinator to discuss the allegations. The filing of a complaint that results in a finding of no policy violation is not sufficient evidence of the intent to file a false complaint.

**Retaliation is Strictly Prohibited**
The University prohibits retaliation against individuals who, in good faith, assert their rights to bring a complaint of sexual misconduct. Retaliation against any person for reporting or complaining of sexual misconduct, assisting or participating in the investigation of a complaint of sexual misconduct, or enforcing University policies with respect to sexual misconduct is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, discrimination, intimidation, or harassment against an individual or group for exercising rights or performing duties under these procedures will be subject to appropriate and prompt corrective or disciplinary action.
Retaliation, if found to have occurred, is considered an offense separate from the original complaint of sexual misconduct, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Title IX Coordinator and/or DHR as promptly as possible.
INFORMAL AND FORMAL COMPLAINT PROCEDURES

Pre-Complaint Review (Informal Process)
The purpose of the pre-complaint review is to provide an individual an opportunity to discuss privately the specifics of the complaint and to receive guidance and information on the administrative procedures followed by the Title IX Coordinator/Deputies – in the event a complaint is to be filed. Complaints filed pursuant to these procedures will be addressed and resolved as promptly and as practicable after the complaint is made. It is important to note that the University will not allow mediation in sexual assault cases.

It shall be the responsibility of the Title IX Coordinator to promptly determine whether the complaint is classified as sexual misconduct. If it is not, the Title IX Coordinator shall communicate such and may attempt other resolution strategies on behalf of the complainant. After receiving information or pre-complaint counseling, an individual may:

1. Choose not to pursue a complaint; or

2. Decide to take action directly with the respondent by verbally or in writing requesting the individual to cease the alleged misconduct; or

3. Report the matter to the respondent's supervisor or department head asking that steps be taken to ensure that the alleged misconduct ceases; or

4. Ask the Title IX Coordinator to pursue informal or formal resolution of the matter to ensure the alleged misconduct ceases.

Timelines
For sexual assault cases, the University’s fact-finding investigation may be delayed for a short period of time upon a request from a police investigator or district attorney, but we will promptly investigate the report when it does not interfere with a criminal investigation. In addition, if a University official has a reasonable belief that a crime has been committed, she or he may be obligated to report that to law enforcement if police have not already been notified. In cases where a police investigation has been conducted or is being conducted for sexual assaults, MUPD may be able to provide reports to the Offices of Judicial Affairs, Title IX Coordinator and/or Human Resources with the complainant’s consent. The University uses good faith efforts to resolve complaints of sexual misconduct within 60 days, but depending on the complexity of the case more time may be necessary. The University will keep a complainant advised as to the status of the case as is reasonable.

Informal Process
Informal review and consultative processes are highly desirable means for resolving sexual misconduct complaints. The purpose of informal complaint resolution is to encourage the reporting of complaints concerning sexual misconduct and to facilitate satisfactory resolution of the complaint. A complainant may choose to pursue the formal complaint resolution process anytime during the informal review process.

The Title IX Coordinator shall decide whether a complaint warrants an attempt at informal or formal resolution by determining whether or not the facts of the complaint, even if found to be true, would constitute a policy violation. In some cases, a formal investigation may be appropriate and must be pursued to protect all individuals in the complaint.
The respondent may be told of the identity of the complainant at this stage. Investigation is optional, since the emphasis is not on establishing guilt or innocence, but on stopping the alleged sexual misconduct.

If deemed appropriate under certain circumstances, the Title IX Coordinator and DHR may meet with the complainant and respondent together if, in their judgment, such a meeting could foster a resolution to the issues and the complainant and respondent agree to such a meeting.

If the identity of a complainant is known and if the Title IX Coordinator has not been involved in the resolution, the Title IX Coordinator shall make follow-up contact with the appropriate manager or supervisor within a reasonable period of time to ascertain whether the matter has been resolved, ensure completion of proper documentation, and proceed to close its file upon resolution.

Informal complaint resolution may be achieved by any of the following steps:

1. Action taken by the complainant to address the matter directly with the respondent; or
2. Action to negotiate a resolution taken by the respondent's supervisor or department head, after consultation with the Title IX Coordinator and/or DHR upon the request of the complainant.

If at any point during the informal process, it is determined that a formal investigation is to be conducted, the complainant and respondent shall have the right to present relevant information to the Investigative Team and to receive, at the conclusion of the investigation and appropriate review, a notification of outcome, to the extent permitted by law.

**Formal Process Filing a Formal Complaint**
To initiate a formal complaint, the complainant should submit a completed and signed Complaint Form. The complainant should be able to document the following:

1. State a complaint based upon one's membership in a protected class;
2. The date of the alleged offense with as much specificity as possible;
3. Impact that the discriminatory or harassing conduct has had on the employment or educational environment, and;
4. Specify the desired outcome the complainant is seeking as a result of the complaint.

**Notice of Receipt of a Formal Complaint**
After receipt of a completed Complaint Form, the Title IX Coordinator shall meet with the complainant(s) as soon as possible, generally no later than seven (7) business days after receiving the complaint, if needed. The purpose of this meeting is to review the complaint and clarify any issues which may be unclear.

**Notice of the Filing of a Formal Complaint to the Respondent(s)**
The official letter of notice to a complainant(s) and respondent(s) of a filing of a formal complaint of sexual misconduct is referred to as the Notice of Complaint. The Notice of
Complaint will be served either personally, by regular mail or by certified mail. The Notice of Complaint will include the complainants name(s) and the allegation(s) made.

