

# Maintaining a Safe and Secure Campus

**Millersville University 2021 Annual  
Security and Fire Safety Report**



Millersville University

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**Note: Web links are best opened in Chrome.**

## *From the* **Vice President, Finance and Administration**

The security and safety of the Millersville University campus is paramount to providing an environment that fosters educational exploration and academic excellence. The policies and procedures outlined in our annual report promote the safety of and help reduce risks to the members of the Millersville University campus community.

Millersville University has implemented training, policies, victim-centered support and reporting that complies with changes made to the Clery Act through the Violence Against Women Act (VAWA). At Millersville University, we use the Clery Act, Title IX and VAWA policies to guide our prevention, education and responses across University divisions. Our University Police focus on student engagement and problem solving using a community policing emphasis, consistent with the University's EPPIIC values and commitment to student success.

Each member of the campus is encouraged to read and know about the programs and services in place at Millersville University to reduce risk and to ensure a safer campus community. Each member of the Millersville University campus community shares in the responsibility for keeping our campus safe. It is our shared duty to report any safety or security concerns we may each have to the Millersville University Police. You can contact the police at 717-871-4357 or use our new smartphone app, LiveSafe, to make those reports.

Thank you for your contribution to building a safe, caring and concerned campus community.

**Guilbert L. Brown**

Vice President

Finance and Administration

## The University

Millersville University of Pennsylvania is located in Lancaster County, Pennsylvania, an area that continues to have among the lowest crime rates in the nation.

Millersville University offers a diversified program of undergraduate and graduate studies in the arts, sciences, business and education. The student body of 7,495 undergraduate and graduate students (6,028 FTE) study, work and live in a community of faculty, administrators and support staff who are concerned about the quality of life on campus for all of its members. The faculty includes 426 highly qualified full-time and part-time personnel. The noninstructional staff consists of 545 persons, providing a nonstudent working community on campus of 971 employees.

The 250-acre campus, located three miles from the city of Lancaster in the suburban community of Millersville, includes 84 well-maintained buildings on well-lighted streets and walkways. A pond, gardens and large expanse of grounds provide students an environment that is exceptionally comfortable. The grounds of the campus are open to visitors, as are lobbies and business offices in major University buildings. Residence halls, however, are open only to students, employees and invited guests. The general public is welcome to use the University library and attend special events in campus buildings when so publicized by the University.

The Department of Facilities Management maintains lighting of all campus parking lots, walkways and building entrances. University Police report any nonfunctioning lights, and replacements and/or repairs are made in a matter of days. In addition, University Police and facilities staff monitor the condition of plants, shrubs and other natural growth for additional security considerations. Millersville University practices Crime Prevention Through Environmental Design (CPTED) across multiple departments on campus including police, environmental health and safety, grounds, facility and project managers. These practices provide a shared vision for having a campus design that appears well maintained and evokes a perception of being safe for students, employees and visitors. The University administration regularly receive comments as well on the openness and beauty of our campus.

## Annual Campus Crime Report

The compilation and distribution of this report is mandated under the Student Right to Know and Campus Security Act of 1990. This law requires colleges and universities to disclose information about campus safety and security procedures, and to provide statistics concerning the occurrence of a number of criminal offenses. In addition, the report must contain statements describing campus law enforcement policies and procedures, campus security education and prevention programs, drug and alcohol policies, sexual assault awareness programs, procedures for reporting sexual assaults and an overview of the campus judicial process. The charts provided regarding criminal offenses reflect: a) all official reports filed for the Uniform Crime Report as reported by those agencies assigned significant responsibility for law enforcement; and b) anonymous reports from persons who have directly contacted or have been referred by faculty or staff at the University or in victim-assistance programs. Any difference in the number of official reports as noted through the Uniform Crime Report versus the total number of incidents reported may be a result of the choice of victims/complainants who choose not to file an official report or to have the incident handled through the campus internal judicial process. While all visitors and members of the campus community are encouraged to report crimes in an accurate, prompt and timely manner, it is understood that a small number of crimes may not be reported and therefore may not be included in the published statistics. Voluntary reporting of criminal activity to any official of this institution who has significant responsibility for student and campus activities is encouraged.

## Campus Emergency Notifications and Timely Warnings

Should an event take place either on or off campus property that the Chief of Police, Vice President for Student Affairs and Enrollment Management, Director of Health and Safety, or Vice President for Finance and Administration deem an immediate or ongoing threat to public safety, an Emergency Notification shall be issued. Emergency notifications may be issued for threats to personal safety (such as street robbery or sexual assault) and/or public-safety information (such as fires located on or near campus with street closures). Timely Warnings will be issued for Clery Act crimes within our Clery geographic area which are deemed to constitute serious and ongoing threats to the campus community. The warning will be issued as soon as pertinent information is available.

**Email Blast**—Electronic mail message used to provide brief messages of public safety importance. Messages may include weather, safety or crime-related information. These messages may contain more detail than a text message. Intended recipients include anyone who is registered with a Millersville account or is registered with the MU | Alert system.

**MU | Alert**—Text-messaging system used to provide “flash information” or brief messages of public-safety importance. Messages may include weather, safety or crime-related information. Intended recipients include all those persons who have enrolled in the MU | Alert system.

**Web Page Lite**—Electronic messages appearing on the Millersville University home page used to provide information relating to weather, safety or crime. In the event of a campus emergency, the normal Millersville University home page will become inactive, and a graphics-lightened page will appear that is intended to load more quickly and allow for faster response time. Intended recipients will be anyone who accesses the campus home page during a campus emergency.

**NOTE**—In the event of a campus emergency, the campus telecommunications operation will reduce service to phone lines and voice communications through radio to police officers only. Do NOT attempt to request routine service, escorts, room openings, etc., if the University is in a campus emergency operations situation.

**Persons responsible for carrying out notifications**—Chief of Police, Deputy Chief of Police, Lieutenant of Police, Director of Safety and Environmental Health, Assistant Vice President for Facilities, Executive Associate Department of Office of VP for Finance, Director of Communications.

**The Emergency Response Procedures** web address is [www.millersville.edu/hr/ehs](http://www.millersville.edu/hr/ehs). In the right column, select “Environmental Health & Safety,” then from the drop-down, “Emergency Preparedness & Emergency Operations.”

For more information on the emergency notifications policy, please see [www.millersville.edu/police](http://www.millersville.edu/police).

## Preparing the Annual Security Report

The University Police Department has the responsibility for collecting and preparing the information that is contained within the Annual Campus Crime Report. Millersville University Office of the President will receive the Department of Education’s Campus Safety Survey Administrator letter (normally within the month of July).

The letter will contain the following information: the start date that the collection site will open, the internet web page and web address of the submission site, the logon information for the user ID and password, the date the submission data should be entered by and the date of closing.

The Office of the Vice President for Student Affairs and Enrollment Management, which is responsible for ensuring the compliance of the Act, will next receive the letter. Under the direction of the Vice President, the Chief of Police or his/her designee will open (log on to) the submission site. Under the guidance of the Chief of Police, all the data or information will be collected, which may include:

- gathering on- and off-campus information
- contacting other outside agencies for statistical information
- creating policies and/or directives
- review of current information
- using the assistance of auditors
- contacting/using other Millersville University departments

### COVID – 19 Pandemic Response

During the spring of 2020 in response to the global Covid-19 pandemic, Millersville University provided students and employees a single notification through the regular means of communicating emergency notifications informing them about COVID-19 and necessary health and safety precautions, as well as encouraging them to obtain information from health care providers both on and off campus, state health authorities, and the COVID-19 website; and the University created a Banner at the top of the Millersville University homepage which contained that same information, including a statement about the global pandemic, local cases and link to the CDC’s website.

## The University Police

Primary responsibility for law enforcement and security on university own and controlled property belongs to the Millersville University Police Department, which is part of Finance and Administration. The University uses a dual-force concept, employing both commissioned police officers and noncommissioned security officers. Nine officers and three supervisors are assigned to regular patrol duties. Additionally, the Police Department deploys a full time security officer who is assigned solely to the residence halls on campus and a second full time security officer who is assigned full time to the Lancaster Ware Center covering hours the Ware Center hosts academic classes and special events. Administrative duties are handled by the chief and deputy chief, who are also commissioned police officers. The department employs clerical staff. The administrative office is located in the Lebanon House, which is open from 8 a.m. to 4:30 p.m., weekdays. A 24-hour, seven-day-a-week schedule is maintained by the University Police with an around-the-clock dispatcher system of student emergency dispatchers and Lancaster County-wide communications 911 direct dispatching of emergency calls. Officers use dual-band radios to directly monitor both dispatch systems. This radio system greatly enhances the safety of the campus community through interoperability with other community first responders.

As a condition of employment, all police officers employed by the Millersville University Police Department must have completed a Basic Police Training course as required by Pennsylvania Act 120 or have completed equivalent training as approved by the Municipal Police Officers Education and Training Commission of the Pennsylvania Department of Education, Bureau of Academic Programs.



MU police officers and security officers are required to maintain appropriate levels of training in CPR, basic first aid, nonviolent crisis intervention, and in the use of the police baton. In addition, police officers must qualify twice a year with firearms and complete yearly updates as approved by the Municipal Police Officers Education and Training Commission.

The Pennsylvania Administrative Code, Section 2416, grants full police power to commissioned police officers employed by Millersville University. Therefore, Millersville University Police have the power and duty to enforce order, protect life and property, make arrests as provided by law, conduct investigations, and exercise the same powers authorized for police in local municipalities on University property. The University Police have a supportive working relationship with local, county and state police agencies. Act 48 of 2004 grants full municipal police powers to University officers and permits off-campus police responses. In addition, University Police coordinate investigations with the Bureau of Liquor Enforcement and the Pennsylvania State Police.

Millersville University Police file monthly reports with the Pennsylvania State Police, which depict all offenses as listed in the FBI Uniform Crime Report. Information on crimes that may impact or relate to the surrounding community, county and state is shared directly with the appropriate law enforcement agencies.

In instances where timely reporting to the campus is warranted, University Police utilize the MU | Alert system; internally published posters, pamphlets and brochures; the Office of Housing and Residential Programs and other campus staff.

**University Police are on duty 24 hours a day, 365 days a year and are in constant communication with Campus Dispatch (NACSA) for central dispatch of all police non-emergency and service related calls.** Access to all buildings is limited to the lobbies. Buildings are open normal university business hours. Officers secure buildings each day during closing hours, which varies from building to building. The department is also in primary contact with the Lancaster County wide police 911 dispatch network, County 911 is the patrol officers primary frequency with campus dispatch as the secondary frequency. All reports of criminal activity coming to the University Police are investigated and coordinated with appropriate area law enforcement agencies as needed. All criminal prosecutions for offenses taking place on the campus of Millersville University are initiated by the University Police.

## COMMUNITY POLICE SPECIALIST OFFICERS

Millersville University Police became the first University in the PASSHE system to establish community police specialist positions for patrol officers and also the first to have officers receive Community Police Specialist classifications.

Patrol officers are required to have regular focus on community engagement and problem solving within patrol and to complete more than 80 hours of training which includes but is not limited to crisis intervention team certification, DOJ and COPS community police trainings, implicit bias training, de-escalation training, and patrol mountain bicycle training. Four patrol officers completed this training and other officers are in process toward completing this training for the department.

In cases where actions are violations of campus policy and Commonwealth law, and the perpetrator is a student of the University, both internal and external judicial action may be taken. The Office of Judicial Affairs will initiate disciplinary action in accordance with the University Code of Conduct for violators who are students. Internal judicial action will be initiated in addition to, not in lieu of, filing of criminal charges before the local District Justice. Students should be aware that some information may be shared regarding on-campus violations.

Complete background investigations are made on all applicants considered for appointment to the University Police Department. Each background investigation consists of a Pennsylvania State Police records check, a local police records check and personal contact of references. Preemployment criminal background checks, including

child-abuse clearances, are conducted for all new hires at the University. This background check policy began in April 2009, with child-abuse clearances beginning in January 2015.

No procedure for checking possible criminal records of prospective or current students is currently in use at the University; however, applicants are asked to self-report felony convictions.

The Millersville University Police Department currently has no Memo of Understanding (MOU) with any municipal police agencies due to its police officers being covered under state laws with assisting outside agencies. You can find more information under the Millersville University Police police section, PASSHE Act 188.

## Campus Responsibility

Safety on the campus of Millersville University must involve a cooperative effort of the campus community. Everyone who utilizes campus facilities must assume responsibility for the security of personal belongings and their own personal safety. Everyone should learn the location of the 46 emergency communication stations on campus. In addition, anyone traveling alone on campus between 11 p.m. and 7 a.m. should use the campus escort system (see escort policy rules and regulations for other times and guidelines). Personal items such as televisions, computers and stereos should be engraved and the serial numbers recorded. Information on secure, online registration of valuables is available at the University Police, Lebanon House. Vehicles should be locked at all times and valuables stored in the trunk. Campus community members, students, faculty, staff and guests are encouraged to report all public safety-related incidents and crimes to the appropriate police agency or the University Police in a timely manner. Prosecutorial decisions or formal witness status can always be decided at a later time, but reporting should be done immediately.

Millersville University has established a Behavioral Intervention Team (BIT@MU) to assist in addressing situations where students, faculty or staff are displaying disruptive or threatening behaviors that potentially impede their own or others' ability to function successfully or safely. The process is designed to help identify persons whose behaviors potentially endanger their own or others' health and safety.

It is the responsibility of faculty, staff and students to immediately report any situation that could possibly result in harm to anyone at the University. Any member of the campus community may become aware of a troubling person or situation that is causing serious anxiety, stress or fear, and if so, this information should be provided to the Behavioral Intervention Team at (717) 871-7070. During nonbusiness hours, this line auto-forwards to the Lancaster County-Wide Communications dispatch. For additional information, please see the Behavioral Intervention Team web page at [www.millersville.edu/safetyandsecurity/threatassessment.php](http://www.millersville.edu/safetyandsecurity/threatassessment.php).

## Campus Safety App - LiveSafe

- Millersville University is the first Pennsylvania university to launch LiveSafe. Millersville joined Virginia Tech, Georgetown and Delaware as institutions engaging in LiveSafe.
- LiveSafe was launched after Student Senate engaged with University Police in another community policing effort to keep our community safe.
- Millersville is cited by LiveSafe as being a student-engaged campus.
- Within the first year, over 2,000 MU students downloaded the free safety app.
- Within the first year, students texted 151 tips to the University call center; 88 percent resulted in tip chat with call center employees and/or police.
- Most tips were for quality-of-life issues such as noise, loud persons and facility concerns such as a burnt-out light.
- Other tips were students taking care of students in need, such as concern of depression.
- During 2020, a total of 46 peer-to-peer safewalks took place with 30+ occurring between 9 p.m. and 3 a.m.



- Athletics program: A presentation from the peer educators on healthy relationships during Teen Dating Violence Awareness Month was presented to all first-year athletes during the CHAMPS education program.
- The Center for Health Education and Promotion had six trained student peer educators (trained by the YWCA, DVS and other local organizations) to provide ongoing educational workshops, interactive awareness events and conduct campus outreach. Passive education is provided in Stall Talk, our website and through social media networks.

### Education workshops include:

- *Getting Down in the Green*: This program is aimed at raising awareness about sexual assault and the Red Zone (the time starting on the first day on campus until the first break, when students are at an increased risk of being sexually assaulted). The program provides information for the following: bystander intervention and ways to intervene in a potentially risky situation; available resources on and off campus; how to help a friend who is victimized; reporting procedures; identification of the dangers of the Red Zone; and discussions concerning victim blaming.
- *Red Flags*: This program focuses on dating and domestic violence, and provides information on the signs of healthy vs. unhealthy relationships and the red-flag indicators of dating abuse, well as helps students become aware of available resources on and off campus.
- *Escalation*: From the One Love Foundation, this program includes a film that illuminates the warning signs of an unhealthy and potentially dangerous relationship, followed by a discussion about relationships, how to identify warning signs in unhealthy relationships, and how to be an active bystander (90 minutes).
- *Sex Goes to the Movies*: This program uses popular movie clips to educate participants about risky and unsafe partying, alcohol consumption, consent and how to make healthy personal decisions.
- *Keepin' It REALationships*: Actively discusses various types of intimate relationships. Students discuss healthy and unhealthy aspects of relationships and learn to effectively communicate with current and future partners.
- *Behind the Post*: Billions of photos are posted on social media every day, but can you really see the big picture through the small ones? Behind the Post is a seven-minute video followed by a discussion on how social media can skew our view of the relationships around us and, in some cases, influence our decisions to stay in them.

**Outreach:** Peer educators provide brief education interactions with students as they walk around campus on topics that include the Red Zone, dating violence, domestic violence, sexual assault and stalking.

**Wellness Wednesdays:** Throughout the semester, peer educators set up interactive opportunities outside of the Center for Health Education and Promotion to provide additional learning opportunities on sexual assault, domestic violence, dating violence and stalking.

Awareness events this year included Take Back the Night, Purple Carnival, and the Clothesline Project. The Purple Carnival took place virtually in October during Domestic Violence Awareness Month. This event was a collaborative event with campus student organizations that engaged students in interactive learning activities focused on healthy relationships and dating/domestic violence. Virtual activities included surveys, photo contests, and participation through likes/comments. Numerous activities were planned throughout the month of February in recognition of Teen

## University Programs

All incoming and transfer students are asked to complete the Student Success online education portal, Not Anymore, prior to arriving on campus in August. The portal includes information on dating violence, domestic violence, sexual assault and stalking. In order to ensure that students completed the portal, we continued our partnership with the Wellness and Sport Sciences faculty to integrate the online portal into the educational curriculum of the WELL175 course, which is a course that most students are required to complete before graduation and often is taken during the student's first year on campus. Wellness faculty are requiring students to complete assignments relating to the content of the portal, are working to integrate information into the curriculum that students answered incorrectly during the posttest after completing the portal, and are encouraging individual and group discussions about sexual violence. Additionally, orientation leaders encouraged student completion of the portal through ongoing communication with students about the importance of the educational portals. In 2019-2020, 2,055 MU students participated in The Not Anymore program.

- During orientation, students are engaged in several programming efforts to build upon the content of the online education portal. In 2020 these activities included:
- Inclusion of sexual-violence information in the campus safety presentation.
- The University provides a first-six-weeks sexual violence education program in partnership with faculty, staff and student organizations. Many faculty offer students extra credit for participation, information is integrated into several department curriculums, students are approached by peer educators across campus, and educational workshops and awareness events are provided. A large focus of the first six weeks includes information about the Red Zone.

Dating Violence Awareness Month. The Red Flag Campaign, a national campaign aimed at encouraging students when they see a red flag in a relationship to say something, was the cornerstone activity connecting students to the educational programming that took place throughout the month. Activities included educational/promotional materials (posters, yard signs, banners and red flags), presentation of the One Love Foundation's Escalation workshop and presentations to various student groups. The month is dedicated to the memory of Karlie Hall. The Clothesline Project was displayed on campus, and students could make shirts to display during Sexual Assault Awareness Month in April.

- The Center for Health Education and Promotion partnered with the Center for Student Involvement and Leadership to continue the work of programming for fraternity and sorority members. Many individual fraternities and sororities participated in the sexual-assault program "Greeks Against Sexual Assault," created by the peer educators. The program focuses on definitions and statistics, myths vs. realities, bystander intervention, Greek Life rituals and procedures, how to support a survivor, and resources and referral information. The Greeks held their four Wellness Wednesday events during the 2019-2020 school year to educate students about bystander intervention and sexual violence.

**It should be noted that all events and programs moved to a virtual format after March 17, 2020, due to the Covid-19 pandemic. A virtual platform did not inhibit the institution's ability to continue providing this educational programming.**

- A comprehensive web page ([www.millersville.edu/sexualviolence](http://www.millersville.edu/sexualviolence)) continues to provide students, families and the campus community easily accessible information about sexual and dating violence. 1,748 unique page views were logged from August 29, 2018, through August 29, 2020. The page contains numerous pieces of information, including reporting options, support resources, educational programming and how to support a student survivor. The page is dedicated to improving the ease at which individuals can locate sexual- and dating-violence information on the MU website.
- Distribution of sexual violence resource cards (distributed to students during orientation programming). Cards are available in various support offices across campus and can be found online. Sexual misconduct support services and reporting options publications were distributed to students and departments. A resource guide for LGBTQIA+ students and staff was distributed as well. The Student Conduct and Community Standards Handbook does provide information and guidance for student sexual misconduct.
- The YWCA Lancaster continued to provide free advocacy services for survivors of sexual assault out of the Center for Health Education and Promotion every Monday afternoon from 10 a.m.-6 p.m. Ninety-four sessions in the fall and 44 sessions were held between the fall and spring semesters.
- Domestic Violence Services of Lancaster provided a free advocate for students experiencing dating or domestic violence on Tuesdays from 1-4 p.m. in a virtual format. Throughout the academic year, DVS provided a table with resources and information in the Student Memorial Center.
- The Office of Transition Programs encourages first-year-experience faculty to provide sexual-violence programming within their curriculum. The peer educators have been utilized to provide prevention programming in these courses.

## Victim Services Numbers

(all area code 717)

Victim/Witness Assistance..... 299-8048

*Information on victim rights and services in the criminal justice system/community.*

Victim/Witness Assistance Hotline..... 299-8048

Victim/Witness Services..... 299-8048

*Counseling and services for the surviving family of homicide victims, and robbery, aggravated assault and burglary victims.*

Other Victims of Violence Hotline..... 299-8048

*Reimbursements for out-of-pocket loss due to personal injury.*

Crime Victims Compensation Hotline..... 299-8048

Domestic Violence Services of Lancaster County ..... 299-1249

*Counseling, shelter, legal protection.*

Domestic Violence Hotline..... 299-1249

Sexual Assault Prevention & Counseling Service ..... 393-1735

*Counseling and services for adult and child sexual-assault victims.*

Sexual Assault Victims Hotline (YWCA) ..... 392-7273

Mothers Against Drunk Driving..... 657-3911

*Counseling, advocacy and services.*

Children & Youth Social Services ..... 299-7925

*Counseling, information and referral services for abused and neglected children.*

Child Abuse Victims Hotline ..... 1-800-932-0313

Office of Aging..... 299-7979

*Counseling, shelter and protective services for victims age 60 and over.*

Elder Abuse Victims Hotline..... 1-800-801-3070

- Peer educators were provided with training on the Clery Act, Title IX, stalking and sexual-violence awareness. Students were asked to complete the online education portal Not Anymore.
- A session on dating violence, domestic violence, sexual assault and stalking was provided to the residential assistants in Housing and Residential Programming by the Title IX Director and University Chief of Police.
- The YWCA Lancaster provided two training blocks for their Sexual Assault Hotline training, one in the fall and another in the spring. The 40-hour training consisted of in-person and online training. The training is PCAR-approved and may be transferable (upon successful completion) to other rape crisis centers in Pennsylvania. Upon completion, individuals are required to complete an exit interview with the YWCA director in order to obtain a certificate of completion.
- Millersville University received an It's on Us PA grant award in November 2018 worth \$29,959.50. Funding supported the continuation of the Red Flag Campaign, the development of a consent education campaign, Green Dot bystander training, social norms campaign and student assessment, and provided YWCA Lancaster Sexual Assault Counseling and Prevention experts.
- The sexual and dating violence advisory task force, made up of representatives of the Millersville University Community, serves as an advisory board to ensure consistent, ongoing and well-researched programs that will help reduce the incidence of sexual misconduct, ensure quality resources and services for those impacted by sexual misconduct, and increase reporting by students at Millersville University. This year, the task force was convened twice in the fall and twice during the spring semesters. Next year the group plans to work on developing a strategic plan as well as staircasing educational initiatives to ensure increased learning.

