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/socialeg/title-ix-sexual-misconduct/index.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. 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

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

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;
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 normally 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.
representative at any meeting held to discuss the complaint.

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.

For a more detailed list of resources and supports for complainants and respondents, please refer to the online Title IX/Sexual Violence and Misconduct Response and Resource Guide website found at http://www.millersville.edu/socialeq/title-ix-sexual-misconduct/index.php.

**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 to not 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 impair 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:
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<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>
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<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>
</tr>
<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>
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<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>
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<tr>
<td>Center for Health Education and Promotion</td>
<td>Montour House</td>
<td>(717) 872-3841</td>
</tr>
<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>
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<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>
</tr>
</tbody>
</table>
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 24 hour hotlines</th>
<th>LOCATION</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault: YWCA Sexual Assault Prevention and Counseling Center</td>
<td>110 N. Lime St. Lancaster, PA 17602</td>
<td>(717) 392-7273</td>
</tr>
<tr>
<td>Domestic Violence: Domestic Violence Services of Lancaster County</td>
<td>35 E. Orange St. Lancaster, PA 17602</td>
<td>(717) 299-1249</td>
</tr>
<tr>
<td>Suicide: CONTACT Lancaster Helpline</td>
<td>601 S. Queen St. Lancaster, PA 17608</td>
<td>(717) 299-4855</td>
</tr>
<tr>
<td>Crisis Intervention of Lancaster County</td>
<td></td>
<td>(717) 394-2631</td>
</tr>
<tr>
<td>Pennsylvania Suicide Hotline</td>
<td></td>
<td>(800) 784-2433</td>
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<tr>
<td>Sexual Assault Examination: Lancaster General Hospital</td>
<td>555 N. Duke St. Lancaster, PA 17602</td>
<td>(717) 544-5511</td>
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<tr>
<td>Medical/Healthcare Resources: Planned Parenthood of Lancaster</td>
<td>31 S. Lime St. Lancaster, PA 17602</td>
<td>(717) 299-2891</td>
</tr>
<tr>
<td>Health Services</td>
<td>Witmer Building</td>
<td>(717) 872-3250</td>
</tr>
<tr>
<td>Law Enforcement (Non-Emergency): Millersville Borough Police</td>
<td>100 Municipal Dr. Millersville, PA 17551</td>
<td>(717) 872-4658</td>
</tr>
<tr>
<td>Manor Township Police</td>
<td>950 West Fairway Dr. Lancaster, PA 17603</td>
<td>(717) 299-5231</td>
</tr>
<tr>
<td>Service</td>
<td>Address</td>
<td>Phone Number</td>
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<tr>
<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>
</tr>
<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>
</tr>
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<td>Legal Assistance:</td>
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<tr>
<td>Domestic Violence Legal Clinic</td>
<td>35 E. Orange St. Lancaster, PA 17602</td>
<td>(717) 291-5826</td>
</tr>
<tr>
<td>(Assistance with Protection from Abuse</td>
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<td>Orders)</td>
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<tr>
<td>Lancaster County Victim Witness Services</td>
<td>50 N. Duke St. Lancaster, PA 17608</td>
<td>(717) 299-8048</td>
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<td>(Support and Advocacy to Victims of Crime)</td>
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<td>Financial Information:</td>
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<tr>
<td>Victims Compensation Assistance Program</td>
<td></td>
<td>(800) 233-2339</td>
</tr>
</tbody>
</table>

**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.