**Investigation**

Generally, the Investigative Team will consist of the Title IX Coordinator and DHR; however, depending on the circumstances of the complaint alternative individuals may be assigned to conduct an investigation of a complaint. The Investigation Team will then review and investigate the complaint, interview the parties to it, as well as any relevant witnesses and persons having knowledge of the situation. Both parties may suggest witnesses and other evidence for consideration. The Investigation Team may meet as frequently as necessary to complete the investigation. All interviews, meetings, telephone calls and other activities relating to the complaint will be carefully documented and clearly dated by the Investigation Team. During this process both the complainant and the respondent may be accompanied by an advocate whose role will be advisory only; advocates will not address the Investigative Team directly.

The fact-finding process is intended to be an internal investigation, not an adjudicatory process; therefore, the strict rules of evidence and criminal or civil procedure applicable in the external legal system do not apply. A preponderance of the evidence is the standard by which the University decides whether it is more likely than not that sexual misconduct occurred.

After the Investigation Team has declared that the investigation is complete, they will prepare a written report which shall include the following:

1. A statement of the findings of fact;
2. A statement of the conclusions, if any, which they have drawn;
3. Any other relevant information deemed appropriate to the findings of fact.

The report will be completed and sent to the University President or his or her designee, within 14 working days of the conclusion of the investigation. Upon receiving the report from the Investigation Team, the President, or his or her designee, will review it and determine what, if any, action to be taken. The President, or his or her designee, shall have absolute discretion to accept or reject the findings and/or conclusions in the report in whole or in part, and shall have the authority to seek additional information as she or he deems appropriate. Any resolution by the President, or his or her designee, will be determined after she or he has conducted any required pre-disciplinary hearing. If the decision is unfavorable to the respondent, the President, or his or her designee, may take disciplinary action against him or her. Possible sanctions include, but are not limited to, written or oral reprimand, demotion, suspension, leave of absence without pay, temporary or permanent debarment from University functions, activities and memberships, or termination from the University.

**Notice of Outcome**

After the conclusion of an investigation and determination of a finding, the President, Vice President, or his/her designee shall issue an official notice of outcome letter to both the complainant and respondent, generally no later than seven (7) business days after the investigations conclusion, and notice of any change in results when they become final.
Appeals
If the complainant and/or respondent finds the resolution or administrative action unsatisfactory, he or she may file an appeal with the University President or his or her designee within five (5) business days of being advised of the outcome of the investigation.

RELATED PROCEDURES

Suspension or Withdrawal of Complaints

1. The University may suspend its investigation at any stage if the Investigative Team receives a written resolution of the complaint agreed to by both the complainant and respondent.

2. A complaint may be withdrawn at any time upon receipt of a written request from the complainant. The respondent will be notified of the withdrawal of the complaint.

3. If the complainant files a complaint with an external enforcement agency or state or federal court, the Investigative Team may cease to process the complaint internally and defer the complaint to the appropriate state or federal agency or court.

Dismissal of Complaints

1. A complaint may be dismissed if the designated Investigative Team determines that sexual misconduct has not occurred.

2. A complaint may be dismissed if the Investigative Team determines that the complainant has not cooperated and the action or actions of the complainant impairs or compromises the Investigative Team’s ability to conduct an objective investigation. In such instances, where applicable, the Investigative Team may cease its investigation.

3. Willful false allegations by complainants or abuse of the process may result in actions and sanctions, including reprimand, suspension, demotion, or dismissal.

RESOURCES

Counseling for University Students and Employees
Counseling and support services are made available to any student or employee who believes that he or she has been subjected to any form of sexual misconduct. Students may avail themselves to counseling services through the Center for Counseling & Human Development (717) 872-3122. Employee counseling services are available through the State Employee Assistance Program (SEAP) at 1-800-436-2301 or online at www.liveandwork.com - Access Code: Pennsylvania.

Campus Resources
The following University resources are available to all members of the University community who seek information about University policies on equal employment opportunity, standards of conduct, informal and formal mechanisms for resolving complaints, and resources for complainants and respondents. However, the Title IX Coordinator and/or the DHR must be contacted in order to commence either a formal or an informal process to any alleged complaints. These resources for informational purposes include, but are not limited to the following:
<table>
<thead>
<tr>
<th>CAMPUS RESOURCES</th>
<th>LOCATION</th>
<th>PHONE</th>
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<tbody>
<tr>
<td>President's Office</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 871-7001</td>
</tr>
<tr>
<td>Executive Deputy to the President Title IX Coordinator</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 871-4100</td>
</tr>
<tr>
<td>Director of Human Resources (DHR)</td>
<td>Dilworth Building</td>
<td>(717) 872-3017</td>
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<tr>
<td>Provost and Vice President for Academic Affairs</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 872-3596</td>
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<tr>
<td>Vice President for Development &amp; Alumni Relations</td>
<td>Duncan Alumni House</td>
<td>(717) 872-3775</td>
</tr>
<tr>
<td>Vice President for Enrollment Management</td>
<td>Lyle Hall</td>
<td>(717) 871-2250</td>
</tr>
<tr>
<td>Vice President for Finance &amp; Administration</td>
<td>Dilworth Building</td>
<td>(717) 872-3043</td>
</tr>
<tr>
<td>Vice President for Student Affairs</td>
<td>Student Memorial Center</td>
<td>(717) 872-3594</td>
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<tr>
<td>Dean, School of Education</td>
<td>Stayer Education Center</td>
<td>(717) 872-3379</td>
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<tr>
<td>Dean, School of Humanities &amp; Social Sciences</td>
<td>McComsey Hall</td>
<td>(717) 872-3553</td>
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<tr>
<td>Dean, School of Science &amp; Mathematics</td>
<td>Caputo Hall</td>
<td>(717) 872-3407</td>
</tr>
<tr>
<td>Dean, College of Graduate and Professional Studies</td>
<td>Lyle Hall</td>
<td>(717) 872-3099</td>
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<tr>
<td>Director, Office of Judicial Affairs</td>
<td>Student Memorial Center</td>
<td>(717) 871-5841</td>
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<tr>
<td>Campus Ministries (CONFIDENTIAL)</td>
<td>Student Memorial Center</td>
<td>(717) 871-5942</td>
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<tr>
<td>Center for Counseling and Human Development (CONFIDENTIAL)</td>
<td>Lyle Hall</td>
<td>(717) 872-3122</td>
</tr>
<tr>
<td>Center for Health Education and Promotion</td>
<td>Montour House</td>
<td>(717) 872-3841</td>
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<tr>
<td>Health Services</td>
<td>Witmer Building</td>
<td>(717) 872-3250</td>
</tr>
<tr>
<td>Office of the Chancellor</td>
<td>Dixon University Center</td>
<td>(717) 720-4010</td>
</tr>
<tr>
<td>State Employee Assistance Program</td>
<td><a href="http://www.liveandwork.com">www.liveandwork.com</a></td>
<td>(800) 692-7459</td>
</tr>
<tr>
<td>Threat Assessment Team</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 872-3717</td>
</tr>
<tr>
<td>University Police</td>
<td>Lebanon House</td>
<td>(717) 872-3433</td>
</tr>
<tr>
<td>YWCA Sexual Assault Counselors (CONFIDENTIAL)</td>
<td>Health Services</td>
<td>(717) 872-3250</td>
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External Enforcement Agencies
An individual who files a complaint alleging sexual misconduct has the option of pursuing external enforcement. At any time during the complaint process, a complainant may choose to file a complaint with a court or external public agency responsible for enforcing the laws against sexual misconduct, such as:

Equal Employment Opportunity Commission (EEOC) ........................................... (800) 669-4000
EEOC Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
www.eeoc.gov

Office for Civil Rights (OCR), U.S. Department of Education ...................... (215) 656-8541
OCR Philadelphia Office, The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
www2.ed.gov

Pennsylvania Human Relations Commission (PHRC) ................................. (717) 787-9780
PHRC Harrisburg Regional Office
Riverfront Office Center, 5th Floor
1101-1125 S. Front Street
Harrisburg, PA 17104-2515
www.phrc.state.pa.us

Off Campus Resources

<table>
<thead>
<tr>
<th>LOCAL RESOURCES</th>
<th>LOCATION</th>
<th>PHONE</th>
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<tbody>
<tr>
<td><strong>Sexual Assault:</strong></td>
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<tr>
<td>YWCA Sexual Assault Prevention and</td>
<td>110 N. Lime St. Lancaster, PA</td>
<td>(717) 392-7273</td>
</tr>
<tr>
<td>Counseling Center</td>
<td>17602</td>
<td></td>
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<tr>
<td><strong>Domestic Violence:</strong></td>
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<tr>
<td>Domestic Violence Services of</td>
<td>35 E. Orange St. Lancaster, PA</td>
<td>(717) 299-1249</td>
</tr>
<tr>
<td>Lancaster County</td>
<td>17602</td>
<td></td>
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<tr>
<td><strong>Suicide:</strong></td>
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<tr>
<td>CONTACT Lancaster Helpline</td>
<td></td>
<td>(717) 299-4855</td>
</tr>
<tr>
<td>Crisis Intervention of Lancaster County</td>
<td>601 S. Queen St. Lancaster, PA</td>
<td>(717) 394-2631</td>
</tr>
<tr>
<td></td>
<td>17608</td>
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<tr>
<td>Pennsylvania Suicide Hotline</td>
<td></td>
<td>(800) 784-2433</td>
</tr>
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<td><strong>Sexual Assault Examination:</strong></td>
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<tr>
<td>Lancaster General Hospital</td>
<td>555 N. Duke St. Lancaster, PA</td>
<td>(717) 544-5511</td>
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<td></td>
<td>17602</td>
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<tr>
<td><strong>Medical/Healthcare Resources:</strong></td>
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<tr>
<td>Planned Parenthood of Lancaster</td>
<td>31 S. Lime St. Lancaster, PA</td>
<td>(717) 299-2891</td>
</tr>
<tr>
<td></td>
<td>17602</td>
<td></td>
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<tr>
<td>Health Services</td>
<td>Witmer Building</td>
<td>(717) 872-3250</td>
</tr>
<tr>
<td><strong>Law Enforcement (Non-Emergency):</strong></td>
<td></td>
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<tr>
<td>Millersville Borough Police</td>
<td>100 Municipal Dr. Millersville,</td>
<td>(717) 872-4658</td>
</tr>
<tr>
<td></td>
<td>PA 17551</td>
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<tr>
<td>Manor Township Police</td>
<td>950 West Fairway Dr. Lancaster,</td>
<td>(717) 299-5231</td>
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<tr>
<td></td>
<td>PA 17603</td>
<td></td>
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<tr>
<td>Lancaster City Police</td>
<td>39 West Chestnut St. Lancaster, PA 17603</td>
<td>(717) 664-1180</td>
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<tr>
<td>District Attorney’s Office</td>
<td>50 N Duke St., 5th Floor Lancaster, PA 17608</td>
<td>(717) 291-8100</td>
</tr>
<tr>
<td>24/7 Non-Emergency Dispatch</td>
<td>28 S. Charlotte St. Manheim, PA 17545</td>
<td>(717) 664-1180</td>
</tr>
<tr>
<td>Millersville University Police</td>
<td>Lebanon House</td>
<td>(717) 872-3433</td>
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<tr>
<td><strong>Legal Assistance:</strong></td>
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<tr>
<td>Domestic Violence Legal Clinic (Assistance with Protection from Abuse Orders)</td>
<td>35 E. Orange St. Lancaster, PA 17602</td>
<td>(717) 291-5826</td>
</tr>
<tr>
<td>Lancaster County Victim Witness Services (Support and Advocacy to Victims of Crime)</td>
<td>50 N. Duke St. Lancaster, PA 17608</td>
<td>(717) 299-8048</td>
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<tr>
<td><strong>Financial Information:</strong></td>
<td></td>
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<tr>
<td>Victims Compensation Assistance Program</td>
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<td>(800) 233-2339</td>
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**PREVENTION AND EDUCATION**