Millersville University consistently reviews all programs each year to make sure all students and staff have the most up-to-date information on security awareness and crime-prevention programs.

Activity Name and Type (Wellness Wednesday- WW, Outreach, Event)	Brief Description of Activity	Date of Activity	# of Students Reached
Virtual Event/ Post	Red Zone Awareness	9/8	611
Tabling	DVS Dating Violence Info Table Set up in Campus Life	9/1-5/11	N/A
WW	Red Zone- Instagram	9/9	N/A
Awareness Events	Red Zone Trivia	9/14	N/A
Awareness Post	Red Flags TikTok	9/15	524
Virtual Event	Watch Party: Audrie & Daisy	9/15	N/A
Awareness Post	One Love	9/22	468
Outreach	Bi Visibility Day Trivia Yard Sign Walk Through- In-Person	9/23	456
Virtual Event Outreach	Purple Carnival	10/15	N/A
Webinar	Purple Carnival	10/19	367
Awareness Event	Scavenger Hunt	10/19	430
Awareness Event	LGBTQ+ Dating and Domestic Violence Kahoot	10/21	425
Training	Consent: Love and Sex Wellness	2/13	17
Outreach	Do You Want a Kiss?	2/14	130
Outreach	What is Consent?	2/14	60
Outreach	YWCA Sexual Assault Support Group	2/18	2
Informational Table	DVS Dating Violence Table	2/19	10
Program	Red Flags	2/21	21
Program	Red Flags: Athletes	2/21	52
Training	YWCA Sexual Assault Hotline Training *Ongoing on Tuesdays and Thursdays	9/19-10/10	7
Training	Green Dot	10/12	N/A
Tabling Event	Title IX	10/13	N/A
Virtual Event	AOD and Sexual Violence	10/14	375
Virtual Event	Connecting with Karlie's Angels	11/12	N/A
Awareness Event	Red Flags Display	2/1-2/28	369
Watch Party	Behind the Post	2/8	408
Virtual Event	Red Flag Trivia	2/18	N/A
Awareness Event	Consent Week	3/14	836
Virtual Event	Consent Videos Instagram	3/22	N/A
Virtual Event	Scavenger Hunt	3/22	407
Virtual Event	Can I Hold Your Hand?	3/23	414
Virtual Event	Consent is like a Bouquet of Flowers	3/25	371
Virtual Event	Comic Scenario Trivia	3/25	374
Tabling	It's On Us, Yall	4/20	200
Tabling	Do You Want a Cupcake?	4/21	50



## Emergency Communications Procedures

### PURPOSE

The purpose of these instructions is to establish guidelines by which the University emergency communication system, MU | Alert, will be used for distribution of emergency messages to students, faculty, staff and any others who could be affected by a crisis. A crisis can be a disaster or emergency which poses an imminent threat to their health or safety given their presence on University property and/or its surrounding areas. The purpose is also to define various responsibilities for service, testing, maintenance of the system, training and security. These instructions align with the Crisis Communications Plan, approved by the Millersville University cabinet in 2015 and updated in January of 2020.

MU | Alerts are triggered by any significant emergency or dangerous situation involving an immediate threat to the health or safety of students and or employees either on campus, in the immediate area off campus, or at property owned or controlled by the University. A significant emergency or dangerous situation includes a Clery crime such as a shooting, but it also may cover crimes not reportable under Clery as well as noncriminal incidents, such as an outbreak of a communicable illness, an impending weather emergency or a gas leak. Notifications are to be issued without delay upon confirmation of the emergency by responsible authorities preidentified by the institution in their annual Clery Act reports.

### INSTRUCTION

Millersville University recognizes its responsibility to provide accurate and timely information to the campus community and the public during emergencies. The University also recognizes its responsibility to students, faculty and staff to respond to concerns about personal safety and security, and to follow University policies concerning the release of personal information. In keeping with this commitment, the University will make every effort to inform affected individuals of an emergency, as quickly as possible, using MU | Alert as well as other communication methods. The University will also follow standard procedures for the authorization and creation of emergency messages, approving authorized users, maintaining security, training and defining responsibilities.

### SCOPE

In the event of an immediate or critical threat to the campus community, the University has procedures in place to activate the emergency communication system. Such emergencies shall include only those catastrophic or dangerous events where there is an immediate threat of physical harm to community members and there is no time to warn of the crisis in advance. Such threats may be either on campus, in the immediate area off campus, or at property owned or controlled by the University. Therefore, Millersville University will activate MU | Alert for those threats requiring immediate action by members of the campus community.

Millersville University will avoid inundating the campus community with messages that are not time sensitive or not of a true emergency nature. If users of campus alerts receive too many alerts, especially those which do not involve true emergencies, they will deem the alerts a nuisance and "tune out" the message. There is a very real danger that the user will fail to react appropriately.

The ultimate goal of sending MU | Alerts to a campus community is to provide accurate and timely information of an imminent emergency to the community so they may respond and protect themselves. Millersville University will balance managing, as best possible, situations that must be evaluated on a case-by-case basis, as well as comply with the spirit and letter of the Higher Education Opportunity Act .

### BACKGROUND

In the event of an imminent emergency (immediate or critical threat to the campus community), Millersville University will attempt to notify as many campus constituents as possible of the nature of the emergency, where the emergency is taking place, and what they should do to protect themselves. Follow-up communication, including updates and notifications that the emergency has ended, will also be made. The goal is to provide individuals with timely and accurate information so they may seek shelter, escape, or otherwise protect themselves.

Millersville University has a multi-faceted and redundant emergency communications system designed to get information to a critical mass of campus constituents and provide appropriate direction on how to avoid potential harm. The system is detailed in the Crisis Communications Plan.

Millersville University will only use MU | Alert to notify campus constituents of imminent emergencies and weather alerts (this will include weather cancellations and/or delays as well as thunderstorm warnings and tornado warnings issued for the 17551 area).

### PROGRAM

The Millersville University Crisis Communications Program details specific duties, responsibilities and actions to be taken by the University to ensure emergency communication takes place in a timely, accurate and coordinated fashion.

### AUTHORIZATION OF NEW USERS

Only those University employees authorized to use the emergency communication systems may do so.

Authorization to new users is provided by University Administration. Once approved by the University Administration, access to the emergency communication systems is provided to new, authorized users by the MU | Alert administrator.

### AUTHORIZATION TO SEND ALERT MESSAGES

Designees from the following University offices have the authority to approve dissemination of an emergency text message or other emergency alert message:

1. Office of the Vice President of Finance and Administration
  - Director of Environmental Health and Safety
  - Police Chief, Deputy Police Chief and Lead Investigator
  - Assistant VP for facilities
2. Office of the Vice President for Advancement
  - Director of Communications
  - Assistant Director of Communications
3. Office of Chief Technology Officer
  - Applications manager

### MESSAGE COMPOSITION

- All emergency communication messages must adhere to the limitations (# of characters) set forth by the alert technology.
- Where possible, utilize prepared emergency messages ("scenarios").
- When developing emergency alert messages, be brief, concise and accurate.
- If possible, in the message body, refer the receiver of the emergency alert to the MU home page for more information and updates.

## SENDING MESSAGES

- Only if absolutely necessary, send out multiple alerts. Try to send one initial alert message, and only use the emergency communication systems for follow-up alerts (updates, changing conditions, termination of the emergency, etc.).
- When time permits, have University Administration and University Communications and Marketing review the message before it is sent.
- The person sending the alert message shall notify others so that all offices are sharing consistent information and are not sending duplicate messages.
- When time permits, notify the VPFA and the VPSAEM prior to sending an emergency message. Cabinet members will be alerted by the appropriate call tree as spelled out in the Crisis Communications Plan.

## FOLLOW-UP MEASURES AFTER THE ALERT IS SENT

- University Police patrol officers will immediately contact Lancaster County-Wide Communications with the content of the emergency message and a very brief overview of the need for the emergency message.
- Ensure the MU Chief of Police (or designee), the Director of EHS (or designee) and Director of Communications (or designee) are notified.
- Notify all on-duty MUPD officers that the alert is about to be sent.
  - Communications or Information Technology may initiate “web lite” measures to the MU home page and place the initial emergency message onto the home page. They will add more information and updates to the MU home page as it becomes available.
- University Telecommunications is authorized to reduce the number of telephone lines answered following an emergency text message to only the X4357 number.
- The Director of Communications may prepare a media script for use by MU Call Center Dispatchers following the sending of all emergency messages. This way, dispatchers can answer public phone call questions in a consistent manner.

Responsibilities of individuals are spelled out in the Crisis Communications Plan.

## SECURITY

Access to the emergency communication systems is only possible through secure logon procedures using security information and passwords.

Authorized users may not share their passwords or other security information with others.

## TRAINING

All authorized users and administrators will receive training in how to prepare emergency communication messages and use the technology to send the messages. Authorized users and administrators will also become familiar with this policy and its requirements.

# Emergencies on Campus

## MEDICAL EMERGENCIES - CALL 911

*For medical emergencies that appear to be life-threatening, such as head, neck or back injuries; excessive bleeding; breathing difficulty; convulsions; loss of consciousness or chest pains:*

Call 911 for an ambulance; be sure to give exact location and nature of emergency.

## NONEMERGENCY MEDICAL SERVICES

*For medical situations that do not appear to be life-threatening where the injured or ill party is mobile:*

Contact Health Services staff at (717) 871-5250 and a police transport will be arranged, if appropriate, or dial (717) 871-4357 to contact University Police to escort the party to Health Services. Members of the campus community should check with Health Services for the actual hours of coverage.

## POLICE EMERGENCIES - CALL 911

*For situations that require urgent police assistance, such as criminal or suspicious activity, disorderly or threatening behavior in progress, or a vehicle or pedestrian accident:*

Call 911 for University Police; be sure to give exact location and nature of the emergency.

## FIRE EMERGENCIES

*Upon discovery of a fire, activate the local alarm and vacate the area.*

*If a fire is suspected but not observed:*

Activate the local alarm, then contact University Police at 911. Contact University Police from a safe location. If you suspect a fire, **do not** remain in the building.

When in doubt regarding a fire emergency (smoke visible but no flames, strong electrical burning odor):

Call **911**, then University Police at 911 if it appears safe to do so.

For routine University Police information or assistance, call (717) 871-4357.

# Emergency Communication Phones

There are 46 emergency communication stations located at various locations around the campus. Wall-mounted phones are yellow in color, the pedestals are blue or brown with a blue light located above, and the telephones make direct emergency contact to Lancaster County-Wide Communications and the University Police. The telephones may be used anytime emergency assistance is needed. It should be noted, however, that misuse of these telephones could result in criminal prosecution. The emergency communication call boxes are tested once a month, and the results of these tests are available through the University Police by appointment.

*To activate the telephone:*

**1. Push the call button and release. Police officers will be sent to your location.**

**2. The dispatcher will respond to the caller.**

**3. State the nature of your emergency and confirm your location.**

**4. Follow the directions of the dispatcher. Only the large button needs to be pushed to summon aid. Arrival time is generally three minutes or less.**

## 911 Information System

The 911 emergency dialing system facilitates the prompt response of police, fire and ambulance services to the campus community. When callers dial 911, each campus phone will create a display at the Lancaster County Dispatch Center showing the specific geographic location of the campus caller to include building. This system does not work with wireless cellular telephones operated on campus.

If you dial 911 by mistake and the telecommunications operator tells you that you have reached the Emergency Dispatch Center, DO NOT HANG UP! Explain to the operator that you dialed 911 by mistake; seldom will additional action be taken. If you fail to stay on the line and explain that a mistake has been made, emergency personnel will respond to your location, and appropriate action will be taken.

## Campus Security Authorities

The Campus Right to Know Act mandates that institutions disclose statistics both for crimes reported to criminal justice agencies and crimes reported to other members of the campus community. Local contiguous police agencies providing crime data include the Millersville Borough Police, Manor Township Police and the Lancaster City Bureau of Police. While everyone on campus is encouraged to report crime, under the Campus Right to Know Act some individuals are designated as *campus security authorities*. The name campus security authority is somewhat misleading, as it is applied to a group of people who by function are not necessarily engaged in security-related work. According to the law, any person who has the authority and duty to take action or respond to particular issues on behalf of the University, or has significant responsibility for student actions, is defined as a *campus security authority*.

Because job titles and official responsibilities vary from campus to campus, the Campus Right to Know Act does not provide a list of specific titles and/or functions that should be designated as a *campus security authority*. At Millersville University the following titles have been recognized as *campus security authorities* (CSAs) in addition to all sworn and unsworn members of the Millersville University Police Department:

- Vice President for Student Affairs and Enrollment Management, all subordinate administrators and all division staff, excluding clerical staff.
- All athletic coaches and assistant coaches.
- Title IX Coordinator and subordinate nonclerical staff.
- Executive Director of Human Resources and subordinate nonclerical staff.
- Advisors to any student group.

NOTE: Students may be included in this category if they are employees of the University and have responsibility for student activities (to include residence hall assistants and peer educators).

### Voluntary, Confidential Reporting

Certain individuals who have responsibility for student and campus activities are exempt from disclosing information. Pastoral and professional licensed counselors are exempt from disclosing reported offenses if they are acting in their role of pastoral and professional counselors. Counselors so noted are still encouraged to provide confidential reporting information to crime victims. Such confidential reports are still valuable in enhancing the safety of the greater campus community and in assuring the accuracy of campus crime data. CSAs are notified of their responsibility on a yearly basis and have a tutorial available to them at the University Police website:

[www.millersville.edu/police](http://www.millersville.edu/police).

## Tips for Maintaining a Safe and Secure Campus

### IN THE OFFICE OR CLASSROOM:

- Avoid working or studying alone in a building at night.
- Keep your purse and petty cash in a locked cabinet or drawer.
- While in class or in the library, keep personal belongings in view.
- Use LiveSafe's safewalk feature or the University Police Escort Service guidelines).
- Report anyone who behaves suspiciously to the University Police. Remember his/her appearance and relay it to the dispatcher.

### ON THE STREET:

- Stay in well-lit areas; walk midpoint between curbs and buildings, away from alleys, entries and bushes.
- Carry only necessary credit cards and money.
- Obtain a whistle from the University Police, and carry it with you at all times.
- If you are followed, act suspicious. Keep looking behind you and you may discourage the follower.
- Never hitchhike.

### LIVING ON CAMPUS:

- Keep doors locked, even if you are away for only a few minutes. Remember that most losses occur during the day.
- Use the peepholes in residence doors before permitting entry to anyone. If the peephole is broken or missing, notify the hall staff.
- Keep an accurate inventory of your possessions. Engraving tools may be borrowed from the University Police for inscribing your driver's license or ID number.
- If you return to your residence and suspect that it has been illegally entered, do not enter. Call University Police immediately.
- If someone you don't know tries to enter a building behind you, or asks to go past the security checkpoint with you for any reason, say NO.
- If you see a suspicious person in a corridor or lounge, or if someone knocks on your door to solicit, call the University Police.
- Harassment by any means, including online harassment, should be reported to University Police.

## MANDATED REPORTING OBLIGATIONS OF UNIVERSITY OFFICIALS, VOLUNTEERS AND EMPLOYEES

All University Officials, Volunteers and Employees (including student employees) are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator/designee, unless: 1) they serve in a role that makes such reports privileged or are recognized as providing a confidential resource (see Statement on Privacy and Confidentiality); or 2) they are a faculty member and learn of the report from a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project.

## ELECTRONIC AND ANONYMOUS REPORTING

You may also file a report about sexual misconduct using the appropriate links below. While anonymous reports are accepted, the University's ability to address misconduct reported anonymously is significantly limited.

Individuals may use the following Sexual Misconduct Report Form to electronically file a report of sexual misconduct with the University.

## Safety Information Activities

The University Police use a variety of media to address issues of campus safety:

- **An annual report**, a comprehensive report of all crimes reported to the University Police, is compiled, published and widely distributed yearly. This information may also be accessed through the University Police website at [www.millersville.edu/police](http://www.millersville.edu/police).
- **Crime and safety programs** presented by peer educators from the Center of Health Education and Promotion, members of the Lancaster County District Attorney's Office, area police investigators, and/or the Millersville University Police are offered each semester. There is no charge for the service, and group presentations can be organized during late evening hours and adjusted for any group size. The University Police currently have three Pennsylvania-certified Crime Prevention Practitioners who also assist groups and individuals with academic projects related to crime and safety. Programs or educational materials can be scheduled or ordered by contacting the appropriate office. Generally, programs through the University Police require a two-week advance notice. Over the last three years, University Police have offered programs to both student and employee group meetings. Some examples of what kinds of programs are offered at Millersville University include MU Get Involved, ALICE active shooter prevention training and the Women's Commission programs.
- **The campus newspaper**, *The Snapper*, reaches almost every member of the University community and covers campus crimes and arrests. Major feature articles are presented frequently on issues relating to student safety. Published weekly, *The Snapper* addresses every major campus issue, including safety and security concerns. It should be noted, however, that the University Police have no editorial control over what appears in the campus newspaper. Information releases are furnished to the staff of *The Snapper*, but final published information may differ from the information releases due to the editors' selective omissions. All arrests are public information.
- **WIXQ-FM**, the campus radio station that serves the greater Millersville community, is sensitive to the needs of the community and broadcasts public service announcements upon request.

- **Daily Log** is a public record of all incident reports filed by the University Police. The daily log is available for public inspection Monday through Friday during normal business hours at 237 North George Street (Lebanon House), except holidays and when the University is officially closed. Those desiring to view the daily log during hours other than those so noted must make an appointment through the chief of police to make sure that an officer is available to release the document. The daily log is currently available in hard-copy form ONLY. The University reserves the right to withhold information from the log when posting such information could jeopardize an ongoing investigation, or the personal safety of a victim, accused or witness. Any information or posting temporarily withheld from the daily log for any lawful justification will be posted once adverse effects are no longer likely to occur. The daily logs are maintained for seven years, as suggested by law.
- **An employee newsletter**, *Millersville Exchange*, is published online biweekly and carries articles regarding safety issues or policies when appropriate.
- **The University Police website** provides safety tips, crime statistics for a three-year period, a campus map, and emergency response.
- **MU | Alert** is a software application used to send emergency alerts, notifications and updates to your cell phone, pager, PDA and/or email account. In the event of an emergency, such as a fire or September 11-type attack, Millersville University will be able to send important alerts and updates right to your cell phone or mobile device. All you have to do is sign up for an MU | Alert account through the University home page.

## Timely Warnings Policy

### I. PURPOSE

To ensure compliance with the Timely Warning requirements of the Jeanne Clery Act and to provide the University Community, including faculty, staff, and students with timely information about crimes.

### II. ACCOUNTABILITY

Under the direction of the President, the Vice President of Student Affairs shall ensure compliance with this policy. The Chief of Police shall implement the policy.

### III. DEFINITIONS

A. For the purposes of this policy, crimes means offenses enumerated in the Clery Act and associated regulations, which have been reported to Millersville University or a local police agency, and which occur either on-campus or off-campus (as defined below).

B. For the purposes of this policy, on-campus means within the Millersville University Clery Act reporting area.

C. Clery Act: A federal law with associated regulations administered by the U. S. Department of Education which requires that institutions of higher education provide students, employees, and requesting applicants with an Annual Security Report, which must contain crime statistics concerning specified reportable offenses and other security related information, imposes crime reporting and records keeping requirements on the institutions, and provides for penalties for non-compliance.

D. Clery Act reportable crimes: murder and non-negligent manslaughter, negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, arrests for liquor law violations, drug law violations, illegal weapons possession,



and hate crimes to include larceny-theft, simple assault, intimidation, and Clery Timely Warnings Page 1 of 5 destruction/damage/vandalism of property if the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

E. Emergency notification: if there is an immediate threat to life, health, or safety of students or employees occurring on-campus, whether related to a crime or other hazard, the University will issue an emergency notification, the procedures and protocols for which are found in the University's Emergency Communication Procedure.

#### IV. REFERENCES

- A. Annual Security Report
- B. Clery Act
- C. Clery Act Regulations 34 CFR § 668.46
- D. Emergency Response and Evacuation Procedures

#### V. POLICY

A. Requirement - Under the requirements of the Jeanne Clery Act, the University must provide faculty, staff, and students with timely warnings about reported crimes, occurring on or off-campus which in the professional judgment of the Chief of Police or designee, constitute a serious, ongoing, or continuous threat. All members of the University community are encouraged to report any crime or hazard to the Millersville University Police as soon as possible after the incident. Timely warnings may be made about any serious crimes, whether reportable under the provisions of the Clery Act or not.

B. Responsibilities - The Chief of Police or designee is responsible for:

- a. Determining whether or not the situation actually poses a threat to the University Community, and making the decision to issue timely warnings on a case-by-case basis, considering factors such as the nature of the threat, the continuing hazard to the University community, and the possible risk of compromising law enforcement efforts.
- b. Issuing timely warnings to faculty, staff, and students on the involved campus (es) as soon as possible after pertinent information about the threat becomes available.
- c. As appropriate, notifying the Vice President for Student Affairs, and/or other University administrators about crimes and timely warnings.
- d. Summoning the necessary resources to mitigate, investigate, and document any serious crime occurring on-campus.
- e. Interacting with other local law enforcement agencies to obtain information about crimes occurring off-campus and to help ensure that such crimes are mitigated, investigated, and documented by the local law enforcement agency.

#### VI. PROCEDURE

A. Methods of Distribution

Timely warnings will be distributed via some or all of the mechanisms listed below, or any other appropriate means. The list is not prioritized or ranked, the Chief of Police or designee will determine the most appropriate means to distribute the message based on the information being disseminated, segment(s) of the University Community being notified and other related factors.

- 1. Text messaging to cell phones or e-mail. Registration required (see Attachment Registration Procedure below)
- 2. E-mail from: millersville.edu
- 3. Postings on campus buildings
- 4. University Police Web site (intranet) :  
<http://www.millersville.edu/police/police/stats.php>
- 5. Media releases/press conferences

#### B. Timely Emergency Notifications

Timely Emergency Notifications will include at minimum:

- 1. A short description of the incident or type of crime, including date, location, and time of occurrence.
- 2. A physical description of the suspect, if available, including gender and race.
- 3. A composite drawing or photograph of the suspect, if possible.
- 4. Gender of the victim(s), if appropriate.
- 5. Injury sustained by the victim(s), if appropriate.
- 6. Date and time the notice was released.
- 7. A warning to the campus community to exercise caution.

#### VII. EXHIBIT

Emergency Notification Registration Procedure (text/email messaging):

- 1. Go to Web page:  
<http://www.millersville.edu/safetyandsecurity/index.php>
- 2. Under MU Alert, click on the highlighted Emergency Alerts or Cell Phone to register for Text messages and Email emergency notifications

## Emergency Notification Policy

#### POLICY STATEMENT

Should an event take place either on or off campus property that the chief of police, Vice President of Finance and Administration, Director of Safety and Environmental Health or their designee deems an immediate or ongoing threat to public safety, an Emergency Notification shall be issued.

#### SCOPE

Emergency Notifications may be issued for threats to personal safety such as street robbery and sexual assault. They may also be issued for weather-related and/or safety issues such as a pending tornado or street closing because of a building fire. It is irrelevant whether the victims or perpetrators are members of the campus community. Local police jurisdictions generally keep the University Police informed when such crimes take place in their jurisdiction.

#### COMMUNICATION OF THE WARNING

Such warnings may be distributed through:

- Campus email blast (to faculty, staff and students)–Electronic mail message used to provide “flash” information or brief messages of public-safety importance. Messages may include weather, safety or crime-related information. These messages may contain more detail than a text message. Intended recipients include anyone who is registered with a Millersville account or is registered with the MU | Alert system.

- **MU | Alert** – Text-messaging system used to provide “flash information” or brief messages of public-safety importance. Messages may include weather, safety or crime-related information. Intended recipients include all those persons who have enrolled in the MU | Alert system.
- **Mass Notification System Sirens** – Outdoor audible tone and voice notification system. Alerts may be sounded for weather, safety or crime-related information. Intended recipients include the campus and local Millersville community, as the system has an outdoor range of one-half mile or more, depending on wind and other weather conditions. The system is not intended to be heard indoors.
- **Web Page Lite** – Electronic messages appearing on the MU home page used to provide information relating to weather, safety or crime. In the event of a campus emergency, the normal Millersville University home page will become inactive and a graphics-lightened page will appear that is intended to load more quickly and allow for faster response time. Intended recipients include anyone who accesses the campus home page during a campus emergency.
- **Local News Media** – The Office of University Communications and Marketing sends press releases and makes calls to contacts on a local media list. Because of the transient nature of its population, the University depends a great deal on broadcast media to notify students, faculty members and staff members of emergencies before or during their commutes.

**NOTE:** In the event of a campus emergency, the campus telecommunications operation will reduce service to phone lines and voice communications through radio to police officers only. Do NOT attempt to request routine service, escorts, room openings, etc., if the University is in a campus emergency operations situation.

Persons responsible for carrying out Notifications are the chief of police, deputy chief of police, lieutenant of police, Director of Safety and Environmental Health, Assistant Vice President for Facilities, Executive Associate Department of Office of Vice President for Finance, and Director of Communications.

## Campus Residence Halls

The University operates eight residence halls, all coed, housing about 627 undergraduate students. Residence hall housing is limited to unmarried students or married students residing separately. Residence halls are available for 2–5-person occupancy, with a choice of rooms or suites. The residence halls are managed by the Hall Director and graduate assistants, who supervise a staff of resident assistants. Resident assistants are assigned to each resident wing or floor with a general student ratio of 1:30. A full time security officer for University Police is assigned to the residence halls for safety and security. This officer is assigned to evening and night work and participates in Housing director meetings while being supervised by patrol supervisors. The security officer is trained toward student engagement and is well known by the resident hall student assistants as well as residential students.

Residents, graduate assistants and professional staff participate in mandatory in-service training at the beginning of each semester that is conducted by various professionals within Housing and Residential Programs in concert with other members of the Division of Student Affairs and Enrollment Management staff. Student development issues, campus safety and University policy and procedures are a central focus during this in-service training.

Resident students are instructed on University policy through regular floor or wing meetings, periodic all-residence-hall meetings and

University publications such as the Living On Campus Handbook (published annually and distributed to resident students by the Housing and Residential Programs staff) and the Millersville University Student Conduct and Community Standards Handbook, available online at ([www.millersville.edu/studentconduct](http://www.millersville.edu/studentconduct)). University Police crime-prevention practitioners are available to present programs in all residence halls and in any instructional venue upon request. In addition, housing staff and University Police provide brochures regarding campus regulations, local ordinances and state law to students upon request.

Access to the residence halls is limited to the main lobby entrance 24 hours a day. All halls have card access. All residence hall exterior doors remain locked 24 hours daily during the University school year, with the exception of Harbold Hall, which has locked doors off of the lobby. Perimeter security is maintained by a card access system. Interior student rooms use a conventional lock system, with a peephole in each door. Windows are equipped with locks, and rooms equipped with screens are generally secured from the inside. A security-camera system operates for all residence halls. The cameras are installed in hallways and common areas to produce images for evidentiary purposes only. The camera system allows for viewing of selected interior hallways and additional public areas. The cameras will not generally be monitored in real time, but will be recorded to access violations of state or federal law, and violations of the Student Code of Conduct.

Residents of a designated residence hall are identified by a color-coded validation sticker installed on the student identification card at the beginning of each semester. Residents are required to present their validated identification card to the staff member on duty upon entering the residence hall. Visitors and students not assigned to a designated residence hall must be escorted by a valid resident at all times. The resident host or hostess is responsible and accountable for the actions of his or her guests.

The University Police are a 24-hour, seven-days-a-week police department and as part of patrol check the residence halls on a periodic basis. As a general rule, residents' rooms will not be entered and personal possessions of students will not be searched by University personnel without the permission of the student unless a search warrant is obtained. However, in case of circumstances relevant to the welfare of people or the safety of property or if there exists reasonable cause to believe that University policy has been violated, Housing and Residential Programs staff members maintain the authority to enter student rooms without a warrant and without permission of the resident(s).

Visitation is permitted in all residence halls on a 24-hour basis unless members of a wing or floor have contracted to limit visitation hours. Overnight guests may be registered into a residence hall by a valid resident as long as there is space available and all current policies governing overnight guests are observed.

The Living On Campus Handbook outlines the process for changing room assignments. It is imperative that proper policies be followed, as University Police need to know where students are located for emergency notification and evacuation accountability purposes. Failure to follow printed procedures could result in the loss of housing privileges and other judicial action.

Generally, no on-campus housing is available during official University breaks. Some exceptions may be made for exigent circumstances, to include student-athletes and international students, for example. Students staying in student housing over breaks are urged to contact the University Police (717) 871-4357 and inform them of the location and duration of the special housing assignment. Students should not assume that the police department has been informed of the special considerations for break housing.

## Access to Campus Facilities

Most campus buildings and facilities are accessible to members of the campus community during normal business hours (8 a.m.-4:30 p.m.), Monday through Friday. Authorization to use facilities when the University is not in normal operation must come from the facility staff or staff responsible for the specific area. Proper identification, such as a University identification card, is required when using any campus building or facility.

## Other Campus Facilities

In the fall of 2010, Millersville University placed into operation a facility located at 42 North Prince Street in Lancaster, Pennsylvania. The Millersville University Lancaster building was later rededicated the Ware Center. The building sits within the jurisdiction of the Lancaster City Police Department, but for nonemergency situations both the building's coordinator and front desk reception can be contacted during normal business hours. University Police have a security officer who is assigned full time to the Ware Center in Lancaster City and is supplemented by part time security officers. These security officers are present when students have classes in the building as well as for all evening and weekend special events. These security officers are trained toward being professional, friendly guardians of students, faculty and guests and have an ability to directly radio Lancaster County 911 for either Lancaster City Police or Millersville University Police officer assistance. Crimes at this location should first be reported to the Lancaster City Police Department at 800-957-2677 or 911 if appropriate. Millersville University publishes and distributes a separate Annual Security Report for this location. Fire-safety reporting is not required for this location, for it is a nonresidential building.

## Security Considerations for Maintenance of Campus Facilities

The Maintenance and Operations Branch provides a variety of services to the campus community seven days a week and 24 hours a day through scheduled and on-call staff. The department includes maintenance, automotive garage and daily operations. For more information, please see the Maintenance and Operations web link: [www.millersville.edu/facmgmt/maintenance](http://www.millersville.edu/facmgmt/maintenance).

The goal is to provide the physical environment and support services necessary to conduct teaching and service activities through professional management of the design, construction and maintenance of the buildings, grounds and infrastructure of the University.

## Student Organizations with Noncampus Housing Facilities

Millersville University does not have any off-campus student organizations with noncampus housing facilities. There are student organizations that rent different privately own property within the Millersville area, but the university has no control over them. Since the University does not have any student organizations with off-campus housing facilities, the University also does not monitor local police departments for Clery-reportable crimes.

## International Programs

Millersville University has student-exchange programs in many locations around the world. Crime-reporting requirements at these schools differ significantly from methods mandated by law in the United States. Students are encouraged to seek out general crime information upon arrival at any foreign college or university. No reports of major criminal activity at any one of the participating exchange schools were received at the Millersville University Police Department. Exchange students should, however, take reasonable precautions in matters dealing with personal safety and property protection.

## Student Code of Conduct

Millersville University students are governed not only by local, state and federal laws, but also by regulations of the Millersville University Code of Conduct. Violation of those regulations may lead to University judicial action in addition to any action taken by civil or criminal courts. A complete copy of the current Student Code of Conduct appears in the Student Handbook (available online at [www.millersville.edu/studentconduct/files/studentcodeofconduct.pdf](http://www.millersville.edu/studentconduct/files/studentcodeofconduct.pdf)). Some current violations that are subject to campus judicial and/or criminal court action include:

- Use, sale, exchange or possession of alcoholic beverages on campus.
- Use, sale, exchange or possession of controlled substances on campus.
- Use or possession of firearms, knives, explosives or any other weapon. Students who wish to store hunting guns on campus must register and store such weapons with the University Police.
- Physical assault or attempted physical assault, or harassment of any person.
- Theft or attempted theft of the property or services of the University, its students, employees, organizations or of any individual visiting or passing through the University campus.

## New Student Organizations

For students interested in creating a new club or organization, Millersville University has put together a packet to aid them. We hope it will become a mainstay on campus and provide valuable activities and information. This packet has been separated into several sections for convenience.

To start the process, the first step is to submit the form entitled "Guide to Forming a New Organization" on the Student Senate Get Involved page at <https://getinvolved.millersville.edu>.

Students will need to submit everything electronically by attaching the advisor letter of support, the constitution and the signature sheet to the online form. The full process is outlined in the Millersville University Student Club and Organization Guidebook.

## Considerations of Maintenance Facilities

Millersville University utilizes several processes in the maintenance of campus facilities, including landscaping, groundskeeping and outdoor lighting. Some of the processes students, employees or others can use to report unsafe or hazardous conditions include University dispatch, University Police, computer programs (SchoolDude, AtTask, LiveSafe) and University residential housing and employee staff.

Malfunctioning lights and other unsafe conditions are reported to the Facilities Management Department for repair or correction. Once received by Facilities Management, the request is entered into a computerized work order. The work order is then processed and assigned to staff within 24 hours. Depending on the assignment, the request is reviewed and then repair is scheduled.

## Drug and Alcohol Policy

The University complies with federal, state and local laws, including those that regulate the possession, sale and use of alcoholic beverages and controlled substances. Millersville University students who use, sell, exchange, consume or possess alcoholic beverages or illegal drugs or drug paraphernalia on University property or at University functions will be dealt with in accordance with the University judicial policy as well as Commonwealth, federal and local laws.

Visitors and/or employees who violate the University's policies and whose actions are not in compliance with the orderly operation of the University will be prosecuted in accordance with Commonwealth, federal and local laws. Visitors and/or employees involved in on-campus violation of these policies may be banned from University property.

Millersville University students, visitors and employees need to be aware of local, state and federal laws, as violations may have long-term effects on their lives. Two examples are listed below:

- Pennsylvania law requires parental notification for all alcohol law violations where the offender is under 21 years of age.
- Pennsylvania House Bill 1139 requires public and private schools, intermediate units and area vocational-technical schools to require prospective employees to submit with their employment application a report of criminal-history-record information from the Pennsylvania State Police or a statement from the State Police that the central repository contains no such information relating to that person. Many Millersville University students intend to become educators and need to be aware of these provisions.

Alcohol abuse is clearly associated with impairment of academic functioning, and students often find it difficult to maintain their academic focus and meet their responsibilities. Alcohol is frequently related to poor academic achievement, low GPA or the decision to leave school without a degree. The following list includes some additional information about the risks associated with drug and alcohol use:

- Any drug, even over-the-counter or a doctor's prescription, has possible side effects that can cause impairments. There are no guidelines for the use of illegal drugs, and one can never be sure of their strength or purity.
- Cocaine is a highly addictive drug, both psychologically and physically.
- Alcohol is a depressant drug; it slows the central nervous system, impairs judgment and in high doses can be fatal.
- THC, the active ingredient in marijuana, remains in your body for one month following use. THC concentration has been increasing in marijuana, which increases the risk of harmful effects.
- Marijuana smoke produces all of the harmful effects of tobacco smoke and contains 50 percent more of the cancer-causing chemicals.
- Alcohol is frequently associated with sexual violence, date rape, poor sexual decisions as well as accidental injury and death. Alcohol is associated with over 1,700 deaths of college students per year.

In addition to the life impact related to a criminal record, the University wishes to remind students, employees and visitors of the many psychological and physical risks associated with the abuse of alcohol and other substances. Staff members at Health Services, Human Resources, the Center for Health Education and Promotion, and the Center for Counseling and Human Development can provide additional information and services relating to substance-abuse problems, including:

- Accidents due to impaired judgment
- Unwanted sexual activity
- Physical damage to include heart, lung and liver problems
- Physical and psychological dependence
- Difficulty in learning and paying attention

In addition to offering professional counseling services, the University hires student peer educators, who provide lifestyle-change workshops. Workshop topics include a wide variety of wellness-related topics, such as alcohol and other drugs, dating and sexual violence, mental health and sexual health. The Center for Health Education and Promotion is supplied with brochures, videos, student resource files and consultation services.

### DRUG-FREE SCHOOLS AND COMMUNITIES ACT

Millersville University supports and endorses the Drug-Free Schools and Communities Act amendments of 1989. The Drug-Free Schools and Communities Act Amendments require institutions of higher education to inform the campus community about issues related to substance use and abuse, including information describing the resources available to assist students, faculty and staff in combating alcohol and drug problems, and listing the appropriate regulations and laws. The University reaffirms the commitment to a campus community environment that promotes health, safety, personal development and academic success of all faculty, staff and students. Questions regarding further information on the University's Drug-Free Schools and Communities Act and Drug-Free Workplace Act program should be directed to the Office of Human Resources (employees) or the Dean of Students Office (students).

### ALCOHOL AND DRUGS IN THE WORKPLACE

The unlawful manufacture, distribution, dispensing, possession or use of alcohol and other controlled substances by a University employee while on duty, or on University grounds, is prohibited. Inappropriate use of alcohol or other controlled substances by any employee while on University grounds is prohibited. Such conduct shall subject the employee to appropriate discipline, up to and including termination. Employees who are taking a controlled substance as prescribed by a medical provider are not in violation of University policy.

### DRUG-FREE WORKPLACE POLICY

Pennsylvania's State System of Higher Education Board of Governors in 1989 adopted a drug-free workplace policy (1989-02). It states, "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."

For more information about drug and alcohol programs, please contact Millersville University's Center for Health Education and Promotion at



(717) 871-4141, or visit the web page at [www.millersville.edu/chep](http://www.millersville.edu/chep). The University's Drug and Alcohol Prevention Program biennial review for the 2020 period can be found at: <https://www.millersville.edu/saem/files/dfsca-2020.pdf>.

## Sexual Violence and Prevention Information

### Sexual Violence

Millersville University is strongly committed to maintaining a positive learning, working and living environment for all and assuring its educational and employment environment is free from and prohibits unlawful sex discrimination, including sexual harassment and sexual violence. Other prohibited offenses include domestic violence, dating violence, sexual assault and stalking. 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.

### Sexual Misconduct Definitions

*NOTE: The definitions used here are the University's definitions used in its policies to address these crimes.*

**1. Dating violence** – as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

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

Dating Violence is categorized as regulatory when it occurs in the United States, within an education program or activity and when the complainant is participating or seeking to participate in an education program or activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as non-regulatory.

**2. Domestic violence** - (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as regulatory when it occurs in the United States, within an education program or activity and when the complainant is participating or seeking to participate in an education program or activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as non-regulatory.

**3. Retaliation** - Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this policy. A finding of retaliation under this policy is not dependent on a finding that the underlying sexual misconduct occurred.

**4. Sexual assault** - (As defined in the Clery Act) – This includes any sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. Sexual Assault may be one of the following categories:

**A. Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when consent is not present.

**B. Sexual Contact Without Consent** - Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

**C. Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute[1].

Sexual Assault is categorized as regulatory when it occurs in the United States, within an education program or activity and when the complainant is participating or seeking to participate in an education program or activity at the time of the filing of the complaint. Otherwise, sexual assault will be categorized as non-regulatory.

**5. Sexual Exploitation** - Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

**A.** Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;

**B.** Indecent exposure or inducing others to expose private or intimate parts of the body when consent is not present;

**C.** Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent;

D. Prostituting another individual; or

E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and

F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**6. Regulatory Prohibited Conduct** - For purposes of this policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

**7. Regulatory Quid Pro Quo Sexual Harassment** - An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.

**8. Non-Regulatory Quid Pro Quo Sexual Harassment** - An official, volunteer or student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.

**9. Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.

**10. Non-Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the University.

**11. Stalking** - (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

A. fear for their safety or the safety of others; or

B. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as regulatory when it occurs in the United States, within an education program or activity and when the complainant is participating or seeking to participate in an education program or activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as non-regulatory.

## OTHER DEFINITIONS

**1. Advisor** - An individual who may be present to provide support to a party throughout an investigation and/or hearing.

A. Advisors may accompany a party to any meeting or hearing they are required or eligible to attend, but may not speak for the party, except for the purposes of cross-examination.

B. Each party is responsible for coordinating and scheduling with their choice of advisor.

C. The advisor may be an attorney or a union representative when applicable.

D. If a party does not have an advisor of choice present for a hearing, the University will appoint an advisor for the limited purposes of conducting cross-examination.

E. If a party does not attend the hearing, the party's advisor may appear and conduct cross-examination on the party's behalf.

F. If neither a party nor their advisor appear at the hearing, the University will provide an advisor to appear on behalf of the non-appearing party for the limited purposes of conducting cross-examination.

G. The advisor is not prohibited from having a conflict of interest or bias in favor of or against a party, nor is the advisor prohibited from being a witness in the sexual misconduct resolution process.

**2. Appeals Officer** - The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, advisor to any party or a decision maker in the same matter.

**3. Complainant** - An individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined under this Policy.

**4. Consent** - A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

**5. Decision Maker** - The individual or individuals appointed by the University to render a decision on a formal complaint that goes to a hearing. The Decision Maker(s) will be free of conflict of interest and bias, and will not serve as the investigator, Title IX Coordinator, an advisor to any party or appeals officer in the same matter.

**6. Disciplinary Sanction** - The penalty imposed on an individual for violating this Policy. For Students, Disciplinary Sanctions are subject to applicable University/System policies, up to and including expulsion from the University. For Employees, Disciplinary Sanctions are subject to applicable collective bargaining agreement or University/System policies, up to and including separation from employment. For Officials

or Volunteers, this may include the removal or the request for removal of the Official or Volunteer from their respective position.

**7. Education Program or Activity** – For purposes of this Policy, the term “Education Program or Activity” includes any activity that occurs in, on or within:

- A. Any on-campus premises;
- B. Any off-campus premises the University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization or a recognized affiliated entity.
- C. Computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University’s programs and activities over which the University has substantial control.

**8. Employee** - An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and student employees.

**9. Final Rule** - The Final Rule issued on May 19, 2020 by the U.S. Department of Education under Title IX of the Education Amendments of 1972.

**10. Formal Complaint** - means a document, including an electronic submission, filed by a complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct.

**11. Hearing Officer** - Refers to an individual designated by the Title IX Coordinator to hold Title IX hearings, including the administration of the hearing & imposing sanctions.

**12. Investigator** - The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under this Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer or Advisor to any Party in the same matter.

**13. Notice of Allegations** - The written notice to the Title IX Coordinator or designee is required to provide to the Parties following receipt of a Formal Complaint. See Notice of Allegations section below.

**14. Notice of Hearing** - The written notice to the Title IX Coordinator or designee is required to provide the Parties prior to the hearing. See Notice of Hearing section below.

**15. Official** - A member of a Council of Trustees or of the Board of Governors or their respective designees.

**16. Parties or Party** - A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.

**17. Respondent** - Any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined under this Policy.

**18. Student** – Any person: (1) seeking admission to the University through the formal University application process; (2) admitted to the University, (3) eligible to register or schedule for classes, or (4) living in University or University-affiliated residence halls even though they are not enrolled at the University. The term “Student” shall include Employees, Volunteers and Officials where the Employee, Volunteer or Official otherwise meets the enrollment criteria set forth in this definition.

**19. Supportive Measures** - Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University’s Education Programs or Activities without unduly burdening the other Party. Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent, regardless of whether a Formal Complaint is filed. Supportive Measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

**20. Title IX Coordinator** - The individual designated by the University with assistance of the Deputy Title IX Coordinators, to coordinate the University’s compliance with Title IX and VAWA and to respond to reports of violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may serve as the Investigator of a Formal Complaint for Formal Complaints against Respondents who are Employees. The Title IX Coordinator may not serve as a Decision Maker or Appeals Officer.

**21. Volunteer** - A recognized volunteer or any individual who represents or acts on behalf of the university or whose actions may bind the university, regardless of whether the individual receives monetary or other compensation. For purposes of this Policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors and unpaid camps and conference personnel will be considered volunteers.