The prevention of sexual misconduct, and the establishment of effective procedures with due concern for everyone involved requires a comprehensive educational plan. The University provides information concerning; a) definitions of sexual misconduct and retaliation; b) examples of incidents of sexual misconduct; and c) sources of support and information for complainants and respondents. Faculty, staff, administrators, and students must share joint responsibility for creating and maintaining an environment free from discrimination and harassment; therefore, the University provides an online harassment prevention tutorial which can be accessed by visiting the webpage found at [http://training.newmedialearning.com/pwh/millersville](http://training.newmedialearning.com/pwh/millersville). Vice Presidents, Deans, Directors, Managers/Supervisors and/or Department Chairs are required to discuss these procedures and issues with students, faculty, and staff annually. For more detailed information on prevention and education programs, please refer to the online Title IX/Sexual Violence and Misconduct Response and Resource Guide website found within the Policy & Purpose Section above.
DISCRIMINATION and HARASSMENT POLICY and COMPLAINT PROCEDURES

This policy statement describes the University’s position regarding discrimination and harassment and outlines the procedures to be followed when reporting complaints of discrimination or harassment.

POLICY AND PURPOSE

Millersville University (“the University” hereinafter) is strongly committed to maintaining a positive learning, working, and living environment for all and assuring its educational and employment environment is free from unlawful discrimination or harassment. The University does not discriminate on the basis of race, color, religion, creed, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, age, disability, pregnancy, or status as a disabled veteran, a Vietnam era veteran or other covered veteran in admission and access to, and treatment and employment in, its educational programs and activities. The University will not tolerate acts of discrimination, harassment, or retaliation against or by any employee or student.

The purpose of these procedures are: 1) to prohibit discrimination, harassment, and retaliation based upon the protected classes listed above; 2) to provide definitions of discrimination, harassment, and retaliation; and 3) to set forth the procedures followed by the University when an individual alleges discrimination, harassment, or retaliation that violates University policy. Harassment is a form of discrimination and, therefore, harassment directed toward an individual or group, or experienced by an individual or group, based on membership in a protected class, may also constitute a violation of University policy.

Complaints of sexual assault, sexual violence, sexual harassment, stalking, domestic violence, intimate partner/dating violence, and other gender-based discrimination or harassment are processed under the University’s Sex Discrimination and Sexual Misconduct/Title IX policy and procedures. For more detailed information about the University’s Title IX program, including the roles of the Title IX and deputy coordinators, please refer to the online Title IX/Sexual Violence and Misconduct Response and Resource Guide via the Social Equity & Diversity webpage found at http://www.millersville.edu/sexualviolence/title-ix/title-ix-policies-and-procedures.php.

The University is committed in its support of protected free expression and principles of academic freedom. As such, legally protected expression and the proper exercise of academic freedom will not constitute unlawful discrimination or harassment.
SCOPE

This policy and procedure applies to and covers all areas of University operations, programs, sites, and includes the conduct of employees, students, visitors/third parties, and applicants. Any individual (i.e., person, visitor, student, faculty, staff, administrator, or applicant) may seek information about unlawful discrimination or harassment or file an informal or formal complaint. Any individual may contact the Title IX Coordinator and/or the Director of Human Resources (DHR) directly for informal discussion, advice, and assistance. The Title IX Coordinator and Office of Human Resources (HR) are designated as the offices of referral for information, advice, assistance, and resolution. No other person other than those specifically designated may conduct an official investigation of discrimination or harassment. Complaints involving same-sex instances are covered under this policy – gender is not an issue.

In any incident where the respondent is a University student, the complaint will be processed through the Office of Judicial Affairs under the procedures established within the Judicial Affairs Handbook.

DEFINITIONS

Complaint/Incident Report: a detailed written statement of allegations of unlawful or prohibited discrimination or harassment that is signed and dated by the complainant. Complaints submitted electronically or in writing are permissible under these procedures.

Complainant: the complainant is the individual (i.e., student, employee, applicant, person, or visitor) who makes allegations that prohibited discrimination or harassment has occurred.

Discrimination: consists of three generally acknowledged forms: 1) unlawful discrimination, 2) unlawful harassment, and 3) retaliation. “Discrimination” in general and for the purposes of this procedures, is defined as an adverse employment or academic action or decision that is based on or motivated by an individual’s protected class status that is sufficiently severe, persistent or pervasive so as to have the effect of substantially limiting or interfering with one's employment or educational performance or creating an intimidating, hostile, or offensive employment or educational environment.

Harassment: whether verbal, physical, or visual, that is based on any of the protected classes is discriminatory. This includes harassing conduct affecting job benefits, interfering unreasonably with an individual's work performance, or creating what a reasonable person would consider to be intimidating, hostile, or offensive environment. Harassment is defined as any type of conduct directed at an individual based on his or her protected class status that is sufficiently severe, persistent, or pervasive that it substantially interferes with an individual's work environment, educational performance, participation in extra-curricular activities, or equal access to the University's resources and opportunities.

Investigation: is a systematic collection of all reasonably ascertainable and relevant facts in a fair and objective manner. An assigned Investigative Team conducts an investigation, including investigatory interviews of witnesses, the employee or student making the complaint and the employee or student respondent. The Investigative Team prepares an investigative fact-finding report at the conclusion of the investigation. Generally, the Investigative Team will consist of the Title IX Coordinator and DHR, however, depending on the circumstances of the complaint alternative individuals may be assigned to conduct an investigation of a complaint.
Investigative Team: generally, will consist of the Title IX Coordinator and DHR. Under certain circumstances, it may be appropriate to have other individual(s) to conduct a formal investigation. Investigators will have relevant and continuous training, qualifications, and experience.