**22. Witness** - A person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.

[1] The text of Chapter 31 of the Pennsylvania Crimes Code is available here: <https://bit.ly/305G9pu>

## Educational Programs

Millersville University offers the following educational programs (some online) for all incoming and current students and employees:

All incoming and transfer students are asked to complete the Student Success online education portal, Not Anymore, prior to arriving on campus in August. The portal includes information on dating violence, domestic violence, sexual assault and stalking. In order to ensure that students completed the portal, we continued our partnership with the Wellness and Sport Sciences faculty to integrate the online portal into the educational curriculum of the WELL175 course, which is a course that most students are required to complete before graduation and often is taken during the student’s first year on campus. Wellness faculty are requiring students to complete assignments relating to the content of the portal, are working to integrate information into the curriculum that students answered incorrectly during the posttest after completing the portal, and are encouraging individual and group discussions about sexual violence. Additionally, orientation leaders encouraged student completion of the portal through ongoing communication with students about the importance of the educational portals. 808 MU students completed the Not Anymore program in 2019-2020.

- During orientation, students are engaged in several programming efforts to build upon the content of the online education portal. In 2020 these activities included:



- The Center for Health Education and Promotion presented an orientation skit, "Millersville University: A Community of Respect at the Ville" — Certified Peer Educators.
- Inclusion of sexual-violence information in the campus safety presentation.
- The University provides a First 6 Weeks sexual violence education program in partnership with faculty, staff and student organizations. Many faculty members offer students extra credit for participation, information is integrated into several department curriculums, students are approached by peer educators across campus, and educational workshops and awareness events are provided. A large focus of the First 6 Weeks includes information about the Red Zone.
- Athletics program: A presentation from the peer educators on healthy relationships during Teen Dating Violence Awareness Month was presented to all first-year athletes during the CHAMPS education program.
- The Center for Health Education and Promotion had 11 trained student peer educators (trained by the YWCA, DVS and other local organizations) to provide ongoing educational workshops, interactive awareness events and conduct campus outreach. Passive education is provided in Stall Talk, our website, and through social media networks.

## EDUCATION WORKSHOPS INCLUDE:

- *Getting Down in the Green*: This program is aimed at raising awareness about sexual assault and the Red Zone (the time starting on the first day on campus until the first break, when students are at an increased risk of being sexually assaulted). The program provides information about bystander intervention and ways to intervene in a potentially risky situation, provides information on available resources on and off campus and how to help a friend if victimized, reporting procedures, identifies the dangers of the Red Zone, and discussions around victim blaming.
- *Red Flags*: This program focuses on dating and domestic violence, and provides information on the signs of healthy vs. unhealthy relationships and the red-flag indicators of dating abuse, as well as helping students know available resources on and off campus.
- *Escalation*: From the One Love Foundation, this program includes a film that illuminates the warning signs of an unhealthy and potentially dangerous relationship followed by a discussion about relationships, how to identify warning signs in unhealthy relationships, and how to be an active bystander (90 minutes).
- *Sex Goes to the Movies*: This program uses popular movie clips to educate participants about risky and unsafe partying, alcohol consumption, consent and how to make healthy personal decisions.
- *Keepin' It REALationships*: Actively discusses various types of intimate relationships. Students discuss healthy and unhealthy aspects of relationships and learn to effectively communicate with current and future partners.
- *Behind the Post*: Billions of photos are posted on social media every day, but can you really see the big picture through the small ones? Behind the Post is a 7-minute video followed by a discussion on how social media can skew our view of the relationships around us and, in some cases, influence our decisions to stay in them.
- Outreach: Peer educators provide brief education interactions with students as they walk around campus on topics that include the Red Zone, dating violence, domestic violence, sexual assault and stalking.
- Wellness Wednesdays: Throughout the semester, peer educators set up interactive opportunities outside of the Center for Health Education and Promotion to provide additional learning opportunities about sexual assault, domestic violence, dating violence and stalking.
- Awareness events this year included Purple Carnival and the Clothesline Project. The Purple Carnival took place in October during Domestic Violence Awareness Month. This event was a collaborative event with campus student organizations that engaged students in interactive learning activities around healthy relationships and dating/domestic violence. Numerous activities were planned throughout the month of February in recognition of Teen Dating Violence Awareness Month. The Red Flag Campaign, a national campaign aimed at encouraging students when they see a red flag in a relationship to say something, was the cornerstone activity connecting students to the educational programming that took place throughout the month. Activities included educational/promotional materials (posters, yard signs, banners and red flags), presentation of the One Love Foundation's Escalation workshop and presentations to various student groups. The month is dedicated to the memory of Karlie Hall. The Clothesline Project involved students creating shirts in specific colors with messages of sexual assault awareness. The shirts were hung on clotheslines near the student memorial center during Sexual Assault Awareness Month in April.
- The Center for Health Education and Promotion partnered with the Center for Student Involvement and Leadership to continue the work of programming for fraternity and sorority members. Many individual fraternities and sororities participated in the sexual-assault program "Greeks Against Sexual Assault," created by the peer educators. The program focuses on definitions and statistics, myths vs. realities, bystander intervention, Greek Life rituals and procedures, how to support a survivor, and resources and referral information. The Greeks held their three Wellness Wednesday events during the 2019-2020 school year to educate students about bystander intervention and sexual violence.  
A comprehensive webpage ([www.millersville.edu/sexualviolence](http://www.millersville.edu/sexualviolence)) continues to provide students, families and the campus community easily accessible information about sexual and dating violence.
- The page contains numerous pieces of information, including reporting options, support resources, educational programming, and how to support a student survivor. The page is dedicated to improving the ease at which individuals can locate sexual - and dating-violence information on the MU website.
- Distribution of sexual violence resource cards (distributed to students during orientation programming). Cards are available in various support offices across campus and can be found online. Sexual misconduct support services and reporting options were distributed to students and departments. A resource guide for LGBTQIA+ students and staff was distributed as well. The Student Conduct and Community Standards Handbook does provide information and guidance for student sexual misconduct.
- The YWCA Lancaster continued to provide free advocacy services for survivors of sexual assault out of the Center for Health Education and Promotion every Monday afternoon from 10 a.m.-6 p.m.
- Domestic Violence Services of Lancaster provided a free advocate for students experiencing dating or domestic violence on Tuesdays from 1-4 p.m. in the Center for Health Education and Promotion.



One advocacy session was held in the fall as well as 20 campus events and tabling throughout the fall and spring semesters.

- Peer educators were provided with training on the Clery Act, Title IX, stalking and sexual-violence awareness. Students were asked to complete the online education portal Not Anymore.
- A session on dating violence, domestic violence, sexual assault and stalking was provided to the residential assistants in Housing and Residential Programming by the Title IX Director and University Chief of Police.
- The YWCA Lancaster provided one training block for their Sexual Assault Hotline Training during the fall semester. The 40-hour training consisted of in-person and online training. The training is PCAR approved and may be transferable (upon successful completion) to other rape crisis centers in Pennsylvania. Upon completion, individuals are required to complete an exit interview with the YWCA director in order to obtain a certificate of completion.
- Millersville University received an It's on Us PA grant award in December 2019 worth \$29,995. Funding supported the continuation of the Red Flag Campaign, the development of a consent education campaign, Green Dot bystander training, It's on Us Committee events, and provided YWCA Lancaster Sexual Assault Counseling and Prevention experts.
- The It's on Us Coalition, made up of representatives of the Millersville University community, serves as an advisory coalition for consistent education of ending sexual assault on campus and negating sexual violence. The committee creates programs, events and social norms campaigns to bring awareness that will help reduce the incidence of sexual misconduct, ensure quality resources, and provide collaborative opportunities between students and administrators.
- The sexual and dating violence advisory task force, made up of representatives of the Millersville University community, serves as an advisory board to ensure consistent, ongoing and well-researched programs that will help reduce the incidence of sexual misconduct, ensure quality resources and services for those impacted by sexual misconduct, and increase reporting by students at Millersville University. Next year the group plans to work on developing a strategic plan as well as staircasing educational initiatives to ensure increased learning. The group met as part of the It's on Us Coalition three times during the academic year.

## Prevention

### **What safe and positive options are available for bystanders to prevent harm or to intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking?**

All members of the Millersville University community should take safe and positive action when intervening with the risk of domestic violence, dating violence, sexual assault or stalking. There is no single "right" way to intervene, and what is appropriate depends on the situation and the individuals involved.

Available intervention strategies can include but are not limited to:

- Asking the individuals involved to stop what they are doing.
- Using a distraction in an effort to stop an individual's activities.
- Stepping in and separating the people involved in a noncombative manner ONLY if it is safe to do so.
- Asking another bystander or a number of other bystanders to intervene with you ONLY if it is safe to do so.
- Notifying law enforcement by calling 911.

### **What are warning signs of abusive behavior, and how can potential attacks be avoided?**

Warning signs of abusive behavior include threats of violence, jealousy and controlling behavior. Potential attacks can be avoided by avoiding unsafe situations.

The following are safety tips that can be used to avoid unwanted situations:

- Be aware of your surroundings, and avoid isolated areas.
- Avoid being alone with someone you do not trust or know well.
- Make sure your cell phone is with you and charged.
- Use the buddy system when going out or walking at night.
- Use the LiveSafe safe walk app.
- Utilize Millersville University's escort program.
- Should you choose to drink, do not let others get drinks for you. Always know what is in your drink.
- Never leave your drink unattended.
- Be cautious of those who pressure you to drink more than you want.
- Do not give in to guilt, pressure, threats or embarrassment.
- In case of an emergency, dial 911.

## Reporting an Incident

### **1. Reports to the Title IX Coordinator**

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator.

Title IX Coordinator – (717) 871-410

Room 107, Student Memorial Center – 21 S. George St.

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The University's Title IX Coordinator is trained to work with individuals who report sexual misconduct and have knowledge about resources and services, both on and off campus, including the availability of Supportive Measures.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant

**PLEASE NOTE:** Title IX Coordinators are not a confidential source of support. While they will address matters reported with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with an individuals designated as having confidentiality, please access these resources by visiting [www.millersville.edu/titleix](http://www.millersville.edu/titleix)

**PLEASE ALSO NOTE:** Making a report is different from filing a Formal Complaint (see the section titled Filing a Formal Complaint). A report is defined as notification of an incident of sexual misconduct to the Title IX

Coordinator or designee by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) filing a Formal Complaint a request to initiate an informal resolution process; and/or (4) a request to initiate an informal resolution process after filing a Formal Complaint. Filing a Formal Complaint initiates the University's formal investigation process. (See Sexual Misconduct Resolution Process).

## 1. Statement on Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. Privacy, confidentiality and privilege have distinct meanings under this policy.

Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals, including individuals who "need to know" in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct under this policy, including advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties, however, nothing in this Policy is intended to impose restraints on a party's ability to discuss the allegations under investigation or to gather and present evidence as part of the resolution process.

Certain individuals, e.g. as referenced below, are designated as having confidentiality. For reports made to employees designated with having confidentiality, the University will respect the reporting party's expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, reports involving minors are subject to mandatory reporting requirements. Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX coordinator. Individuals designated as having confidentiality will not share other information with the Title IX Coordinator or any other employee of the University without the express permission of the disclosing party. Individuals designated as having confidentiality can provide information about the University and off-campus resources, support services and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or formal complaint to the University and will not result in a response or intervention by the University. A person consulting with a confidential resource may decide to make a report to the University and/or law enforcement. Confidential resources can be found: [www.millersville.edu/titleix](http://www.millersville.edu/titleix)

Communication with certain individuals may be privileged by operation of law and reports made to these individuals will not be shared with the University Title IX Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

### On Campus Confidential Resources:

Center for Counseling and Human Development (Lyle Hall, 3rd floor). 717-871-7821

Health Services (Witmer Building). 717-871-5250

### Community Confidential Resources:

Domestic Violence Services of Lancaster County. 717-299-1249

YWCA Sexual Assault Prevention and Counseling Center. 717-392-7273

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 ("Title IX"), Violence Against Women Act (VAWA), state and local law, and University policy. No information will be released from such proceedings, except as required or permitted by law and University policy.

The University may share non-identifying information about reports received in aggregate form, including data about outcomes and disciplinary sanctions.

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively.

The Title IX Coordinator (or designee) has authority to institute corrective measures for reports of alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, or to a Deputy Title IX Coordinator through the University's electronic and anonymous reporting systems or by filing a Formal Complaint.

The University has designated the following person to assure compliance with Title IX requirements:

### Millersville University Title IX Coordinator

Title IX Coordinator – (717) 871-410

Room 107, Student Memorial Center – 21 S. George St.

Individuals who wish to report incidents of sexual misconduct in University programs or activities may contact the Title IX Coordinator. In the event that there is a conflict of interest with the Title IX Coordinator, reports or complaints of sexual misconduct may be made with the deputy Title IX Coordinators.

## 1. Reports to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

## 2. Electronic and Anonymous Reporting

You may also file a report about sexual misconduct using the appropriate links below. While anonymous reports are accepted, the University's ability to address misconduct reported anonymously is significantly limited. Individuals may use the following Sexual Misconduct Report Form to electronically file a report of sexual misconduct with the University.

Individuals may also file a report electronically by email to:

[elizabeth.swantek@millersville.edu](mailto:elizabeth.swantek@millersville.edu)

## 3. Filing a Formal Complaint

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner, and usually no longer than 90 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Sexual Misconduct Resolution Process.

**PLEASE NOTE:** The Title IX Coordinator does not lose impartiality solely due to signing a formal complaint.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (see the Informal Resolution section below).

#### 4. Criminal Reporting Options

A Complainant may also seek to initiate a criminal complaint, independent of or parallel with any report made to the University.

In the event of an emergency please call 911.

For Non-emergency reports, please contact the following agencies:

- Millersville University Police Department, Lebanon House  
717-871-4357
- Millersville Borough Police Department 717-872-4657
- Manor Township Police Department 717-299-5231
- Lancaster City Police Department 717-735-3300
- 24/7 Lancaster County Non-Emergency Dispatch
  - o \*dispatch all Lancaster County Police Departments  
717-664-1180
- Pennsylvania State Police 717-299-7650

**PLEASE NOTE:** The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether sexual misconduct has occurred under this Policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with Formal Complaint even during the time of a pending law enforcement investigation.

The University may not be informed of reports made with law enforcement agencies.

## Millersville University Employees

### Sexual Harassment

Millersville University is committed to assuring that its educational and employment environment is free from unlawful discrimination and harassment based upon an individual's sex. Sexual harassment, 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-harassment behavior, whether verbal, nonverbal, 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. Likewise, acts of retaliation will not be tolerated and are subject to the same range of disciplinary actions. The University regards any retaliatory behavior as unacceptable and is committed to protecting the rights of any student and/or employee who reports any allegations of sexual harassment against any retaliation. Retaliation will be considered a separate offense. Please refer to the sexual violence and dating violence awareness page at [www.millersville.edu/sexualviolence/index.php](http://www.millersville.edu/sexualviolence/index.php).

The University is able to deliver its mission and goals efficiently and effectively when each employee meets the standards of conduct and performance. Through performance appraisals, training and development, and coaching and counseling, management and supervision strive to maintain and improve employee conduct and performance through these positive actions. When these measures are not effective and the employee fails to meet established standards, disciplinary action may be necessary. Disciplinary procedures have been established pursuant to the Merit Principles Policy and the collective-bargaining agreements negotiated between the Commonwealth and employee organizations. The Commonwealth and the University operate on the principle of progressive discipline, which strives to match the severity of the penalty to the infraction committed, taking into consideration the work and disciplinary history of the individual. In certain circumstances, when the actions of the employee are not conducive to rehabilitation or the conduct is too egregious to continue employment, termination may be imposed. Due to the amount of and differences in the bargaining units, the following is a list of those bargaining units and the procedures for discipline with them:

### American Federation of State, County and Municipal Employees (AFSCME)

These employees typically perform work in the clerical field, accounting, maintenance and trades, groundskeeping, custodial, and information technology.

[www.passhe.edu/inside/HR/LR/Documents/afscme\\_agr2019.pdf](http://www.passhe.edu/inside/HR/LR/Documents/afscme_agr2019.pdf)

[www.passhe.edu/inside/HR/LR/Documents/afscme\\_memo2019.pdf](http://www.passhe.edu/inside/HR/LR/Documents/afscme_memo2019.pdf)

### Association of Pennsylvania State College and University Faculties (APSCUF)

These employees hold positions as full- and part-time teaching faculty, department chairpersons, librarians, athletic trainers and faculty members whose basic responsibilities lie outside of the classroom setting.

[www.passhe.edu/inside/HR/LR/Documents/apscuf\\_agr.pdf](http://www.passhe.edu/inside/HR/LR/Documents/apscuf_agr.pdf)

### Management (Nonrepresented Employees)

These employees hold professional and managerial positions such as accountants, bursars, registrars, human resource generalists, maintenance managers, information technology specialists and academic deans.

### The State College and University Professional Association (SCUPA)

These employees typically hold professional positions working in admissions, financial aid, residence life, registrar or career services.

[www.passhe.edu/inside/HR/LR/Documents/scupa\\_agr.pdf](http://www.passhe.edu/inside/HR/LR/Documents/scupa_agr.pdf)

### Coaches (APSCUF Nonfaculty Athletic Coaches)

These employees hold positions as nonfaculty athletic coaches.

[www.passhe.edu/inside/HR/LR/Documents/coaches\\_agr.pdf](http://www.passhe.edu/inside/HR/LR/Documents/coaches_agr.pdf)

### Security, Police and Fire Professionals of America (SPFPA)

These employees typically hold professional positions working as patrol specialists, police supervisors, patrol officers or security officers.

[www.passhe.edu/inside/HR/LR/Documents/spfpa\\_agr.pdf](http://www.passhe.edu/inside/HR/LR/Documents/spfpa_agr.pdf)

[www.passhe.edu/inside/HR/LR/Documents/spfpa\\_memo.pdf](http://www.passhe.edu/inside/HR/LR/Documents/spfpa_memo.pdf)

### PASSHE Officer Association

<http://passheofficers.yolasite.com/>

### Office of Professional Employees International Union Healthcare Pennsylvania (OPEIU)

These employees typically hold University-registered nurse, University-certified registered nurse practitioner, or University-registered nurse supervisory positions.

[www.passhe.edu/inside/HR/LR/Documents/opeiu\\_agr.pdf](http://www.passhe.edu/inside/HR/LR/Documents/opeiu_agr.pdf)

[www.passhe.edu/inside/HR/LR/Documents/opeiu\\_memo.pdf](http://www.passhe.edu/inside/HR/LR/Documents/opeiu_memo.pdf)



## Sexual-Assault Information

Sexual assault is one of the most troubling of all campus crimes. The University has initiated a Sexual Assault Prevention and Survivor Support Program. In addition, the following is a summary of relevant information in the Student Right-to-Know and Campus Security Act.

Educational programming and support services for rape, acquaintance rape and other sex offenses are provided by many campus organizations. Members of the campus community can secure information from the University Title IX Office, University Police, Office of Housing and Residential Programs, Counseling Center, Health Services, and Center for Health Education and Promotion. Don't be afraid or reluctant to get help.

### SEXUAL MISCONDUCT RESOLUTION PROCESS

#### 1. Formal Complaint

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator a written, signed Formal Complaint describing the facts alleged. See the section titled Filing a Formal Complaint above.

#### 2. Notice of Allegations

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The Notice of Allegations will include the following:

- A. Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a hyperlink to a copy of the process.
- B. Notice of the allegations potentially constituting violations(s) of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a policy violation; and the date and location of the alleged incident, if known.
- C. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.
- D. A statement that the Parties may have an Advisor of their choice.
- E. A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- F. Individuals are prohibited from knowingly filing a false report or making misrepresentations. If, following an investigation and hearing as appropriate under applicable policy, a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy in the case of Officials, Employees or Volunteers.

The Parties will be notified by their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

#### 3. Determining Jurisdiction and Mandatory Dismissal for Certain Allegations

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

- A. The conduct is alleged to have occurred in the United States;
- B. The conduct is alleged to have occurred in the University's Education Program or Activity; and
- C. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all of the elements are met, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the Appeals section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

#### 4. Discretionary Dismissals for All Allegations

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- B. The Respondent is no longer enrolled in, associated with or employed by the University; or,
- C. If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal using the process set forth in the Appeals section below.

#### 5. Allegations Potentially Falling Under Two Policies

If a Formal Complaint against a Respondent who is a Student contains allegations of a violation of any of the listed Sexual Misconduct Violations in this Policy, as well as any other violation in the University's Student Code of Conduct, the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of all of the allegations. If all of the alleged Sexual Misconduct Violations of this Policy are dismissed, and the remaining underlying allegations, if true, would violate another University policy or the University's Student Code of Conduct, the matter may be referred for further action by the University's Office of Student Conduct, as appropriate.

If a Formal Complaint against a Respondent who is an Employee contains allegations of violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations.

For all other allegations, the University will follow applicable requirements in University policies and relevant collective bargaining agreements for resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an Official or Volunteer contains any allegations under this Policy, the University or System will follow applicable requirements in University or System policies or procedures and standards for resolution of the allegations contained in the Formal Complaint.

## **6. Notice of Dismissal**

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the parties through their institutional or other provided email account. It is the responsibility of parties to maintain and regularly check their email accounts.

## **7. Investigation**

### *A. General Rules of Investigations*

The Title IX Coordinator and/or an Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

The University and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See Inspection and Review of Evidence section below.

### *B. Inspection and Review of Evidence*

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to issuance of the investigation report.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- 1) Evidence that is relevant, even if that evidence does not end up being relied upon by the Decision Maker(s) in making a determination regarding responsibility;
- 2) inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

The University will send the evidence to each Party and each Party's Advisor, if any, to inspect and review through an electronic format or a hard copy. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and submit a written response by email to the Investigator. This response should include any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor. The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's supplemental written response to the other Party and their Advisor.

The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of the time to submit a written response, which may be denied in the sole discretion of the Investigator, in consultation with the Title IX Coordinator.

The Investigator has 10 days to generate a report or after the responses to additional evidence are due or, alternatively, may provide the Parties and their Advisors with written notice extending the investigation and explaining the reason for the extension.

The parties and their Advisors are encouraged not to disseminate the Investigative Report or photograph or otherwise copy any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Sexual Misconduct Resolution Process.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

### *C. Investigative Report*

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

### *D. Ongoing Notice*

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the University's Student Code of Conduct, the University will notify the Parties of the additional allegations by their University email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

## **8. General Rules of Hearings**

### *A. Notice of Hearing*

No less than 10 days prior to the hearing, the Title IX Coordinator, Hearing Officer or other designee will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

- 1) A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.
- 2) The time, date, and location of the hearing.
- 3) Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s) and Parties to see and hear a Party or Witness answering questions. Parties should inform the Hearing Officer or other designee of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.
- 4) Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.
- 5) A copy of the rules of decorum for all hearing participants.
- 6) A list of the Decision Maker(s) who will attend the hearing, along with an invitation to object to any actual or perceived conflicts of interest or bias of the Decision Maker(s) prior to the hearing.
- 7) A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the testimony or any statements provided by the Party or Witness prior to the hearing will not be considered by the Decision Maker.
- 8) Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask of the other Party or Witnesses. The Party should notify the Hearing Officer or other designee in advance of the hearing if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present.
- 9) A copy of all the materials provided to the Decision Maker(s) about the matter and the opportunity to provide a written response in advance of the hearing.
- 10) Information regarding who to contact to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.
- 11) For compelling reasons, the Hearing Officer or other designee may reschedule the hearing.

## *B. Hearing*

The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing, unless otherwise resolved through an informal resolution process or an alternate process permitted under this Policy. If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing.

The University may still proceed with the hearing in the absence of a Party, and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation.

If a Party does not participate in a hearing or submit to cross-examination in the hearing, the Decision Maker(s) may not rely on any "statement" by that Party. See Cross Examination section below.

The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross examination or other questions.

The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors.

All proceedings will be recorded through audio recording. That recording or transcript will be made available to the Parties for inspection and review upon request.

## *C. Continuances or Granting Extensions*

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

## *D. Participants in the Hearing*

Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- 1) The Decision Maker(s)
- 2) Hearing Officer
- 3) Conduct administrator or designee
- 4) IT personnel
- 5) The Parties
- 6) Advisor of choice or provided by the University for each Party
- 7) Witnesses
- 8) Any individuals necessary to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing.

The Decision Maker(s) and Hearing Officer will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case. The Parties will have an opportunity to raise any objections regarding a Decision Maker's actual or perceived conflicts of interest or bias at the beginning of the hearing.

Parties and Witnesses cannot be compelled to participate in the hearing, and have the right not to participate in the hearing free from retaliation.

## *E. Hearing Procedures*

For all hearings conducted under this Policy, the procedure will be as follows:

- 1) The Hearing Officer will open and establish rules and expectations for the hearing.
- 2) The Parties will each be given the opportunity to provide opening statements.
- 3) The Investigator will present a summary of the final investigation report, including items that are and are not contested. The Investigator will be subject to questioning by the Decision Maker(s) and the Parties (through their Advisors). The Investigator should not be asked their opinion on credibility, recommended findings or determinations. If such information is introduced, the Hearing Officer will direct that it be disregarded.
- 4) The Hearing Officer and/or Decision Maker(s) will ask questions of the Parties and Witnesses.

5) Parties will be given the opportunity for cross-examination after Decision Maker(s) conduct(s) its initial round of questioning See Cross-Examination Procedure below.

6) During the Parties' cross-examination, the Hearing Officer will have the authority to pause cross-examination at any time for the purposes of asking the Decision Maker(s) own follow up questions; and any time necessary in order to enforce the order for the hearing or the established rules of decorum. If an Advisor does not comply with the established rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

7) Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Officer and/or Decision Maker(s). A Party's waiver of cross-examination does not eliminate the ability of the Decision Maker(s) to use statements made by the Party.

## F. Relevant evidence and questions

"Relevant" evidence and questions are those questions and evidence that tends to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of any process initiated under this Policy:

- 1) Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - a) They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - b) They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- 2) Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege including attorney-client privilege; or
- 3) Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

## G. Cross-Examination

- 1) Each Party's Advisor may conduct cross-examination of the other Party or Parties and Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in real time.
- 2) Parties will not be permitted to personally cross-examine each other.
- 3) If a Party does not participate in a hearing, the Party's Advisor may attend and conduct cross-examination on behalf of the Party.
- 4) If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party and ask cross-examination questions.
- 5) Before any cross-examination question is answered, the Hearing Officer will determine if the question is relevant. Cross-examination questions that are duplicative of those

already asked, including by the Decision Maker(s) may be deemed irrelevant by the Hearing Officer if they have been asked and answered.

6) The Hearing Officer must explain to the Party proposing the question any decision to exclude a question as not relevant.

7) If a Party or Witness does not submit to cross-examination at the hearing, the Decision Maker(s) may not rely on any statement of that Party or Witness in reaching a determination regarding responsibility.

8) The Decision Maker(s) may not draw an inference about a determination of regarding responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.

## 9. Decisions

### A. General Considerations for Evaluating Testimony and Evidence

- 1) While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision Maker(s).
- 2) Decision Maker(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its judgments in stereotypes about how a Party or Witness would or should act under the circumstances.
- 3) Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
- 4) Credibility judgments should not rest on whether a Party or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.
- 5) Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision Maker(s) may draw an adverse inference as to that Party or Witness' credibility.
- 6) Decision Maker(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- 7) The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be



instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

8) The Final Rule requires the University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

## B. Timeline for Decision

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

## C. Finality

The determination regarding responsibility becomes final either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested as set forth in the Appeals section below.

## 10. Disciplinary Sanctions Against Students

### A. Possible Disciplinary Sanctions

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination:

**Deferred action:** Deferring the imposition of a standard sanction for a violation based on mitigating circumstances. Students imposed “deferred action” sanctions understand that any new misconduct for which a student is found responsible will result in the immediate imposition of the sanction that was deferred, becoming effective immediately without further review. A sanction may be in deferred status for a limited period of time.

**Reprimand:** A student shall be warned, in writing, not to violate the Student Code of Conduct in the future. Additional violations may result in more serious disciplinary action.

**Financial restitution:** A student or student organization may be required to make payment to the University or to another specified person(s) or group(s) for damages incurred as a result of a violation of behavioral expectations.

**Fines:** A financial cost applied to the student or organization as predetermined on existing policies.

**No-contact directive:** This action is implemented at the discretion of a hearing officer directing a student to avoid initiating contact with another member of the University community and may include limiting access to areas to avoid incidental contact. Restricted contact includes direct interactions in person or through technology as well as the use of third parties to interact.

**Loss of privileges:** A student/student organization may be denied specific privileges for a designated period of time. These privileges include but are not limited to access to specific buildings, facilities, residence hall assignment and participation in extracurricular activities. When a No Trespass Order is issued as a sanction in a student disciplinary matter, the Office of Student Conduct & Community Standards will forward notice of the No Trespass Order to the Millersville University Police Department. Students who violate such orders will be subject to further disciplinary action under the Student Code of Conduct, along with being cited or arrested for criminal violations.

**Probation:** This level of probation is intended to provide the student an opportunity to reflect on and learn from their conduct while increasing their awareness of the impact of their conduct on themselves and others and of the University’s behavioral expectations. Additional violations

during this period will result in more serious sanctions by the Office of Student Conduct & Community Standards.

**Censure:** Designated for a period of not less than a full academic year and not more than the remainder of the student’s academic career at Millersville University. During a period of assigned “censure,” a student may maintain membership with any student organization, group or team, but the student may not represent the University in any official leadership capacity or hold office or leadership position in any student organizations, groups or teams. Censure indicates to the student that further violation(s) of University regulations will result in more stringent conduct action, including but not limited to suspension or expulsion from the University.

**Suspension:** The loss of privileges of enrollment for a designated period of time, up to four semesters, determined by the hearing officer or designee. A suspension remains in place during the appeal process and until a final outcome of the appeal has been determined.

Suspended persons are prohibited from taking classes, including distance education and online courses, taking exams and/or receiving grades, participating in University activities and being present on University- owned or controlled property. During a period of suspension, if a person is found to be present on University property without permission from the Office of Student Conduct & Community Standards, they will be subject to arrest for criminal trespass. Persons are not entitled to a monetary refund for tuition, housing, or a meal plan. (Please reference the offices of Housing and Residential Programs and Office of Student Accounts fee schedules for more details.) If living on campus, a student must make arrangements to vacate within 48 hours or less. The time period will be determined by the hearing officer.

In order to be eligible for re-admission, a person must comply with all aspects of the suspension letter. Re-admission is contingent upon completion of the suspension period, fulfillment of sanctions, if any, and the approval of the Vice President for Student Affairs and Enrollment Management or designee.

To petition for re-enrollment, a letter must be submitted to the Office of Student Conduct & Community Standards or the Vice President for Student Affairs and Enrollment Management no sooner than 30 days prior to the intended re-enrollment. The written petition should include: 1) reasons for wanting to return to Millersville University, 2) how behavior has changed since the suspension and 3) plans for becoming a productive member of the University community.

After the petition has been approved, notification will be made to make an appointment with the Vice President for Student Affairs and Enrollment Management to arrange for a readmission meeting.

**Inactivation:** Temporary loss of University recognition and campus privileges for a designated period of time not to exceed five years imposed upon a student organization.

**Termination of University recognition:** The organization is not eligible for reinstatement for a minimum of five years. Only the Vice President for Student Affairs & Enrollment Management can grant reinstatement of an organization’s recognition. Consideration for reinstatement must be accompanied by a written proposal developed under the guidance of the Director of the Department of Campus Life.

The proposal for reinstatement must also include the following criteria:

- a. A letter of endorsement/support from a proposed faculty/staff advisor.
- b. A letter of support from the Executive Board of Student Senate.
- c. A cover letter outlining the steps that have been taken to avoid a repeat of the earlier misconduct.

**Expulsion:** The student is separated from the University permanently. There are no provisions for the readmission of the student in the future.\* The expelled student is responsible for the payment of all tuition and fees in accordance with the University payment policies. (Please reference the offices of Housing and Residential Programs and Office of Student Accounts fee schedules for more details.)

**Counseling:** The student will need to provide verification from a verified, licensed counseling professional stating that the student has entered counseling and is complying with the treatment plans and/or recommendations of the treatment provider. This verification should include a written statement that the treatment plan will include the following outcomes: (1) development of effective coping strategies to help deal with the pressures (peer and otherwise) one is facing, (2) plans to achieve a healthier balance in life, and (3) identification of tools and resources to achieve psychological well-being.

## B. Previous Disciplinary Sanctions

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

## C. Timing

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

## 11. Disciplinary Sanctions Against Employees, Officials and Volunteers

### A. Possible Disciplinary Sanctions

Disciplinary Sanctions imposed on an Employee for violating this Policy, subject to an applicable collective bargaining agreement or University/System policies, may include a penalty up to and including separation from employment.

Disciplinary Sanctions imposed on an Official or Volunteer may include a penalty up to removal or the request for removal of the Official or Volunteer from their respective position.

### B. Timing

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

## 12. Appeals by Where the Respondent is a Student

A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:

- 1) A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.

3) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

4) The Disciplinary Sanction imposed was arbitrary or capricious.

B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.

C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

D. If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. If the basis of the appeal is the Disciplinary Sanction imposed was arbitrary or capricious, the other Party will be given 5 days to respond to the Disciplinary Sanctions basis of appeal after being notified of the appeal.

E. Appeals will be decided by the Vice President of Student Affairs and Enrollment Management or designee, who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.

F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the Vice President of Student Affairs and Enrollment Management of designee is to not reweigh the evidence, but to conduct an independent review of the original hearing process, factual record or sanction to determine whether sufficient evidence supports the decision rendered by the Decision Maker(s).

G. The outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

## RIGHTS/RESPONSIBILITIES

A. Reports and Formal Complaints have different meanings. An individual has a right to make a report of sexual misconduct to the University, which may be accompanied by a request for Supportive Measures. An individual also has a right to make a Formal Complaint of sexual misconduct, which is a request to initiate the University's informal resolution process or a formal disciplinary process, which includes an investigation and may proceed to a hearing.

B. Prior to the conclusion of a sexual misconduct investigation, the Complainant may request to withdraw the Formal Complaint by contacting the Title IX Coordinator/designee in writing. The Title IX Coordinator/designee will determine whether to close the case or conclude the investigation without the Complainant's continued participation.

C. An individual also has the right to report sexual misconduct to law enforcement, separate and apart from any report or Formal Complaint made to the University.

A summary of recent emergency response procedure test include:  
• Victims and witnesses of sexual misconduct have the right to be

assisted by the University in notifying law enforcement authorities of sexual misconduct or they can decline to notify such authorities.

E. Witnesses and Parties cannot be compelled to participate in the hearing, and have the right not to participate in the hearing free from retaliation.

F. Each Party who is charged with a violation of this Policy where jurisdiction is appropriate has a right to a hearing and for an Advisor to cross-examine Parties and Witnesses.

G. At the time a report is made, the reporting party does not have to decide whether to file a Formal Complaint or make a report of sexual misconduct to law enforcement.

H. An affected party has the right to request Supportive Measures from the University, which may include interim contact restrictions.

I. The reporting party has the right to seek medical treatment to address physical and mental health and to preserve evidence.

J. Parties may also have options to file civil actions in court or with administrative agencies.

K. To file a Formal Complaint, please contact the Title IX Coordinator/designee.

## Prevention Statement

A robust, comprehensive web page is available for all employees, students, families and the campus community with easily accessible information about sexual and dating violence. This site contains numerous pieces of information, including reporting options, policies, support resources, educational programming and how to support a survivor. The page was created to improve the ease with which individuals can locate sexual - and dating-violence information:

[www.millersville.edu/sexualviolence/index.php](http://www.millersville.edu/sexualviolence/index.php).

All students and employees within our campus community deserve to feel safe and supported. Millersville University prohibits the crimes of sexual assault, domestic violence, dating violence and stalking (for definitions of how we define these incidents within our policy, please see page 16), and works year-round to provide you with education, tools and resources to recognize concerning or harmful behaviors, and strategies for intervening or helping others get the support they need.

As part of these efforts, Millersville University provides primary prevention and awareness campaigns for all incoming students and new employees, as well as ongoing prevention and awareness campaigns for all students and employees.

These comprehensive, intentional and integrated programs, initiatives, strategies and campaigns are intended to end sexual assault, domestic violence, dating violence and stalking.

Millersville University considers our own unique campus when designing these programs to ensure they are:

- Culturally relevant
- Inclusive of diverse communities and identities
- Sustainable, so the programs can continue to benefit our campus community
- Responsive to community needs; and
- Informed by research or assessed for value, effectiveness or outcome so we know they're working and ultimately benefiting you!

We also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels so that we can address actual issues that may influence how or if violence is occurring within our own community and how the programs can meet our collective needs. You'll notice some common themes throughout our programs. All of the programs will reinforce that sexual assault, domestic violence, dating violence and stalking are unacceptable (and prohibited) within our campus community. Many of these programs will:

- Address how we define these terms under Millersville University's policy.
- Address the definitions of dating violence, domestic violence, sexual assault and stalking within our jurisdiction. (Millersville University's POLICY uses different definitions to define these crimes than the definitions within our jurisdiction. It's helpful to know the distinction in case you or a friend would ever choose to report to law enforcement. You can find the jurisdictional definitions on page 16.) They'll also talk about how consent is defined within our jurisdiction, which you can also find on page 16 for reference.
- Discuss safe and positive options for bystander intervention. This is an important part of our prevention philosophy on our campus; you can find some of these strategies listed below.
- Share information on risk reduction, options that work to decrease perpetration and bystander inaction (by giving you the tools you need to intervene!), and increase empowerment for victims of these crimes. The goal is to promote overall safety and help our institution address any conditions that might facilitate violence within our own community.
- Give you more information about our institution's disciplinary process, which is also explained on pages 42-44 within this ASR.

## WHAT'S THE DIFFERENCE BETWEEN PRIMARY PREVENTION AND AWARENESS?

PRIMARY PREVENTION	AWARENESS
Primary prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.	Awareness programs are programs that are community-wide (anyone can access) or audience-specific (targeted towards a certain segment of our community, or students or employees specifically) that increase your knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.
In the descriptions of our programs below, you'll get a sense of what programs focus on these ideas and encourage you and your peers to intervene if appropriate.	Our awareness programs may address primary prevention specifically, but may also raise your own knowledge about these types of crimes and how they can impact a campus community.

## WHAT IS BYSTANDER INTERVENTION?

Bystander intervention involves safe and positive options that might be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identifying safe and effective intervention options; and
- Taking action to intervene.

You'll learn more about these options in the programs described below, but here are a few strategies for bystander intervention to consider:

## GREEN DOT BYSTANDER INTERVENTION

Bystander education approach that aims to prevent violence with the help of bystanders. It is built on the premise that violence can be measurably and systematically reduced within a community. Bystander intervention as a way of violence prevention is becoming popular within society. Its mission is to reduce power-based violence by being a proactive bystander and a reactive bystander.

## WHAT IS RISK REDUCTION?

Risk reduction refers to tools/strategies/behaviors/options that decrease perpetration and bystander inaction, and promote victim empowerment. Notice that our definition of risk reduction includes giving bystanders tools to overcome barriers that might lead them not to intervene, so all the tips provided above are not just bystander intervention, but can also be considered risk reduction. It is up to us as a community to look out

for one another and create the safe environment all our students and employees deserve.

## TITLE IX TRAINING: WHAT YOU NEED TO KNOW

This training is issued to all student leaders, student-athletes, resident assistants, orientation leaders and peer educators. This program is also offered to other clubs and organizations throughout campus by request. For more information on some of these offerings, please visit the website of either the Title IX Office or the Center for Health Education and Promotion Office.

As you can see from some of the tips and information we've included above, we stress in our programming the need for consent and respecting a partner's boundaries at all times, especially when engaging in sexual activity; not pressuring others to consume alcohol or any other harmful behaviors; and reinforcing resources within the community to access safe rides or other safety support.

Below is information on the programs we offer — we hope we'll see you at some of them this year. For more information on some of these offerings, visit [www.millersville.edu/titleix](http://www.millersville.edu/titleix).

PROGRAM NAME/ DESCRIPTION	WHO'S IT FOR?	WHEN/HOW CAN I ACCESS IT?
Ex: CLERY BYSTANDERS • We've all been in situations that may feel uncomfortable and dangerous. This program gives you tools and strategies for bystanders to help out in a way that feels comfortable for them.	Students	Monthly in residence halls

## Campus Sex Crimes Prevention Act of 2000

The Campus Sex Crimes Prevention Act of 2000 (CSCPA) amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Act. The Wetterling Act sets minimum state standards for state sex offender registration and community notification standards. Under the CSCPA there are provisions relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. In addition to Wetterling, the CSCPA amends the Clery Act and the Family Educational Rights and Privacy Act of 1974.

Under the CSCPA, Millersville University is required to inform the campus community where sex offender registration information can be obtained. The CSCPA does not require the University Police to maintain a list of registered Pennsylvania sex offenders. Information currently required under the law is maintained by the Pennsylvania State Police and is accessible at [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us). Members of the campus community may contact the State Police directly or request assistance from the University Police. National information about sexual-offender registries may be obtained online from [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us).



## Important Changes to Crime Reporting

There have been several changes required in the Campus Crime Statistics Report due to amendments to the original legislation:

- Two new crime-reporting categories have been added: manslaughter and arson.
- Persons arrested/cited or referred for campus disciplinary action for liquor law violations, drug-related violations and weapon possession.
- Redefinition of reporting areas to include **Campus, Student Residences, Noncampus Building or Property, and Public Property.**

*Campus* – Any building or property owned or controlled by the University and used by the University in direct support of or in a manner related to the institution's educational purposes.

*Student Residences* – Any residential facility for students within the immediate campus area.

*Noncampus Building or Property* – Any building or property owned or controlled by a student organization recognized by the University or a building or property (other than a branch campus) owned or controlled by the University in direct support of the institution's educational purposes, and is not within a reasonably contiguous geographic area.

*Public Property* – All public property that is within a reasonably contiguous geographic area to the institution and is adjacent to property owned or controlled by the University.

**NOTE:** Property owned or controlled by Millersville University is adjacent to properties patrolled by Millersville Borough, Manor Township and Lancaster City Police departments.

## Reporting a Crime

Millersville University understands the amount of strength and courage that is required to come forward and disclose sexual misconduct. Be it harassment, assault, sexual exploitation, stalking or dating violence, Millersville University takes your right to privacy seriously. Because the safety of our students, faculty and staff is of our utmost concern, we are not always able to grant complete confidentiality in a sexual-misconduct case; however, we will, to the extent possible, do our best to protect your privacy while meeting the University's legal obligations. For those members of the campus community who wish to report a criminal incident, be they the victim, witness or a third party, including campus security authorities, the university encourages accurate and prompt reporting, reports can be made through the University Police website.

### ON CAMPUS:

To reach the reporting screen,

- Go to [www.millersville.edu/police/police/report.php](http://www.millersville.edu/police/police/report.php) on the University Police website.
- Fill in the blanks. Do NOT use this to report a crime in progress, as this site is not regularly monitored.
- You may also use the Clery Incident Form located on the MUPD home page; just print, complete and forward to the University Police, 237 N. George Street, Millersville, PA 17551. Confidential reporting forms are available at the following locations in addition to the Millersville University Police Department:
  - Title IX Coordinator – Room 107, Student Memorial Center – 21 S. George St.

- The Office of Student Affairs and Enrollment Management, Student Memorial Center – 21 S. George St.
- Center for Health Education and Promotion, Montour House – 16 S. George Street
- Human Resources, Dilworth Building – 20 Dilworth Dr.
- Counseling Center, 3rd floor, Lyle Hall – 40 N. Dilworth Dr. (for confidentiality reporting)
- Health Services, Witmer Building – 4 McCollough Dr.
- The Ware Center – 42 North Prince St., Lancaster

### Noncampus:

- Rape, Abuse and Incest National Network (RAINN) [1-800-656-4673]
- Pastors of local churches, synagogues and mosques when acting in a pastoral role.

More information about these organizations can be found in the Resources section of the policy.

Under Title IX, the University has an obligation to investigate all incidents of sexual misconduct and make victims aware of the resources available to them, while striving to respect the privacy and confidentiality of the victim. Consistent with this and related obligations under Title IX, the confidentiality of all parties to the complaint of sexual misconduct will be observed by University personnel to the extent possible. The University's obligation to protect the safety of its students and to record statistics may not permit complete confidentiality, but the University shall take the necessary measures to ensure that the information shared is limited to those individuals required to know pursuant to law, regulation or University policy. In life-threatening situations, confidentiality is not legally possible, and University employees will contact emergency personnel immediately.

The University will not inform students' parents or guardians of their involvement in a situation involving sexual misconduct unless they are in major medical jeopardy. However, students are strongly encouraged to inform their parents or guardians. College officials will directly inform a student's parents or guardians only when requested to do so by the student.