Mediation: is a voluntary, informal resolution process in which the parties in a dispute agree to work through and resolve the dispute with the assistance of a neutral, third- party mediator(s).

Pre-Disciplinary Conference: is a meeting scheduled to afford an employee an opportunity to provide relevant information regarding employment matters that may result in disciplinary action against an employee.

Protected Classes: are groups of people who share common characteristics and are protected by law from discrimination and harassment. Protected classes include race, color, religion, creed, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, age, disability, pregnancy, or status as a disabled veteran, a Vietnam era veteran or other covered veteran.

Respondent: is the individual against whom allegations of discrimination, harassment, or retaliation have been made.

Retaliation: occurs when a student or employee is subjected to adverse action in response to that individual expressing concern about discrimination or harassment or participating in the opposition or resolution of a complaint involving discrimination or harassment. See page 5 for policy on retaliation.

REPORTING DUTIES AND RESPONSIBILITIES

Any individual (e.g., person, visitor, student, faculty, staff, administrator, or applicant) who is made aware of an incident or receives a report of discrimination or harassment should refer the person directly to the Title IX Coordinator or DHR for assistance immediately. The Title IX Coordinator and DHR are designated as the contacts for referral, information, advice, assistance, and resolution. No other person other than those specifically designated by the Title IX Coordinator or DHR may conduct an investigation.

Any individual receiving a report of discrimination or harassment is required to contact the Title IX Coordinator, or the DHR, or any manager, supervisor or other designated employee listed in the University Resources section (Section 8) of this policy. If the person to whom the discrimination or harassment normally would be reported is the individual accused of the discrimination or harassment, complaints should be made to another manager, supervisor, or designated resource person. This person shall in turn ensure prompt notification to the Title IX Coordinator and/or DHR. Reports of discrimination or harassment should be brought as soon as possible after the alleged conduct occurs. The Title IX Coordinator and/or DHR are designated as the persons of referral for information, advice, assistance, and resolution. No other person other than those specifically designated may conduct an official investigation of discrimination or harassment.

Supervisor/Manager Obligation to Report

Any supervisor/manager who witnesses or receives a written or oral complaint of discrimination, harassment, or retaliation that occurs in University employment and/or
educational programs and activities, are required to promptly report it to the Title IX Coordinator and/or DHR. A failure to report discriminatory or retaliatory activities may constitute a policy violation. This requirement does not obligate a supervisor to keep certain communications confidential as mandated by law.

**General Obligation to Report**
In order to take appropriate and prompt corrective action, the University must be aware of the alleged discrimination, harassment, or retaliation that occurs in University employment and educational programs and activities. A person who experiences or witnesses discrimination, harassment, or retaliation, should promptly report the information to the Title IX Coordinator and/or DHR.

**GENERAL COMPLAINT PROVISIONS**

**Assistance for Complainants and Respondents**
It is the University’s policy to recognize and respect the rights of any individual against whom a complaint has been filed. All students and employees enjoy procedural due process rights which include notice and the opportunity to be heard. If applicable, employees accused of discrimination or harassment shall have the right to be assisted by their collective bargaining unit representative at any meeting held to discuss the complaint.

**Confidentiality**
Good faith efforts shall be made, to the extent possible, to protect the privacy of those involved in the filing and investigation of a complaint. The University, however, is not able to guarantee absolute confidentiality. In recognition of the dignity and reputation of all individuals, the University’s intent is to preserve the confidentiality of the complaint during its investigation. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and resolution, are involved in the investigation. The University will take reasonable measures to protect the confidentiality of the testimony and records produced during an investigation conducted pursuant to this policy. The complainant and respondent are strongly encouraged to maintain confidentiality. The following steps should be taken to help assure confidentiality:

1. The number of persons with knowledge of the complaint shall be kept to a minimum. Only persons with a need to know shall be notified of the complaint;

2. The Title IX Coordinator or HR shall exercise discretion in the setting of dates and locations of interviews, and the placing of, and responding to, telephone calls and written correspondence related to the complaint; and

3. The Investigative Team will interview, in person, individuals named as witnesses by the complainant and respondent to the extent possible. Solicitation of comments from others, unless there is reason to believe they have relevant, first-hand knowledge about the complaint, will be avoided.

**Interference/False Accusations**
Any person who attempts to interfere with any individual pursuing a discrimination or harassment complaint or concern may be subject to disciplinary action. Discrimination and harassment are serious matters that can impact and have far-reaching effects on the careers and lives of individuals. Therefore, knowingly making a material misstatement of fact may also result in corrective or disciplinary action.
Anyone who believes that he or she has been the subject of a false complaint of discrimination or harassment may meet with the Title IX Coordinator to discuss the allegations. The filing of a complaint that results in a finding of no policy violation is not sufficient evidence of the intent to file a false complaint.

**Retaliation Prohibited**
The University prohibits retaliation against individuals who, in good faith, assert their rights to bring a complaint of discrimination or harassment. Retaliation against any person for reporting or complaining of discrimination or harassment, assisting or participating in the investigation of a complaint of discrimination or harassment, or enforcing University policies with respect to discrimination or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, discrimination, intimidation, or harassment against an individual or group for exercising rights or performing duties under these procedures will be subject to appropriate and prompt corrective or disciplinary action.

Retaliation, if found to have occurred, is considered an offense separate from the original complaint of discrimination or harassment, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Title IX Coordinator and/or DHR as promptly as possible.

**INFORMAL AND FORMAL COMPLAINT PROCEDURES**

**Pre-Complaint Review (Informal Process)**
The purpose of the pre-complaint review is to provide an individual an opportunity to discuss privately the specifics of the complaint and to receive guidance and information on the administrative procedures followed by the Title IX Coordinator – in the event a complaint is to be filed. Complaints filed pursuant to these procedures will be addressed and resolved as promptly and as practicable after the complaint is made.