All reported instances of sexual misconduct will be investigated promptly, thoroughly and equitably, with appropriate response taken to ensure a safe and nondiscriminatory environment for all students, faculty and staff. The University will inform the victim before conducting an investigation and determining appropriate action to remedy a situation. A victim may request that no investigation take place or that his or her name not be disclosed to the accused during an investigation. These requests will be evaluated according to the severity of the situation and the threat that the accused(s) poses to the overall safety of the campus community. The University will notify the victim if and when confidentiality and/or compliance with their wishes cannot be guaranteed.

## Missing Residential Student Notification Policy

### Purpose

To establish policy and procedures for the Millersville University community regarding the reporting, investigation, and notification of others when a residential student is believed missing.

### Scope

The application of this policy is directed primarily to residential students living in campus facilities. All members of the University community share responsibility for reporting to designated university officials when they believe that a student is missing.

### Objective

To clearly define a protocol for reporting missing residential students.

### Definitions

- **Residential Student:** A student who resides in campus housing, has signed a housing agreement, and is currently enrolled at the university.
- **Missing:** A residential student is presumed missing if he or she is unaccounted for over a 24 hour period.
- **Community Members:** Community members are defined as all Millersville University faculty, staff members, clerical personnel, administrators, and students.
- **Designated University Officials:** Shall include those persons designated as Campus Security Authorities, the Office of the Vice President for Students Affairs, HARP Administration and staff, and the University Police Department.
- **Health and Safety Purposes:** Conditions which constitute a possible imminent threat to an individual student or to a group of students in the residential setting. Administrative Policy: Policy on Missing Residential Student Notification Millersville University Fall 2009 Page 2 of 3 10.28.09 Policy As required by the Higher Education Opportunity Act, and consistent with Millersville University's commitment to student safety, this policy establishes notification procedures in the event that a residential student is defined as missing. Specific requirements are outlined as follows:
  - Residential students will be informed at the beginning of the housing registration process that he or she has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. This person will be contacted by [Student Affairs/Millersville University Police] within 24 hours after the time student is determined to be missing. Residential students are responsible for ensuring that the contact information is current and accurate.
  - Residential students under the age of 18 and not emancipated will be informed that [Student Affairs/Millersville University Police] is required to notify a custodial parent or guardian within 24 hours after the time student is determined to be missing.
  - Only the Office of the Vice President for Students Affairs, HARP Administration, and law enforcement officers in furtherance of a missing person investigation, may have access to the confidential contact person's information.

- Millersville University Police will immediately notify the appropriate law enforcement agencies upon determination that a student is missing, even if the student did not register a contact person.

- If circumstances warrant, this policy and procedure may be implemented in less than 24 hours.

### Responsibilities

The Millersville University Police will be responsible for the following:

- Providing notification of this policy in the Annual Campus Security Report.
- Initiating the emergency contact procedures, which include notifying the designated confidential contact persons, custodial parents, legal guardians, university officials, and other law enforcement agencies as appropriate.
- Coordinating any campus-based investigation into a missing residential student, which shall include the assistance of Student Affairs personnel.
- University Police, HARP, or the Office of Student Affairs will work together to notify all primary parties contacted during the investigation that the case has been brought to closure.

The office of Housing and Residential Programs shall be responsible for the following:

- Serving as the site for residential students who wish to register a confidential contact person.
- Maintaining the registry of the confidential contact people.
- Reporting any missing residential student to the Millersville University Police.
- Students may choose to report a missing student to HARP staff, who in turn will contact and assist the Millersville University Police.

### Procedures

The following missing student notification procedures will go into effect within 24 hours of the determination that a student who lives in on-campus student housing has been missing for 24 hours. The Millersville University Police in cooperation with Student Affairs staff members will implement the following investigative procedures when a missing student report is received from a Community member:

- Attempt to call the alleged missing person using the phone numbers supplied to the University.
- Talk with HARP staff members to determine if the missing person has been seen.
- Have HARP staff members check the assigned room and also have them talk with neighbors, friends, and roommates to see when the missing person was last seen.
- Check the card access system log to determine when the missing person last entered the housing facility.
- Contact University Dining Services to determine when the missing person last used their meal plan.

- Check the missing person's email account to determine the last time it was used.
- Contact the missing person's faculty members to determine class attendance.
- Consult with the Counseling Center staff and Health Center staff to see if the missing person has been seen at either location.
- HARP staff may key into the room for health and safety purposes. Entry without designated notice shall only be with the approval of the Director of HARP or a designee.
- If the missing student is determined to be under the age 18, [Student Affairs/Millersville University Police] will contact the student's parent(s) or legal guardian within 24 hours.
- If the missing student is over the age of 18 and registered a confidential contact person that person will be contacted by [Student Affairs/Millersville University Police] within 24 hours.
- When the missing student is located verification information shall be secured to include a description of the health of the student, and intention of returning to campus and/or classes. In addition, the student shall be encouraged to contact the confidential contact person.

**NOTE:** Every effort will be made to balance the right to privacy with the issue of compliance to Federal regulations and the interest of public safety.

## Date-Rape Drugs

Designer or date-rape drugs can be placed in any drink, not just alcohol. Effects of such drugs may range from general illness or a feeling of euphoria, to short-term memory loss or an intoxication or aphrodisiac effect. Persons who have ingested such drugs have also reported anxiety, hallucinations, loss of muscle control, nausea and amnesia lasting up to 24 or more hours.

If anyone suspects that they or somebody they know has been drugged and/or assaulted, it is imperative that they:

- Go to a safe place.
- Call the University Police or the local police if off campus.
- Get to campus Health Services or a local hospital emergency room as soon as possible for treatment of any injuries, and possibly the initiation of a blood or urine test.

## Protection from Abuse/ No-Contact Orders

The highest rate of domestic abuse and dating violence takes place in the traditional college age category of 17-24. Abuse may take the form of physical or mental acting-out behaviors. Victims of abuse need not be married or living with someone to seek legal help from the police or courts. Protection from Abuse Orders are available through the Court of Common Pleas of Lancaster County. Students or other members of the campus community who are granted a Protection from Abuse Order should always make sure that the University Police are included in the distribution of those court documents. In addition to protection orders, the University Police may also wish to issue a No Trespass Order for the offending party named in the order.

Information regarding Protection from Abuse Orders and other legal remedies may be obtained by contacting the University Police or any of the following off-campus resources:

### Domestic Violence Legal Clinic

14 South Duke Street  
Lancaster, PA (717) 291-5826

### Lawyer Referral Services

28 East Orange Street  
Lancaster, PA (717) 393-0737

### Lancaster County Court of Common Pleas

[www.co.lancaster.pa.us/253/Protection-From-Abuse](http://www.co.lancaster.pa.us/253/Protection-From-Abuse)

## Safety Tips and Guidelines for Active-Shooter Incidents

An active shooter is a suspect who is actively discharging a firearm at police or citizens where it is reasonably expected that persons will be struck by fire. These situations normally require the first arriving law enforcement officers to take immediate action to end the danger, and not render immediate aid to injured citizens.

- Remain calm; do not engage the intruder.
- If you are in a classroom, room or office and can secure or barricade the door, staying there may be the safest option.
- If attempting to escape, do not carry phones, backpacks or other objects in your hands. Keep your hands elevated, with open palms visible to responding law enforcement officers.
- Do exactly and immediately what responding law enforcement officers tell you to do.
- Only one person in the secured room should call the police at 911. If you cannot speak, leave the line to the police open. Turn off cell phone ringers.
- Do not leave your secured room or hiding place until you are positive that it is a police officer or recognized campus official coming to help you.

## ALICE Active Shooter Response Training

**A.L.I.C.E. training:** Teaching how to respond when an intruder threatens.

A.L.I.C.E. stands for Alert, Lockdown, Inform, Counter and Evacuate. This nationally renowned training was developed following examination of school shootings, such as the one that occurred April 20, 1999, at Columbine High School in Colorado.

MUPD has adopted the program and conducts training sessions for students, faculty and staff, teaching the proactive measures that people can take when faced with an assailant entering a building or classroom.

For more information on the A.L.I.C.E. program or for training, contact Pete Anders, Chief of Police, at [Peter.Anders@millersville.edu](mailto:Peter.Anders@millersville.edu) or visit [www.millersville.edu/police/run-hide-fight.php](http://www.millersville.edu/police/run-hide-fight.php), which includes the Department of Homeland Security Run, Hide, Fight video.

# Campus Crime Reporting for University Employees

The Millersville University Police Department is responsible for gathering and publishing accurate and prompt reporting information required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, a federal law generally known as the Clery Act. A copy of the University Police publication that provides information about this law is available at Lebanon House (237 N. George St.) or at [www.millersville.edu/police](http://www.millersville.edu/police).

Unfortunately, some crimes that take place on a college or university campus are never reported to law enforcement authorities. Given the importance of campus security, recognizing that University employees in the course of their daily work may become aware of crimes committed on or adjacent to campus, and in light of our legal obligation to do everything possible to ensure the accuracy of our crime data, Millersville University's CSAs are mandated to report crimes, but we urge all University employees to comply with the procedures for reporting crimes outlined herein.

Included in the law's requirements is the stipulation that all incidents of murder, manslaughter, sexual offenses, robbery, aggravated assault, arson, burglary and motor vehicle theft taking place on the campus or on property contiguous to it be included in the institution's annual report.

The following is information regarding procedures to be followed if you become aware of any of the crimes specified in the law:

If you learn from a victim/witness that a crime specified above has been committed on or contiguous to the campus, urge him/her to report the incident directly to the appropriate police department. If the crime took place on the campus of Millersville University, it should be reported to the University Police at (717) 871-4357. If the incident

occurred off but contiguous to the campus, it should be reported to the police department having jurisdiction. If you or the victim/witness is unsure of which police department to contact, the University Police will assist you in determining the appropriate one to notify.

Certain individuals who have responsibility for student and campus activities are exempt from disclosing information. Pastoral and professional licensed counselors are exempt from disclosing reported offenses if they are acting in their roles of pastoral and professional counselors.

If the victim/witness is unwilling to report the crime to the police, you must inform him/her that as a University employee, you are obligated under federal law to report the incident to the University Police. You are not required, however, to provide the name of the victim/witness to the police. Your report should include the time, date, location and description of the incident as reported to you or as much of this information as you know. University Police will then include the information in the University's crime report.

Millersville University takes very seriously its obligation to provide accurate information to members of the campus community about crimes committed on or adjacent to the campus. Your cooperation in fulfilling this responsibility is important and appreciated.

If you have questions about this matter or would like to discuss any incident that has been reported to you, please feel free to contact University Police at (717) 871-4357 or Chief Peter Anders via email at [Peter.Anders@millersville.edu](mailto:Peter.Anders@millersville.edu).





## Annual Crime Statistics (Main Campus)

Crimes reported to the Millersville University Police Department, campus officials and by other law enforcement agencies near the Millersville campus. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

REPORTED CRIMES	ON CAMPUS			RESIDENCE HALL			NONCAMPUS			PUBLIC PROPERTY		
CRIME CATEGORY	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Neg. Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	3	2	2	3	1	2	1	0	0	0	0	0
Fondling	2	0	0	1	0	0	2	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	1	0	0	0	0	0
Aggravated Assault	0	1	0	0	1	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	1	0	0	1	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Liquor Laws	13	34	11	13	30	11	16	0	0	0	2	0
Drug Laws	25	13	1	25	11	1	11	0	0	0	3	0
Weapons Laws	0	1	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Liquor Laws	38	56	22	34	55	22	0	0	3	0	0	0
Drug Laws	43	36	17	32	36	15	0	2	1	0	9	0
Weapons Laws	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Domestic Violence	0	0	0	0	0	0	0	1	1	0	0	0
Dating Violence	1	0	0	1	0	0	1	2	0	0	0	0
Stalking	1	2	3	0	0	2	0	0	0	0	0	0

HATE CRIMES	RACE						GENDER						GENDER IDENTITY						SEXUAL ORIENTATION					
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
CRIME CATEGORY	O	R	N	P	O	R	N	P	O	R	N	P	O	R	N	P	O	R	N	P	O	R	N	P
Murder/ Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction, Damage or Vandalism of Property	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

HATE CRIMES	ETHNICITY						NATIONAL ORIGIN						DISABILITY						RELIGION					
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
CRIME CATEGORY	O	R	N	P	O	R	N	P	O	R	N	P	O	R	N	P	O	R	N	P	O	R	N	P
Murder/ Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction, Damage or Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

CRIME CATEGORY KEY: "O" - On Campus | "R" - Resident Hall | "N" - Noncampus | "P" - Public Property

PREFACE: Millersville University has changed the geographical designation of several properties contiguous to Millersville University from a statistical crime-reporting designation of "public property" to a designation of "noncampus." This change will increase the amount of crime as being "noncampus" relative to past annual reports. Millersville University cautions those reading the report against a misinterpretation that there was a significant change in crime either "noncampus" or at the adjacent student housing in Millersville Borough. Millersville University Police have not seen a significant variance in crime with the University properties or in the adjacent community during the reporting year. The properties that were changed to "noncampus" are commonly known as Brookwood Apartments, Healthy Living Apartments, Reighard Hall and Shens Hall and are housing properties owned by Student Lodging Inc. Millersville University does not own or control Student Lodging Inc. properties; however, it does manage Reighard and Shens halls. All of these properties are within Millersville Borough contiguous to Millersville University. The initial change was made for the 2013 Annual Security Report upon guidance from PA's State System of Higher Education (PASSHE) Counsel following an interpretation the Department of Education provided to another PASSHE institution.

- In 2018, 2019, and 2020 Millersville University did not have any Clery-reportable crimes that were unfounded, including the VAWA Offenses.
- The VAWA Incidents in the chart were reported to Millersville University Police or the Title IX Coordinator.
- Data for the public property (local police departments: Manor Township, Millersville Borough, Manheim Township, Pequea Township) is not broken down by student involvement and may be included in MU statistics.
- No crimes were reported to the University Police from any off-campus training facility.
- Sex offenses may be unsubstantiated due to third-party reporting.
- University Police incident totals may differ from totals published

- in the Uniform Crimes Report due to the counting of confidential and anonymous reports.
- Judicial Affairs data may count offenses in more than one area.
- Millersville University uses an off-campus site for instruction and training of students.
- Millersville University uses The Marine Science Consortium Center for education and training. The Center is located at 34001 Mill Dam Road, Wallops Island, VA 23337. A request was made for crime statistics information data. Millersville University did not have any students attend the Marine Science Campus for the 2020 year.
- Millersville University uses an off-campus site for instruction, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110. A request was made for crime statistics information data. The Harrisburg City Police Department responded to the request, stating there were no Clery-reportable crimes for the 2020 year.

## Crimes That Must Be Reported

**Aggravated Assault** – Attacking another person for the purpose of inflicting severe or aggravated bodily injury.

**Arson** – Willful or malicious burning or attempt to burn, with or without the intent to defraud.

**Burglary** – Unlawful entry of a structure with the intent to commit a crime therein (theft or any other felony).

**Dating Violence** – Dating violence or dating abuse is legally defined as the penetration, act of intimidation or threat of an act of violence by one member involved in a romantic relationship on the other member within the context of a romantic relationship.

**Domestic Violence** – The threat or causing of physical harm and any physical or sexual mistreatment of children.

**Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Hate Crimes** – A crime manifesting evidence that the victim was chosen based on actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability.

**Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Motor Vehicle Theft** – Theft or attempted theft of a motor vehicle.

**Murder and Non-Negligent Manslaughter** – The willful killing of another.

**Negligent Manslaughter** – The killing of another through gross negligence.

**Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Robbery** – Taking or attempting to take anything of value from the custody of another person by force or threat of force.

**Stalking** – A person who is stalking engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

## Annual Fire Safety Report

**Note** – There were no reportable fires for 2020.

Millersville University has an Annual Fire Safety Report that is published each October (compiling fire statistics for the previous calendar year) as part of the Annual Security and Fire Safety Report.

The Clery Act requires that the Annual Fire Safety Report include the following information:

- The number of reportable fires
- The cause of each fire
- The number of fire-related injuries caused by each fire
- The number of fire-related deaths caused by each fire
- The value of any property damage caused by each fire

### On-Campus Housing Facilities

In 2019 Millersville University on-campus and associated student housing facilities included:

- South Villages – the University's main campus housing complex fully opened in 2016 with the completion of East and West villages.
- Reighard Hall and Shenks Hall (Student Services Inc.–owned and MU-managed student housing).
- Bard Hall and Lehigh Hall (formerly known as Gilbert Hall) are MU-owned and –operated student housing and currently vacant but remain for overflow housing.
- Millersville University also reports fire statistics for Student Services Inc.–owned and –operated Residence Housing units (Brookwood Apartments, College View Apartments and Wellness Apartments).

### Fire Safety Systems and Building Information

The following is a description of each on-campus and associated student housing facility fire safety system:

**Bard Hall** (currently vacant but remains for overflow housing)

- No Clery reportable fires for the year 2020
- Address: 60 Brooks Drive
- Year Built: 1961
- Occupancy: Residence Hall
- Capacity: 169
- Construction Type: Steel joists on masonry-bearing walls
- Fire Alarm Manufacturer – Pyrotronics
- Fire Alarm System – Description: Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a

certified inspection company in accordance with NFPA 13A.

- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

### Brookwood Apartments

- No Clery reportable fires for the year 2020
- Address: 101 Hillview Avenue - 1908 Hillview Avenue
- Year Built : 1001 - 1004 Hillview Avenue - 2018  
801 - 808 & 901 - 908 Hillview Avenue - 2017  
301 - 308 & 701 - 708 Hillview Avenue - 2016  
501 - 508 & 601 - 608 Hillview Avenue - 2015  
101 - 108 & 201 - 208 Hillview Avenue - 2014  
1101 - 1104, 1301 - 1308, & 1401 - 1404 Hillview Avenue - 2013  
1201 - 1208 & 1601 - 1608 Hillview Avenue - 2012  
1701 - 1708 & 1901 - 1908 Hillview Avenue - 2011  
1501 - 1504 & 1801 - 1808 Hillview Avenue - 2010
- Occupancy: Student Lodging, Inc. Off-Campus Housing
- Capacity: 476
- Type of Construction: Wood frame, block and plank, masonry party walls, rated windows and shaft walls, etc., shingled roof
- Fire Alarm Manufacturer: Tornatech
- Fire Alarm System: Description: Visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detectors, heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems are inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All buildings have four total fire drills per year (two each semester).

### College View Apartments

- No Clery reportable fires for the year 2020
- Address: 31 - 47 Shenks Lane  
61 - 67 Shenks Lane  
81 - 87 Shenks Lane
- Year Built: 1960
- Occupancy: Student Lodging, Inc. Off-Campus Housing
- Capacity: 30
- Type of Construction: Cinder block walls, wood construction
- Fire Alarm Manufacturer: Pyrotronics
- Fire Alarm System: Description: Visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels,



addressable smoke detectors, heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.

- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment: Fire extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems are inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All buildings have four total fire drills per year (two each semester).

## East Village

- No Clery reportable fires for the year 2020
- Address: 210 East Residence Hall Circle
- Year Built: 2015
- Occupancy: Student Housing/R1 A Residential/University District (Group: R-2; Classification: Residential; Group: A-3, Classification: Assembly)
- Capacity: 613 bed count
- Type of Construction: Group: R-2, Type 5A
- Fire Alarm Manufacturer – Berkshire/Siemens
- Fire Alarm System – Description: Digital Addressable Fire Alarm System. Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

**Lehigh Hall** (formerly known as Gilbert Hall) is currently vacant but remains for overflow housing

- No Clery reportable fires for the year 2020
- Address: 80 Brooks Drive
- Year Built: 1950
- Occupancy: Residence Hall
- Capacity: 169
- Construction Type: Steel joists on masonry-bearing walls

- Fire Alarm Manufacturer – Pyrotronics
- Fire Alarm System – Description: Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

## Reighard Hall

- No Clery reportable fires for the year 2020
- Address: 101 Shenks Lane
- Year Built: 1996
- Occupancy: Student Services Inc.-owned and MU-managed Residence Hall
- Capacity: 118
- Type of Construction: Masonry-bearing walls
- Fire Alarm Manufacturer – Pyrotronics
- Fire Alarm System – Description: Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

## Shenks Hall

- No Clery reportable fires for the year 2020
- Address: 131 Shenks Lane
- Year Built: 2005
- Occupancy: Student Services Inc.–owned and MU-managed
- Residence Hall
- Capacity: 204
- Type of Construction: Wood frame, block and plank, masonry party walls, rated windows and shaft walls, etc., shingled roof.
- Fire Alarm Manufacturer – Pyrotronics
- Fire Alarm System – Description: Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

## South Village

- No Clery reportable fires for the year 2020
- Address: 120 Centennial Drive
- Year Built: 2014
- Occupancy: Residence Hall
- Capacity: 709
- Construction Type: Wood frame, block and plank, masonry party walls, rated windows and shaft walls, etc., shingled roof.
- Fire Alarm Manufacturer – Pyrotronics
- Fire Alarm System – Description: Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a certified inspection company in accordance with NFPA 13A.

- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

## Wellness Apartments

- No Clery reportable fires for the year 2020
- Address: 21 - 77 Shenks Lane & 10 - 136 University Drive
- Year Built: 21 - 77 Shenks Lane - 1998  
10 - 36 University Drive - 2000  
40 - 76 University Drive - 2001  
80 - 136 University Drive - 2002
- Occupancy: Student Lodging, Inc. Off-Campus Housing
- Capacity: 284
- Type of Construction: Wood frame, block and plank, masonry party walls, rated windows and shaft walls, etc., shingled roof.
- Fire Alarm Manufacturer: Pyrotronics
- Fire Alarm System – Description: Visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detectors, heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly in accordance with NFPA 10.
- Fire Suppression Equipment – Sprinkler Systems: Each building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems are inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All buildings have four total fire drills per year (two each semester).

## West Village

- No Clery reportable fires for the year 2020
- Address: 90 West Residence Hall Circle
- Year Built: 2016
- Occupancy: Student Housing/R1 A Residential/University District
- Capacity: 613 bed count
- Type of Construction: Group: R-2, Type 5B
- Fire Alarm Manufacturer – Berkshire/Siemens
- Fire Alarm System – Description: Digital Addressable Fire Alarm System. Manual pull alarm boxes, visual and audible alarms, integrated automatic detection devices, duct dampers, master fire panels, addressable smoke detector/sounder bases and smoke/heat detectors located in individual sleeping rooms, corridors, common areas and mechanical spaces.
- Fire Alarm Testing and Inspection: Individual components of the fire alarm system are inspected and tested in accordance with NFPA 13A.
- Fire Suppression Equipment – Fire Extinguishers: Portable fire extinguishers are in conformance with NFPA 10. Fire extinguishers are inspected monthly by MU personnel in accordance with NFPA 10.