It shall be the responsibility of the Title IX Coordinator to promptly determine whether the complaint is properly classified as a possible instance of discrimination or harassment based on the complainant’s protected class status. If not properly classified, the Title IX Coordinator shall communicate such and may attempt other resolution strategies on behalf of the complainant. After receiving information or pre-complaint counseling, an individual may:

1. Choose not to pursue a complaint; or

2. Decide to take action directly with the respondent by verbally or in writing requesting the individual to cease the alleged misconduct; or

3. Report the matter to the respondent's supervisor or department head asking that steps be taken to ensure that the alleged misconduct ceases; or

4. Ask the Title IX Coordinator to pursue informal or formal resolution of the matter to ensure the alleged misconduct ceases.
Informal Process

Informal review and consultative processes are highly desirable means for resolving discrimination or harassment complaints. The purpose of informal complaint resolution is to encourage the reporting of complaints concerning discrimination or harassment and to facilitate satisfactory resolution of the complaint. A complainant may choose to pursue the formal complaint resolution process anytime during the informal review process.

The Title IX Coordinator shall decide whether a complaint warrants an attempt at informal or formal resolution by determining whether or not the facts of the complaint, even if found to be true, would constitute a policy violation. In some cases, a formal investigation may be appropriate and must be pursued to protect all individuals to the complaint.

The respondent may be told of the identity of the complainant at this stage. Investigation is optional, since the emphasis is not on establishing guilt or innocence, but on stopping the alleged misconduct.

If deemed appropriate under certain circumstances, the Title IX Coordinator and DHR may meet with the complainant and respondent together if, in their judgment, such a meeting could foster a resolution to the issues and the complainant and respondent agree to such a meeting.

If the identity of a complainant is known and if the Title IX Coordinator has not been involved in the resolution, the Title IX Coordinator shall make follow-up contact with the appropriate manager or supervisor within a reasonable period of time to ascertain whether the matter has been resolved, ensure completion of proper documentation, and proceed to close its file upon resolution.

Informal complaint resolution may be achieved by any of the following steps:

1. Action taken by the complainant to address the matter directly with the respondent; or

2. Action to negotiate a resolution taken by the respondent's supervisor or department head, after consultation with the Title IX Coordinator and/or DHR upon the request of the complainant.

3. With the agreement of the complainant and respondent, action to negotiate a resolution through a form of alternative dispute resolution (e.g., mediation) facilitated through the University Mediation Program:

   a. The Title IX Coordinator may designate other individuals to facilitate an alternative dispute resolution process. Mediators shall be certified and have relevant training, qualifications, and experience. Anyone designated to mediate a complaint must adhere to the appropriate procedures and confer with the Title IX Coordinator and/or DHR throughout the process.

   b. If mediated, the mediators will help the complainant and respondent to identify, clarify, discuss, and resolve their issues, eventually guiding them toward an informed, mutual agreement. This agreement will be filed with the Title IX Coordinator.

   c. Should this mediation not resolve the issues to the satisfaction of the complainant, he or she may file a formal complaint, in writing, within ten (10) business days with the Title IX
Coordinator. If appropriate, an Investigative Team shall conduct a formal investigation.

If at any point during the informal process, it is determined that a formal investigation is to be conducted, the complainant and respondent shall have the right to present relevant information to the Investigative Team and to receive, at the conclusion of the investigation and appropriate review, a notification of outcome, to the extent permitted by law.

**Formal Process**

**Filing a Formal Complaint**
To initiate a formal complaint, the complainant should submit a completed and signed Complaint Form. The complainant should be able to document the following:

1. State a complaint based upon one's membership in a protected class;
2. The date of the alleged offense with as much specificity as possible;
3. Impact that the discriminatory or harassing conduct has had on the employment or educational environment, and;
4. Specify the desired outcome the complainant is seeking as a result of the complaint.

**Notice of Receipt of a Formal Complaint**
After receipt of a completed Complaint Form, the Title IX Coordinator shall meet with the complainant(s) as soon as possible, generally no later than seven (7) business days after receiving the complaint, if needed. The purpose of this meeting is to review the complaint and clarify any issues, which may be unclear.

**Notice of the Filing of a Formal Complaint to the Respondent**
The official letter of notice to a complainant(s) and respondent(s) of a filing of a formal complaint of discrimination or harassment is referred to as the Notice of Complaint. The Notice of Complaint will be served either personally, by regular mail or by certified mail. The Notice of Complaint will include the complainants name and the allegation(s) made.

**Investigation**
Generally, the Investigative Team will consist of the Title IX Coordinator and DHR, however, depending on the circumstances of the complaint alternative individuals may be assigned to conduct an investigation of a complaint. The Investigation Team will then review and investigate the complaint, interview the parties to it, as well as any relevant witnesses and persons having knowledge of the situation. Both parties may suggest witnesses and other evidence for consideration. The Investigation Team may meet as frequently as necessary to complete the investigation. All interviews, meetings, telephone calls and other activities relating to the complaint will be carefully documented and clearly dated by the Investigation Team. During this process both the complainant and the respondent may be accompanied by an advocate whose role will be advisory only; advocates will not address the Investigation Team directly.