- Fire Suppression Equipment – Sprinkler Systems: Each residence life building has an automatic sprinkler system tied to the building fire alarm system. The coverage area is the entire building in accordance with NFPA 13. All sprinkler systems inspected as required by a certified inspection company in accordance with NFPA 13A.
- Fire Drills: All residence halls have four total fire drills per year (two each semester). All fire drills are unannounced and random, and are monitored and evaluated for effectiveness by Housing and Residential Programs staff.

## Fire Drills – Statistics

Each on-campus student housing facility has four total fire drills each year, two per semester. Properties owned by Student Services Inc., Brookwood Apartments, College View Apartments, and Wellness Apartments fire drill statistics are maintained by them and were unavailable for the year 2020.

## Resident Hall Fire Safety and Evacuation Procedures

Every floor is equipped with a fire extinguisher and emergency exits. When touring the building, check to make sure that the equipment has not been tampered with and that the fire extinguishers are in working order (the needle should be in the green zone) and the glass is not broken. Document any problems and be sure to report the matter to the Live-in Staff On-Call/University Police.

*When working at the desk or on duty, all staff members need to respond to the fire alarm by completing the following procedure below:*

- If near the fire panel, check to see where the alarm initiated. Once outside, report this information to University Police/Fire/Rescue personnel.
- Take the updated wing list, medical list, and guest log notebook from the back of the door in the office
- Close and lock drawers, storage areas, and offices.
- Exit the building. Report to the primary evacuation area (see below).
- Call the Live-in On-Call (4:30 p.m. – 8:00 a.m.) or RAD (8am-4:30pm) to inform them of the situation.
- Report to the primary evacuation area and meet the GA/RAD on-call for instructions. Stand 100 feet away from the building, keep residents in the area and out of the way of Fire/Rescue personnel and apparatus.
- In the event of an extended evacuation or inclement weather, the GA or RAD will have some staff members accompany students to the secondary evacuation area. Some staff members will remain at the primary evacuation area with the on-call GA/RAD
- WAIT FOR INSTRUCTIONS FROM THE ON-CALL GA/RAD.
- Wear your housing badge so that you are easily identified by University Police and Fire/Rescue personnel.
- Immediately inform University Police/Fire Officials about anyone on the medical list unable to evacuate the building (example, student with disability, emotional support animal, etc.) that you are aware of.
- Do not go back into the building until instructed to do so by an authorized university or fire/rescue official.
- Communicate any information that you have about the fire to the proper authorities (University Police, Fire/Rescue personnel, RAD).

**Primary Evacuation Areas:** Initial evacuation areas for short term evacuations and good weather conditions.

- Reighard Hall – exit building at nearest exit, file around to front of residence hall and stand 100 feet away from the building and keep residents in the area of Shenks Hall
- Shenks Hall – exit building at nearest exit, file around to front of residence hall and stand 100 feet away from the building and keep residents in the area of Reighard Hall
- East Village - exit building at nearest exit, file around to back of residence hall and proceed to the lower parking lot area, 100 feet away from the building and out of the emergency vehicle lane (upper parking lot)
- West Village - exit building at nearest exit, file around to back of residence hall and proceed to the back of the parking lot area, 100 feet away from the building and out of the emergency vehicle lane (upper parking lot area)
- South Village - exit building at nearest exit, file around to back of residence hall and proceed to the parking lot (on the other side of Centennial Drive) 100 feet away from the building and out of the way of emergency vehicles

**Secondary Evacuation Areas:** Designated area for evacuated students due to extended evacuation or inclement weather.

- Reighard Hall - to Shenks Hall
- Shenks Hall - to Reighard Hall • East Village - to South Village Great Room
- West Village - to South Village Great Room
- South Village AB - to East Village B main lobby
- South Village CD - to West Village A main lobby

*Note: If the secondary evacuation area is also involved in the emergency evacuation, you will be instructed by the GA/RAD on-call where to report.*

**When staff is in the building but not working at the desk or on-duty, use the following protocol:**

- RAs need to clear their wing as they are leaving by the nearest exit.
- RAs need to encourage residents to shut and lock their room door, take their ID and key and grab their “go bag”.
- Take your ID with you.
- Make sure the GA/RAD is contacted.
- Report to the primary evacuation area and meet the GA/RAD on-call for instructions. Stand 100 feet away from the building, keep residents in the area and out of the way of Fire/Rescue personnel and apparatus.
- In the event of an extended evacuation or inclement weather, the GA/RAD on-call will have some staff members accompany students to the secondary evacuation area. Some staff members will remain at the primary evacuation area with the on-call GA/RAD or Area Coordinator.
- WAIT FOR INSTRUCTIONS FROM THE ON-CALL GA/RAD
- Immediately inform University Police/Fire Officials about anyone on the medical list unable to evacuate the building (example, student with disability, emotional support animal, etc.) that you are aware of.
- Do not go back into the building until instructed to do so by an authorized university or fire/rescue official.

- Communicate any information that you have about the fire to the proper authorities (University Police, Fire/Rescue personnel, Director of Housing, & Area Coordinators).

## Notifications:

### • Phone Chain

- Desk Attendants contact the GA/RAD for the building or the Housing Office
- RAs will contact the On-call GA/RAD or Housing Office
- GA/RAD on call will contact the Central On-Call
- GA/RAD on call will contact Dining Services if an extended evacuation occurs over mealtime when students may not have IDs with them.
  - x5275 Daytime
  - x7579 Evening
- During extended evacuations or inclement weather, housing staff will notify students with updates through:
  - Listserv emails
  - Staff representatives sent to secondary evacuation areas

## Emotional Support Animal Protocol

Fire Department personnel will evacuate all emotional support animals that are properly secured (in a crate) and that have not been removed from the building by the owner. The Fire Department personnel will deliver the animals to staff members at the primary evacuation area designated for the residence hall. From there staff members may be instructed to transport animals to the following designated locations depending upon weather and safety conditions for the animals:

- Reighard Hall – to Shenks Lobby/Desk area
- Shenks Hall – to Reighard Lobby/Desk area
- East Village - to South Village Great Room
- West Village – to South Village Great Room
- South Village AB – to East Village B Lobby/Desk area
- South Village CD – to West Village A Lobby/Desk area

## Other situations necessitating evacuation of the halls:

Propane or natural gas odor/leak - If a student or staff member detects the odor of propane or natural gas in the residence hall these steps should be followed:

- Activate the alarm by pulling the nearest fire alarm pull station
- Evacuate the residence hall following established evacuation procedures.
- Call 911 to reach the county dispatch center to report the problem
- Notify your supervisor or the On-call GA/RAD

## Prohibited Items and Activities – Fire Safety

The following are prohibited for on-campus student housing facilities:

- Smoking, including e-cigarettes
- Candles, incense burners, oil lamps, hookahs
- Hoverboards, e-cigarettes
- Flammable or combustible chemicals or gases such as gasoline, butane, propane (including indoor storage of grills, motorcycles or mopeds)
- Fireworks
- Deep fat fryer, slow cooker, crock-pot, hot-oil popcorn popper, electric wok, electric griddle, toaster, toaster oven, portable grills (such as a “George Foreman” grill), any appliance capable of heating grease to the point of combustion, strobe lights, fog machines
- Sky lanterns (“Chinese lanterns”)
- Non-LED string (“Christmas”) lights
- Live Christmas trees, wreaths, garlands
- Highly combustible decorations such as cornstalks and hay bales
- Any device producing an open flame

## Fire Evacuation Procedures – Building Evacuations

- If you see a fire or other emergency requiring people to leave the building, activate the building alarm and leave the building immediately. Do not delay your exit – get out right away.
- When the building alarm sounds, walk quickly to the nearest marked exit, and leave the building.
- Know the location of the nearest fire exit, and have an alternate exit pathway identified if your primary exit is blocked by smoke or flame.
- Do not use the elevator.
- Once outside, move a safe distance away from the building (at least 100 feet); do not block emergency responders as they enter the building.
- Do not return to an evacuated building until the all-clear sign is provided by the Fire Chief, a police officer, the EHS Director or other official.
- If your building has established a designated assembly point, go there and stay at the assembly point until a head count is taken.

## Fire Safety Education and Training Programs

Millersville University fire safety education and training programs include fire safety training for all new and current RAs, GAs and professional staff working in on-campus student housing facilities.

The Millersville University Fire Safety Program is part of its Accident and Illness Prevention Program (AIPP). The AIPP can be found here:

[www.millersville.edu/hr/ehs/ehs-forms/aipp.pdf](http://www.millersville.edu/hr/ehs/ehs-forms/aipp.pdf).

In case of a fire, students, faculty and staff should do the following:

- Immediately exit the building, move a safe distance away and remain there until instructed that it is safe to reenter.
- Assist those with disabilities who ask for assistance exiting a building, if possible.
- Report smoke or flames in campus buildings or on campus grounds by calling 911.





- If you are trapped inside a building by a fire, and if you feel it is safe to do so, leave the room via the nearest exit by crawling below the smoke. If not, stay in the room, close the door, call 911 for help, move to a window and await rescue by emergency services.
- Use a portable fire extinguisher to fight the fire if you are trained, experienced and confident using one, and if you judge the fire to be of the type and size that could be extinguished using a handheld fire extinguisher. If you are uncomfortable using a fire extinguisher, do not do so; leave the building.
- Alert others who may not be aware of the fire or emergency at the building.
- Offer information to the emergency responders as they arrive at the building, if requested.

## Reporting that a Fire Occurred

Call 911 to report a fire.

Other contact information:

### Millersville University Police

Chief Pete Anders: 717-871-4357

### Blue Rock Fire and Rescue

Fire Chief Duane Hagelgans: 717-872-9345

### Millersville Borough Police

Chief John Roach: 717-872-4645

### Millersville University Facilities

Assistant Vice President for Facilities Tom Waltz: 717-871-7874

## Student Services Inc.

CEO Geoff Beers: 717-871-5898

## Millersville University

Director of Environmental Health and Safety

Patrick Weidinger: 717-871-4240

## Future Improvements to Fire Safety

In 2019 and continuing into 2020 until the project is completed, Millersville University will replace all of the older Siemens/Pyrotronics fire safety system panels with newer-model panels (Siemens "Firefinder" panels).

## Fire Log

The Millersville University Clery-required Fire Log is a spreadsheet that records all Clery-reportable fires in campus residence life buildings/ housing units by date of occurrence. This spreadsheet is updated as required by the Clery Act. The Fire Log can be found at the Millersville University website at [www.millersville.edu/hr/ehs/fire-safety.php](http://www.millersville.edu/hr/ehs/fire-safety.php).

## Emergency Operations Plan (EOP)

The Millersville University Emergency Operations Plan (EOP) can be found here:

[www.millersville.edu/hr/ehs/emergency-operations-plan.php](http://www.millersville.edu/hr/ehs/emergency-operations-plan.php)



## Testing and Documentation of Emergency Response Communication

The office of Environmental Health and Safety, working with University Police, University Communications and other campus offices, will periodically test emergency communication systems and keep records of the tests. The tests are conducted to ensure that the emergency communication systems are operational and performing as expected so the campus community can be quickly notified of unfolding emergencies that could negatively impact the campus (such as severe weather events, acts of violence on or near campus, etc.). The emergency communication system utilized by Millersville University is MU | Alert. To sign up for MU | Alert emergency messages, go here: [mualert.millersville.edu](http://mualert.millersville.edu). Tests of the MU | Alert system will be conducted at least annually.

## Testing and Documentation of Emergency Response Procedures

The office of Environmental Health and Safety, working with University Police, University Communications and other campus offices, periodically updates the Millersville University Emergency Operations Plan (EOP). The Millersville University EOP details the specific procedures to follow in case of an emergency that negatively impacts the campus or the adjacent Millersville Borough/Lancaster County area. The Millersville University EOP can be found here: [www.millersville.edu/hr/ehs/emergency-operations-plan.php](http://www.millersville.edu/hr/ehs/emergency-operations-plan.php).

Periodic (at least annually) tests of the emergency response procedures detailed in the EOP are conducted to test the viability of the plan and the capabilities of those responsible for implementing the plan in the event of an emergency. These emergency response procedure tests include:

- Mock emergency drills involving specific departments, buildings, offices or geographic portions of the campus, either with or without community participation (Penn Manor School District, Millersville Borough, Lancaster County Emergency Management, etc.).
- Tabletop exercises for emergency planners, emergency responders and other campus constituencies to test their ability to respond to various types of emergencies and practice working together to manage crises on campus.
- County or state emergency drills (such as nuclear power plant emergencies, implementation of emergency shelters, etc.).

The office of Environmental Health and Safety documents the emergency response procedure tests and maintains these records. These records document:

- Who participated in the emergency response procedure test.
- Date, time and location of the test.
- A description of the type of test (tabletop exercise, mock emergency drill, etc.).
- The scope of the emergency response procedure test.
- A detailed description of how the test was communicated to those who participated in the test or who were impacted by the test.
- A detailed description of the results of the emergency response procedure test.
- A detailed description of the post-drill evaluation (sometimes referred to as a "hot wash") and who participated in the post-drill evaluation.
- A detailed description of recommended changes (if applicable) as a result of the emergency response procedure test.

Millersville University continues investing in future plans with improvements to fire safety. If determined necessary by the institution, the University continues upgrading and updating fire safety equipment and procedures.

## A summary of recent emergency response procedure tests include:

- December 18, 2018 – A tabletop exercise for all members of the MU Emergency Administration Team (EAT) and Emergency Response Team (ERT) was conducted on December 18, 2018. The scenario was a shooting and hostage situation on campus.
- December 16, 2019 - Emergency response exercise for all members of the MU Emergency Administration Team (EAT) and Emergency Response Team (ERT) was conducted on December 18, 2018. The scenario was on a flood emergency.
- December 18, 2018 – A tabletop exercise for all members of the MU Emergency Administration Team (EAT) and Emergency Response Team (ERT) was conducted on December 18, 2018. The scenario was a shooting and hostage situation on campus.

Actual documentation of these emergency response procedure tests may be obtained by contacting the office of Environmental Health and Safety.

## Confirmation of Emergency Response and Emergency Evacuation Events

The Millersville University Behavioral Intervention Team (BIT) details the procedures which will be used by members of the University Administration, University Communications, University Police, Environmental Health and Safety and other involved parties to confirm an emergency and communicate the emergency to campus constituents. The Millersville University BIT can be found here: [www.millersville.edu/safetyandsecurity/threatassessment.php](http://www.millersville.edu/safetyandsecurity/threatassessment.php).

The BIT also details how the emergency will be identified, and how notifications will be developed and sent out to the campus and other constituents, as well as who is responsible for these steps. Finally, the BIT details how the content of emergency communications will be developed.

## Plans for Future Improvements in Fire Safety

Millersville University is currently in the process of upgrading all of the existing Siemens MXL-brand fire panels on campus to more modern Siemens XLS fire panels. This project is ongoing and should be completed in several years. The new fire panels provide more functionality and include the ability to make public address announcements, using the fire alarm system, to building occupants. The new fire panels will enhance fire safety protection and notification of fires and other emergencies to building occupants, as well as to emergency responders.

There are no other future plans for fire safety improvement.







Resident Life Fire Drills 2018	
BUILDING	SPRING 2018
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	1/29/18
East Village	1/29/18
West Village	1/29/18
Reighard Hall	1/29/18
Shenks Hall	1/29/18
BUILDING	SPRING 2018
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	3/1/18
East Village	3/1/18
West Village	3/1/18
Reighard Hall	3/1/18
Shenks Hall	3/1/18
<b>TOTAL</b>	<b>10</b>

Resident Life Fire Drills 2018	
BUILDING	FALL 2018
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	9/5/18
East Village	9/5/18
West Village	9/5/18
Reighard Hall	9/5/18
Shenks Hall	9/5/18
BUILDING	FALL 2018
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	10/3/18
East Village	10/3/18
West Village	10/3/18
Reighard Hall	10/3/18
Shenks Hall	10/3/18
<b>TOTAL</b>	<b>10</b>

Resident Life Fire Drills 2019	
BUILDING	SPRING 2019
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	2/6/2019
East Village	2/6/2019
West Village	2/6/2019
Reighard Hall	2/7/2019
Shenks Hall	2/7/2019
BUILDING	SPRING 2019
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	3/6/2019
East Village	3/6/2019
West Village	3/6/2019
Reighard Hall	3/26/2019
Shenks Hall	3/26/2019
<b>TOTAL</b>	<b>10</b>

Resident Life Fire Drills 2019	
BUILDING	FALL 2019
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	9/11/2019
East Village	9/11/2019
West Village	9/11/2019
Reighard Hall	9/12/2019
Shenks Hall	9/12/2019
BUILDING	FALL 2019
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	10/2/2019
East Village	10/2/2019
West Village	10/2/2019
Reighard Hall	10/4/2019
Shenks Hall	10/4/2019
<b>TOTAL</b>	<b>10</b>

Resident Life Fire Drills 2020	
BUILDING	SPRING 2020
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	2/5/2020
East Village	2/5/2020
West Village	2/5/2020
Reighard Hall	2/5/2020
Shenks Hall	2/5/2020
BUILDING	SPRING 2020
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	3/4/2020
East Village	3/4/2020
West Village	3/4/2020
Reighard Hall	3/4/2020
Shenks Hall	3/4/2020
<b>TOTAL</b>	<b>10</b>

Resident Life Fire Drills 2020	
BUILDING	FALL 2020
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	9/24/2020
East Village	9/24/2020
West Village	9/24/2020
Reighard Hall	9/24/2020
Shenks Hall	9/24/2020
BUILDING	FALL 2020
Bard Hall	Unoccupied
Lehigh Hall	Unoccupied
South Village	10/14/2020
East Village	10/14/2020
West Village	10/14/2020
Reighard Hall	10/14/2020
Shenks Hall	10/14/2020
<b>TOTAL</b>	<b>10</b>



## Millersville University Addresses Non-Residential Buildings

<b>Adams House</b>	2 North George St.	<b>Huntingdon House</b>	8 South George St.	<b>Susquehanna House</b>	29 East Frederick St.
<b>Allegheny House</b>	21 East Frederick St.	<b>Jefferson Hall (Old Stayer Education Center)</b>	164 West Cottage Ave.	<b>Susan P. Luek Hall (formerly Byerly Hall)</b>	24 Pucillo Dr.
<b>Armstrong House</b>	23 East Frederick St.	<b>Juniata House</b>	139 North George St.	<b>Switchgear Building (old Electrical Substation)</b>	89 Centennial Dr.
<b>Athletic Storage Building (track shed)</b>	Pucillo Dr.	<b>Lancaster House</b>	46 West Cottage Ave.	<b>Tanger House – President’s Residence</b>	10 Hemlock Lane
<b>ATM Building</b>	29 Centennial Dr.	<b>Lebanon House</b>	237 North George St.	<b>Tin Shop</b>	11 Ganser Loop
<b>Bard Hall</b>	60 Brooks Dr.	<b>Lehigh Hall (formerly Gilbert Hall)</b>	80 Brooks Dr.	<b>Tioga Pole Barn</b>	165 Creek Drive, rear
<b>Bennett J. Cooper Baseball Field</b>	221 North Prince St.	<b>Lombardo Welcome Center</b>	88 James St.	<b>Trolley Barn</b>	143 West Frederick St.
<b>Bedford House</b>	12 South George St.	<b>Luzerne House</b>	8 South High School Ave.	<b>The Ware Center (Downtown Lancaster)</b>	42 North Prince St. (Lancaster)
<b>Berks House</b>	233 North George St.	<b>Lyle Hall</b>	40 Dilworth Rd.	<b>Washington House</b>	18 South George St.
<b>Biemesderfer Executive Center</b>	101 North George St.	<b>McComsey Hall</b>	43 East Frederick St.	<b>Water Tower</b>	168 West Cottage Ave.
<b>Biemesderfer Field &amp; Stadium</b>	35 Pucillo Dr.	<b>Mercer House - 28</b>	28 West Cottage Ave.	<b>Wickersham Hall</b>	34 Dilworth Rd.
<b>Bishop Building</b>	157 Creek Dr.	<b>Mercer House - 30</b>	30 West Cottage Ave.	<b>Winter Visual &amp; Performing Arts Center</b>	60 West Cottage Ave.
<b>Blair House</b>	160 Creek Dr. (previously listed as 165)	<b>Mifflin House</b>	220 North Prince St.	<b>Witmer Building</b>	4 McCollough St.
<b>Boyer Building</b>	37 West Frederick St.	<b>Montgomery House</b>	165 Creek Dr. (previously listed as 160)	<b>York House</b>	68 West Cottage Ave.
<b>Breidenstine Hall</b>	46 East Frederick St.	<b>Montour House</b>	16 South George St.		
<b>Brooks Gym</b>	40 Brooks Dr.	<b>Nichols House</b>	18 Creek Dr.		
<b>Brossman Hall</b>	110 Pucillo Dr.	<b>North Prince Street Parking Garage</b>	245 North Prince St.		
<b>Byerly Hall (Now Susan P. Luek Hall)</b>	24 Pucillo Dr.	<b>Northampton House</b>	26 West Cottage Ave.		
<b>Cambria House (Ann Street House)</b>	14 East Ann St.	<b>Northumberland House</b>	219 North Prince St.		
<b>Caputo Hall</b>	50 East Frederick St.	<b>Osburn Hall</b>	40 East Frederick St.		
<b>Carpenter-Trout Weight Training Bldg.</b>	45 Pucillo Dr.	<b>Palmer Building</b>	153 Creek Dr.		
<b>Chester House</b>	135 North George St.	<b>Perry House</b>	18 East Frederick St.		
<b>Chryst Hall</b>	30 North George St.	<b>Philadelphia House</b>	34 West Frederick St.		
<b>Columbia House</b>	215 North George St.	<b>Pike House</b>	227 Cove Dr.		
<b>Creek Lodge</b>	198 Creek Dr.	<b>Potter House</b>	218 North Prince St.		
<b>Cumberland House</b>	2 South George St.	<b>Pucillo Gym</b>	105 Pucillo Dr.		
<b>Dauphin House</b>	19 East Frederick St.	<b>Pucillo Soccer Field Pressbox</b>	101 Pucillo Dr.		
<b>Delaware House</b>	104 North George St.	<b>Pucillo Softball Field (Now Seaber Softball Field)</b>	125 Pucillo Dr.		
<b>Dilworth Building</b>	20 Dilworth Rd.	<b>Pump House</b>	43 West Frederick St.		
<b>Duncan Alumni House</b>	205 North George St.	<b>Roddy Greenhouse</b>	50 East Frederick St.		
<b>Dutcher Hall</b>	30 Ganser Loop	<b>Roddy Science Center</b>	50 East Frederick St.		
<b>Francine G. McNairy Library &amp; Learning Forum</b>	9 North George St.	<b>Salt Storage Building</b>	157 Creek Drive		
<b>Franklin House</b>	6 North George St.	<b>Schuylkill House</b>	22 West Cottage Ave.		
<b>Fulton House</b>	4 South George St.	<b>Somerset House</b>	225 North George St.		
<b>Gerhart Hall</b>	22 East Frederick St.	<b>Stadium Storage Building (Ike)</b>	Pucillo Dr.		
<b>Gordinier Hall</b>	40 James St.	<b>Stayer Hall (old Landes Hall)</b>	51 Lyte Rd.		
<b>Hash Building/Bassler Hall</b>	10 North George St.	<b>Student Memorial Center</b>	21 South George St.		