The fact-finding process is intended to be an internal investigation, not an adjudicatory process; therefore, the strict rules of evidence and criminal or civil procedure applicable in the external legal system do not apply.
After the Investigation Team has declared that the investigation is complete, they will prepare a written report which shall include the following:

1. A statement of the findings of fact;

2. A statement of the conclusions, if any, which they have drawn;

3. Any other relevant information deemed appropriate to the findings of fact.

The report will be completed and sent to the University President or his or her designee, within 14 working days of the conclusion of the investigation. Upon receiving the report from the Investigation Team, the President, or his or her designee, will review it and determine a resolution. The final decision as to the outcome of the investigation and what, if any, action to be taken shall be the President’s, or his or her designee. The President, or his or her designee, shall have absolute discretion to accept or reject the findings and/or conclusions in the report in whole or in part, and shall have the authority to seek additional information as she or he deems appropriate. Any resolution by the President, or his or her designee, will be determined after she or he has conducted any required pre-disciplinary hearing. If the decision is unfavorable to the respondent, the President, or his or her designee, may take disciplinary action against him or her. Possible sanctions include, but are not limited to, written or oral reprimand, demotion, suspension, leave of absence without pay, temporary or permanent debarment from University functions, activities and memberships, or termination from the University. The President, Vice President, or his/her designee will inform the complainant and the respondent of his/her decision in writing within 30 business days of receipt of the Investigation Team’s report.

Notice of Outcome
After the conclusion of an investigation and determination of a finding, the President, Vice President, or his or her designee shall issue an official notice of outcome letter to both the complainant and respondent, generally no later than seven (7) business days after the investigations conclusion, and notice of any change in results when they become final.

Appeals
If the complainant finds the resolution or administrative action unsatisfactory, he or she may file an appeal with the University President or his or her designee within five (5) days of being advised of the outcome of the investigation.

RELATED PROCEDURES

Suspension or Withdrawal of Complaints
The University may suspend its investigation at any stage if the Investigative Team receives a written resolution of the complaint agreed to by both the complainant and respondent.

A complaint may be withdrawn at any time upon receipt of a written request from the complainant. The respondent will be notified of the withdrawal of the complaint. If a complainant files a complaint with an external enforcement agency or state or federal court, the Investigative Team may cease to process the complaint internally and defer the complaint to the appropriate state or federal agency or court.
**Dismissal of Complaints**
A complaint may be dismissed if the designated Investigative Team determines that discrimination, harassment, or retaliation has not occurred.

A complaint may be dismissed if the Investigative Team determines that the complainant has not cooperated and the action or actions of the complainant impairs or compromises the Investigative Team’s ability to conduct an objective investigation. In such instances, where applicable, the Investigative Team may cease its investigation.

Willful false allegations by complainants or abuse of this process may result in actions and sanctions, including reprimand, suspension, demotion, or dismissal.

**RESOURCES**

**Counseling for University Students and Employees**
Counseling and support services are made available to any student or employee who believes that he or she has been subjected to any form of discrimination or harassment. Students may avail themselves to counseling services through the Center for Counseling & Human Development (717) 872-3122. Employee counseling services are available through the State Employee Assistance Program (SEAP) at 1-800-436-2301 or online at [www.liveandwork.com](http://www.liveandwork.com) - Access Code: Pennsylvania.

**Campus Resources**
The following University resources are available to all members of the University community who seek information about University policies on equal employment opportunity, standards of conduct, informal and formal mechanisms for resolving complaints, and resources for complainants and respondents. However, the Title IX Coordinator and/or the DHR must be contacted in order to commence either a formal or an informal process to any alleged complaints. These resources for informational purposes include, but are not limited to the following:

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<tr>
<th>CAMPUS RESOURCES</th>
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<th>PHONE</th>
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<tr>
<td>President’s Office</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 872-3591</td>
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<tr>
<td>Title IX Coordinator</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 871-4100</td>
</tr>
<tr>
<td>Director of Human Resources (DHR)</td>
<td>Dilworth Building</td>
<td>(717) 872-3017</td>
</tr>
<tr>
<td>Provost and Vice President for Academic Affairs</td>
<td>Biemesderfer Executive Center</td>
<td>(717) 872-3596</td>
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<tr>
<td>Vice President for Development &amp; Alumni Relations</td>
<td>Duncan Alumni House</td>
<td>(717) 872-3775</td>
</tr>
<tr>
<td>Vice President for Enrollment Management</td>
<td>Lyle Hall</td>
<td>(717) 871-2250</td>
</tr>
<tr>
<td>Vice President for Finance &amp; Administration</td>
<td>Dilworth Building</td>
<td>(717) 872-3043</td>
</tr>
<tr>
<td>Vice President for Student Affairs</td>
<td>Student Memorial Center</td>
<td>(717) 872-3594</td>
</tr>
<tr>
<td>Dean, School of Education</td>
<td>Stayer Education Center</td>
<td>(717) 872-3379</td>
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External Enforcement Agencies
An individual who files a complaint alleging discrimination, harassment or retaliation, has the option of pursuing external enforcement. At any time during the complaint process, a complainant may choose to file a complaint with a court or external public agency responsible for enforcing the laws against discrimination and harassment, such as:

Equal Employment Opportunity Commission (EEOC) (800) 669-4000
EEOC Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
www.eeoc.gov

Office for Civil Rights (OCR), U.S. Department of Education (215) 656-8541
OCR Philadelphia Office, The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323 www2.ed.gov

Pennsylvania Human Relations Commission (PHRC) (717) 787-9780
PHRC Harrisburg Regional Office, Riverfront Office Center, 5th Floor
1101-1125 S. Front Street
Harrisburg, PA 17104-2515 www.phrc.state.pa.us

PREVENTION AND EDUCATION
The prevention of discrimination, harassment, retaliation, and the establishment of effective procedures with due concern for everyone involved requires a comprehensive educational plan. The University provides information concerning; a) definitions of harassment, discrimination, and retaliation; b) examples of incidents of discrimination or harassment; c) sources of support and information for complainants and respondents; and d) mediation and resolution resources. Faculty, staff, administrators, and students must share joint responsibility for creating and maintaining an environment free from discrimination and harassment; therefore, the University provides an online harassment prevention tutorial which can be accessed by visiting the SED webpage found at http://training.newmedialearning.com/pwh/millersville. Vice Presidents, Deans, Directors, Managers/Supervisors and/or Department Chairs are required to discuss these procedures and issues with students, faculty, and staff annually.
Policy 1989-02: Drug-Free Workplace

A. Policy

As required by the federal "Drug-Free Workplace Act of 1988," the State System of Higher Education, Commonwealth of Pennsylvania, hereby declares as its policy that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited at any workplace under the authority of the Board of Governors. Any employee violating the policy will be referred to the Commonwealth's employee assistance program and/or disciplined, in an appropriate manner, up to and including termination. Discipline, when appropriate, shall be taken under relevant provisions of collective bargaining agreements, Civil Service Commission policy, or other human resource policies adopted by the Board of Governors.
EMPLOYEE NOTIFICATION

WHISTLEBLOWER LAW

As of February 10, 1987, public employees are covered by the provisions of the Whistleblower Law, Act 1986-169, as amended by Act 2014-87. The law provides legal protections to public employees who report wrongdoing or waste to their employer or to an appropriate enforcement agency. The text of the act is as follows:

Providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title. This act shall be known and may be cited as the Whistleblower Law.

Section 2. Definitions. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Appropriate authority." A Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the Office of Inspector General, the Office of Attorney General, the Department of the Auditor General, the Treasury Department, the General Assembly and committees of the General Assembly having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.

"Employee." A person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for a public body.

"Employer." A public body or any of the following which receives money from a public body to perform work or provide services relative to the performance of work for or the provision of services to a public body.

"Good faith report." A report of conduct defined in this act as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true. An employer is not barred from taking disciplinary action against the employee who completed the report if the employee’s report was submitted in bad faith.

"Public body." All of the following:

(1) A State officer, agency, department, division, bureau, board, commission, council, authority or other body in the executive branch of State government.

(2) A county, city, township, regional governing body, council, school district, special district or municipal corporation, or a board, department, commission, council or agency.

(3) Any other body which is created by Commonwealth or political subdivision authority or which is funded IN ANY AMOUNT by or through Commonwealth or political subdivision authority or a member or employee of that body.

"Waste." An employer's conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or political subdivision sources.
"Whistleblower." A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.

"Wrongdoing." A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.

Section 3. Protection of employees.
(a) Persons not to be discharged. – No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste by a public body or an instance of waste by any other employer as defined in this Act.

(b) Discrimination prohibited. – No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

(c) Disclosure prohibition. – An appropriate authority to which a violation of this act was reported may not disclose the identity of a whistleblower without the whistleblower’s consent unless disclosure is unavoidable in the investigation of the alleged violation.

Section 4. Remedies.
(a) Civil action. – A person who alleges a violation of this act may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days after the occurrence of the alleged violation.

(b) Necessary showing of evidence. – An employee alleging a violation of this act must show by a PREPONDERANCE OF THE evidence that, prior to the alleged reprisal, the employee or person acting on behalf of the employee had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.

(c) Defense. – It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

(d) Civil service employees. – An employee covered by civil service who contests a civil service action, believing it to be motivated by his having made a good faith report, VERBALLY OR IN WRITING, of an instance of wrongdoing or waste, may submit as admissible evidence any or all material relating to the action as whistleblower and to the resulting alleged reprisal.

Section 5. Enforcement. A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these remedies. A court shall also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if complainant prevails in the civil action.

Section 6. Penalties. A person who, under color of an employer's authority, violates this act shall be liable for a civil fine or not more than $10,000. Additionally, except where the person holds an elected public office, if the court specifically finds that the person, while in the employment of the Commonwealth or a political subdivision, committed a violation of this act with the intent to discourage the disclosure of criminal activity, the court may order the person's suspension from public service for not more than seven years. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.

Section 7. Construction. This act shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by an appropriate authority, or impair the rights of any person under a collective bargaining agreement.

Section 8. Notice. An employer shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations under this act.

Section 9. Effective Date. This act shall take effect in 60 days."
Purpose

To provide an effective means by which qualified students, staff, faculty, applicants, volunteers, participants and visitors of Millersville University may request reasonable accommodation, or access to University programs and activities, in accordance with the Americans with Disabilities Act (ADA) and amendments.

Policy

Millersville University is committed to equality of opportunity and freedom from discrimination for all students, employees, applicants for admission or employment, and all participants in public University-sponsored activities. In keeping with this commitment, and in accordance with the Americans with Disabilities Act (ADA) the University will make every effort to provide equality of opportunity and freedom from discrimination for all members of the University community and visitors to the University, regardless of any disability an individual may have. Accordingly, the University has taken positive steps to make University facilities accessible to individuals with disabilities and has established procedures to provide reasonable accommodations to allow individuals with disabilities to participate in University programs. The university administration and management are obligated to report any allegation of discrimination to the appropriate office as defined in this policy.

Definition

Under this policy, the university definition of discrimination is intended at all times to be construed in accordance with applicable laws. As such, discrimination is generally defined as actions taken based upon the factor of a person’s race, gender, national origin, religion, age, disability, or other protected-class status. There are generally two types of discrimination recognized: disparate treatment and disparate impact. Disparate treatment involves a person being treated differently because of protected-class status. Disparate impact discrimination involves a practice that has a great negative effect on members of a particular protected class than those not in the protected class.
Resources
Questions regarding compliance with the requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended, should be referred to:

University Resources
Office of Human Resources: 717-871-4950
Office of Learning Services: 717-871-5554
Housing and Residential Programs: 717-871-4200
Maintenance Operations: 717-871-7875
Counseling and Human Development: 717-871-7821

External Resources
State Employee Assistance Program (SEAP): 800-692-7459
Pennsylvania Human Relations Commission: 717-787-4410
Office of Civil Rights: 800-368-1019

MU Web Page
Other disability related practices and procedures are available on the university web page at  http://www.millersville.edu/hr/ada/