## Important Telephone Numbers

Area code 717

When calling from off campus, add "871-" to extensions shown.

Millersville University Police (24 hours a day)	
EMERGENCY .....	911
Business and from off campus .....	ext. 4357
Parking Division.....	ext. 5964
Millersville University Information .....	ext. 4636
Millersville University Health Services .....	ext. 5250
MU Center for Counseling and Human Development .....	ext. 7821
Title IX Coordinator .....	ext. 4100
LEMSA (Business)	
(Lancaster Emergency Medical Services Association) ..	872-4688
Millersville Fire Company (Business) .....	872-9345
MU Center for Health Education and Promotion.....	ext. 4141

## Adjacent Police Jurisdictions

Millersville Borough Police Department.....	717-872-4657
100 Municipal Drive	
Millersville, PA 17551	
Manor Township Police Department .....	717-299-5231
950 West Fairway Drive	
Lancaster, PA 17603	
Lancaster City Bureau of Police .....	717-735-3300
39 West Chestnut Street	
Lancaster, PA 17603	
Manheim Township Police Department .....	717-569-6401
1825 Municipal Drive	
Lancaster, PA 17601	
Pequea Township Police Department .....	717-945-7546
53 Marticville Road	
Lancaster, PA 17603	
<a href="http://www.pequeatownshipd.org">www.pequeatownshipd.org</a>	

## Registered Student Organizations, 2020

### Registered Organizations

#### - FULL SERVICES

1. ADAPT
2. Afterschool Corps
3. All Campus Musical
4. All Greek Council
5. Alliance for Social Change  
(formerly Social Work Organization)
6. Alpha Phi Alpha
7. Alpha Sigma Alpha
8. Alpha Sigma Tau
9. Alpha Xi Delta
10. American Chemical Society
11. American Choral Directors Association
12. American Meteorological Society
13. American Sign Language Learners Club
14. Art Club
15. Athletic Training Club
16. Association of Technology, Management  
and Applied Engineering
17. Best Buddies
18. Bible Campus Ministries
19. Black Student Union
20. Board Game Club
21. Bowling Club
22. Choirs of Millersville University
23. Chromatic Expansion
24. Circle K
25. Citamard Players
26. Club Baseball
27. Club Sport Council
28. College Bible Fellowship
29. College Republicans
30. Collegiate Middle Level Association
31. Color of Teaching Mentoring Program
32. Conestoga Outdoor Club
33. Creative Writers Guild
34. Cyber Defense Organization
35. Dance Team
36. Delta Phi Eta
37. Delta Sigma Theta
38. Delta Zeta
39. Early Childhood Organization
40. English Club
41. Entomology Club
42. Equestrian Club
43. Essence Dance Team
44. Expressions Dance
45. Fencing Guild
46. Flute Ensemble
47. Food Recovery Network
48. Friends of Advocates  
of Native Nations (FANN)
49. Gender & Sexuality Alliance
50. Geography Club
51. Geology Club
52. George Street Press
53. German Club
54. Helping Paws
55. Her Campus Millersville
56. Hillel
57. Honors College Student Association
58. Ice Hockey Club
59. Inter-Fraternity Council
60. International Association  
of Emergency Managers
61. Jazz Bands
62. Jewelry & Metal Arts Guild
63. Kappa Alpha Psi
64. Lacrosse, Men's Club

65. Lambda Chi Alpha
66. Love Your Melons (new as of 10/18/18)
67. Magic Players
68. Marauder Graphics
69. Marauder Music Productions
70. Marching Band
71. Mathematics Educators
72. Moose Ultimate
73. Mu Sigma Upsilon
74. Music Performance
75. MUTV99
76. NAACP
77. National Association for Music Education
78. National Broadcasting Society
79. National Society of Leadership & Success
80. Navigators
81. NextGen
82. NPHC NALFO & NMGC presents CGC
83. Ocean Science Club
84. Omega Psi Phi
85. Orchestra
86. Pennsylvania Council of Social Studies
87. Percussions Ensemble
88. Phi Mu Alpha Sinfonia
89. Phi Sigma Pi
90. Pre Health Club
91. Psychology Club
92. Public Relations Student Society
93. Reformed University Fellowship
94. Relay for Life
95. Rugby, Women's Club
96. Sigma Tau Gamma
97. Slip & Score Society
98. Snapper
99. Soccer, Women's Club
100. Society for International Human Rights
101. Society On Latino Affairs (S.O.L.A.)
102. Society of Manufacturing Engineers
103. Society of Motion Picture  
& Television Engineers
104. Spanish Club
105. Spoon University
106. Student Alumni Association
107. Student Business Association
108. Student Government Association
109. Student PSEA (Study Buddies)
110. Super Smash Club
111. Tau Kappa Epsilon
112. Team FTK (formerly Mini-THON)
113. Technology & Engineering Education  
Collegiate Association
114. United Campus Ministry
115. University Activities Board
116. University Christian Fellowship
117. Ville Sports Officials Association
118. Wind Bands
119. WIXQ 91.7
120. Zeta Phi Beta

### Registration in Progress

1. Acacia
2. American Society of Safety Professionals
3. AniMu
4. Badminton Club
5. Biology Club
6. Climbing Club
7. Coding Club
8. College Democrats
9. College Greens
10. Cycling Club
11. ENACTUS

12. Film Club
13. For Us Stepping Is Only  
Natural (FUSION) Step Team
14. French Circle
15. Global Marauders
16. Gospel Choir
17. History Club
18. John Newman Association
19. Kappa Delta Pi
20. League of Legends Club
21. Marauder Men's Glee Club
22. Martial Arts
23. Math Club
24. Middle Eastern Studies Organization
25. Orthodox Christian Fellowship
26. Panhellenic Council
27. Paws on Deck
28. Phi Alpha Theta
29. Phi Delta Theta
30. Philosophical Society
31. Rugby, Men's Club
32. Running Club
33. Single Reed Society
34. Soccer, Men's Club
35. Society of Physics Students
36. STEM Advocates
37. Submersible Research Team
38. Swing Dance Club
39. Volleyball, Men's Club
40. Young Life

### No Registration Begun

- 5 Rivers Fly Fishing Club (new as of 1/26/17)
- Artists Rocking Together
- Asian & Friends Affiliation
- Council for Exceptional Children
- Feature Twirlers
- Lambda Sigma Upsilon
- Phi Eta Sigma
- Scaling Walls a Note at a Time (SWAN)
- Silencing the Hate Planning Committee
- Skiing & Snowboarding Club (new as of 11/16/17)
- Sociology Club (new as of 9/28/17)
- TOMS Campus Club
- African Student Association
- ALS Awareness
- American Assoc. of University Women (AAUW)
- Computer Science Club
- Construction Management Club
- Contra Trebles (new as of 10/18/18)
- Creative & Expressive Arts Club
- DRAGON Digital Art Club
- Economics Society
- Editors Society
- Fashion at Heart
- Footprints Praise Dance Ministry
- Graduate Student Organization
- Habitat for Humanity
- Humans vs. Zombies
- InterVarsity Christian Fellowship
- Pokémon Club
- Pre-Law Society
- Roller Hockey
- Student Veterans Association
- Sustainability Club
- Tau Sigma
- Ville Nation

# Millersville University Employee Complaint and Investigation Procedures

## COMPLAINT, INVESTIGATION AND DISCIPLINE PROCEDURES FOR REPRESENTED EMPLOYEES

### Complaints

- Complaints can be filed through the Title IX online reporting system (Maxient) or through the Human Resources office (primarily the Executive Director of Human Resources/Deputy Title IX Coordinator).
- Complaints can be verbal or written in nature.
- Complaints can be filed by the impacted individual or by others who are made aware of the incident.

### Notice of Complaint and Fact-Finding Investigation

- Each collective-bargaining agreement includes a brief article on discharge, demotion, suspension and discipline. The following procedures have been developed based on the provisions of the relevant articles:
  - AFSCME Master Agreement – Article 28
  - AFSCME Memorandum – Article 28
  - SCUPA – Article 14
  - SPFPA Master Agreement – Article 27
  - SPFPA Memorandum – Article 27
  - OPEIU Master Agreement – Article 24
  - OPEIU Memorandum – Article 24
  - All employees – OA Management Directive 505.7, Personnel Rules, Chapter 13
- Upon review of the complaint and initial investigation, the Executive Director of Human Resources, along with the appropriate vice president, University legal counsel and/or University president, will make a preliminary determination as to whether the employee is able to continue to perform his or her duties, pending the outcome of the investigation and final determination.
  - If a preliminary determination is made which requires suspension, pending investigation, the respondent will be notified in person (when possible) and in writing as soon as the preliminary determination is made.
  - If a no-contact order, temporary office relocation or any other accommodation is required for the complainant, the written notice will include that information as well.
- The employer will attempt to discipline the employee in such a manner so as not to embarrass the employee before the public or other employees, including the manner in which a suspended or discharged employee is escorted off of the employer's premises. It must be kept in mind, however, that where insubordination or flouting of authority by an employee in public and in the presence of other employees takes place, this provision does not apply.
- The investigator, typically the Executive Director of Human Resources, will identify and interview all possible witnesses, research relevant policies and procedures, work with the University Police Department to see if any video surveillance is available, and take all necessary steps to perform a complete, thorough and timely investigation.
- The complainant is permitted to have an individual of their choosing accompany him/her to any meeting related to the investigation, but that individual may not participate in the meeting itself by responding to questions on behalf of the complainant. The respondent is entitled to have a union representative present during any meeting in which

allegations are to be made, which the respondent reasonably believes could lead to discipline, but that individual is not permitted to participate in the meeting itself by responding to questions on behalf of the respondent. All parties are permitted to pause the meeting to caucus.

- The Executive Director of Human Resources will convene a predisciplinary conference with the respondent, other relevant parties (typically the employee's supervisor) and, if requested by the respondent, a union representative.
- The Executive Director of Human Resources runs the predisciplinary conference, during which he or she provides the respondent with the specifics of the alleged offense. The respondent is given the opportunity to explain his or her actions and add anything to the record that he or she feels is relevant to the case.
- Following the completion of the predisciplinary conference, the investigator will consider any additional information provided and interview any additional individuals named by the respondent.

### Discipline

- Following the predisciplinary conference, the Executive Director of Human Resources determines whether discipline is warranted and, if warranted, the appropriate level of discipline. In cases where suspension without pay or termination is recommended, the appropriate vice president and the University president, as well as University legal counsel, will be consulted before a final decision is made.
- Possible outcomes are as follows: memorandum of instruction, written warning, suspension or termination.
- Decisions regarding discipline must be made in a timely manner following the predisciplinary conference and are provided in writing to the respondent.
- Degree of discipline is determined on an individual basis, taking into account such factors as the seriousness of the offense and the record of the employee's service with the University.

### Appeals/Grievance Process

- AFSCME Master Agreement and Memorandum: Except during the probationary period, an employee may appeal a demotion, suspension or discharge beginning at the third step of the standard grievance procedure/first step of the accelerated grievance procedure, within 15 working days of the date of its occurrence.
- SCUPA: Except during the probationary period, a professional employee may appeal a demotion, suspension or discharge beginning at the first step of the accelerated grievance procedure, as appropriate.
- SPFPA Master Agreement and Memorandum: Except during the probationary period, an employee may appeal a disciplinary demotion, suspension or discharge beginning at the second step of the grievance procedure contained in Article 37, within 15 working days of the date of its occurrence.
- OPEIU Master Agreement and Memorandum: Except during the probationary period, an employee may appeal a demotion, suspension or discharge beginning at the first step of the grievance procedure, within 12 working days of the date of its occurrence.



## COMPLAINT, INVESTIGATION AND DISCIPLINE PROCEDURES FOR COACHES REPRESENTED BY APSCUF

### Complaints

- Complaints can be filed through the Title IX online reporting system (Maxient) or through the Human Resources office (primarily the Executive Director of Human Resources/Deputy Title IX Coordinator).
- Complaints can be verbal or written in nature.
- Complaints can be filed by the impacted individual or by others who are made aware of the incident.

### Notice of Complaint and Fact-Finding Investigation

- Article 22 of the APSCUF (coaches) collective-bargaining agreement (CBA) requires that the respondent must be notified in writing as soon as possible after a complaint is made (generally within 20 days of the receipt of the complaint). The notice must include the nature of the complaint but need not provide specific details at this stage of the investigation.
- The notice must advise the respondent that he/she is prohibited from retaliating against the complainant or any other person, and any such action may result in a separate disciplinary action; it must also state that the investigation is to be kept confidential, and information may only be shared with those persons necessary to prepare a response to the complaint. This same confidentiality requirement applies to those investigating the complaint and those interviewed as potential witnesses.
- If the complainant is a student who is a member of the coach's team, the investigation may be delayed until the end of the season.
- If a no-contact order, temporary office relocation or any other accommodation is required for the complainant, the written notice will include that information as well.
- The Human Resources office, typically the Executive Director of Human Resources, will identify a co-fact-finder to assist with the investigatory process. The co-fact-finder is typically the University's Title IX Coordinator or another nonrepresented employee within the same division.
- The investigators will identify and interview all possible witnesses, research relevant policies and procedures, work with the University Police Department to see if any video surveillance is available, and take all necessary steps to perform a complete, thorough and timely investigation.
- Per Article 22 of the APSCUF coaches CBA, prior to the investigatory interview, the respondent must receive a copy of the original complaint(s). If the initial complaint was verbal, the respondent must receive a written summary of the complaint.
- The complainant is permitted to have an individual of their choosing accompany him/her to any meeting related to the investigation, but that individual may not participate in the meeting itself by responding to questions on behalf of the complainant. Per Article 42 of the CBA, the respondent is entitled to an APSCUF representative during any meeting in which allegations are to be made, which the respondent reasonably believes could lead to discipline. APSCUF representatives are not permitted to participate in the meeting itself by responding to questions on behalf of the respondent. All parties are permitted to pause the meeting to caucus.
- Following the completion of the respondent's interview, the investigators will consider any additional information provided and interview any additional individuals named by the respondent.
- The investigators will write a fact-finding report and submit said report to the Vice President of Student Affairs and Enrollment Management and the University president, who will determine whether a predisciplinary conference is necessary.

- If necessary, the president will convene a predisciplinary conference with the respondent, Vice President of Student Affairs and Enrollment Management, Executive Director of Human Resources and, if requested by the respondent, an APSCUF representative.
- Prior to the predisciplinary conference, the coach must receive a complete and unredacted copy of the fact-finding report, along with any supporting policies or procedures or other documents considered part of the investigation.
- The Executive Director of Human Resources runs the predisciplinary conference, during which he or she provides the respondent with the specifics of the alleged offense. The respondent is given the opportunity to explain his or her actions and add anything to the record that he or she feels is relevant to the case.

### Discipline

- Following the predisciplinary conference, the University president, with advisement from the Vice President of Student Affairs and Enrollment Management and the Executive Director of Human Resources, determines whether discipline is warranted and, if warranted, what level of discipline is appropriate. In cases where suspension without pay or termination is recommended, the appropriate vice president and the University president, as well as University legal counsel, will be consulted before a final decision is made.
- Possible outcomes are as follows: memorandum of instruction, suspension or termination.
- Decisions regarding discipline must be made in a timely manner following the predisciplinary conference and are provided in writing to the respondent.
- Degree of discipline is determined on an individual basis, taking into account such factors as the seriousness of the offense and the record of the employee's service with the University.

### Appeals/Grievance Process

- A coach may grieve a demotion or suspension only to the extent that an arbitrator can determine if the offense occurred as charged.

## COMPLAINT, INVESTIGATION AND DISCIPLINE PROCEDURES FOR FACULTY REPRESENTED BY APSCUF

### Complaints

- Complaints can be filed through the Title IX online reporting system (Maxient) or through the Human Resources office (primarily the Executive Director of Human Resources/Deputy Title IX Coordinator).
- Complaints can be verbal or written in nature.
- Complaints can be filed by the impacted individual or by others who are made aware of the incident.

### Notice of Complaint and Fact-Finding Investigation

- Article 42 of the APSCUF (faculty) collective-bargaining agreement (CBA) requires that the respondent must be notified in writing as soon as possible after a complaint is made (generally within 20 days of the receipt of the complaint). The notice must include the nature of the complaint but need not provide specific details at this stage of the investigation.
- The notice must advise the respondent that he/she is prohibited from retaliating against the complainant or any other person, and any such action may result in a separate disciplinary action; it must also include confidentiality language – specifically, that the investigation is to be kept confidential and may only be shared with those persons necessary to prepare a response to the complaint. This same confidentiality requirement applies to those investigating the complaint and those interviewed as potential witnesses.
- If the complainant is a student in the faculty member's class, the investigation may be postponed until after the submission of the final grade.
- If a no-contact order, temporary office relocation or any other accommodation is required for the complainant, the written notice will include that information as well.
- The Human Resources office, typically the Executive Director of Human Resources, will identify a co-fact-finder to assist with the investigatory process. The co-fact-finder is typically the dean of another college within the University, but may also be the Title IX Coordinator, depending on the nature of the complaint.
- The investigators will identify and interview all possible witnesses, research relevant policies and procedures, work with the University Police Department to see if any video surveillance is available, and take all necessary steps to perform a complete, thorough and timely investigation.
- Per Article 42 of the APSCUF CBA, prior to the investigatory interview, the respondent must receive a copy of the original complaint(s). If the initial complaint was verbal, the respondent must receive a written summary of the complaint.
- The complainant is permitted to have an individual of their choosing accompany him/her to any meeting related to the investigation, but that individual may not participate in the meeting itself by responding to questions on behalf of the complainant. Per Article 42 of the CBA, the respondent is entitled to an APSCUF representative during any meeting in which allegations are to be made, which the respondent reasonably believes could lead to discipline. APSCUF representatives are not permitted to participate in the meeting itself by responding to questions on behalf of the respondent. All parties are permitted to pause the meeting to caucus.
- Following the completion of the respondent's interview, the investigators will consider any additional information provided and interview any additional individuals named by the respondent.

- The investigators will write a fact-finding report and submit said report to the Vice President of Academic Affairs and provost and the University president, who will determine whether a predisciplinary conference is necessary.
- If necessary, the president will convene a predisciplinary conference with the respondent, provost, Executive Director of Human Resources and, if requested by the respondent, an APSCUF representative.
- Prior to the predisciplinary conference, the faculty member must receive a complete and unredacted copy of the fact-finding report, along with any supporting policies or procedures or other documents considered as part of the investigation.
- The University president runs the predisciplinary conference, during which he or she provides the respondent with the specifics of the alleged offense. The respondent is given the opportunity to explain his or her actions and add anything to the record that he or she feels is relevant to the case.

### Discipline

- Following the predisciplinary conference, the University president, with advisement from the Vice President of Academic Affairs and provost and the Executive Director of Human Resources, determines whether discipline is warranted and, if warranted, what level of discipline is appropriate. In cases where suspension without pay or termination is recommended, the appropriate vice president and the University president, as well as University legal counsel, will be consulted before a final decision is made.
- Possible outcomes are as follows: memorandum of instruction, suspension or termination.
- Decisions regarding discipline must be made in a timely manner following the predisciplinary conference and are provided in writing to the respondent.
- Degree of discipline is determined on an individual basis, taking into account such factors as the seriousness of the offense and the record of the employee's service with the University.

### Appeals/Grievance Process

- A faculty member may appeal a demotion, suspension or discharge within 40 working days of the date of its occurrence.

## Student Conduct and Community Standards Handbook

### SECTION A

#### Purpose

The purpose of this handbook is to inform students of their rights and responsibilities with regard to the standards of conduct for the Millersville University community. In addition to providing a civic educational environment for intellectual pursuits, Millersville University is concerned with developing socially responsible citizens, ensuring the welfare and freedom of all members of the University community, and protecting individual rights.

#### Preamble

The Student Code of Conduct supports Millersville University's educational mission by setting forth standards of conduct for students and student organizations that are intended to sustain an environment for educational pursuits and individual development. The Code of Conduct also establishes due-process procedures that respect individual rights and freedoms. It is the charge of the Office of Student Conduct and Community Standards to balance between holding students accountable and creating a positive environment for learning. The University takes an educational approach to the enforcement of the Code of Conduct, intending that adherence to the Code will be a means for students to learn the importance of their responsibilities and the value of their rights. Students have the ability to file an incident report with the Office of Student Conduct and Community Standards if they believe their procedural due-process rights have been violated. The Office of Student Conduct and Community Standards will diligently follow up on all complaints. The University appreciates every student's right to make a complaint and does not tolerate retaliation for having filed a complaint or having been involved in the student disciplinary process. Any form of retaliation will be taken very seriously, and students will be held accountable accordingly.

In accordance with Title IX of the Education Amendments of 1972, it shall be the policy of Millersville University to prohibit the harassment and discrimination of students on the basis of sex. Furthermore, the University's obligation is to provide educational programs and activities that do not discriminate on the basis of sex. The University will promptly investigate all allegations of sexual misconduct, harassment or discrimination, and will take appropriate corrective action, up to and including formal discipline, against individuals who violate the University's policies. Procedures for reporting allegations of sexual misconduct are set forth in section E of this document.

#### Jurisdiction

The Student Code of Conduct applies to all students and student organizations of Millersville University. "Student" for the purposes of the Student Code of Conduct refers to any person who accepts an offer of admission indicating intention to enroll at the University, including participation in a course or participation in a University-sponsored program. A person who is not enrolled for a particular semester, but who otherwise has a continuing relationship with the University, including students who are on a Medical Leave of Absence

or serving an academic or disciplinary suspension with the University, is considered to be a "student" for the purposes of this Student Code of Conduct.

The classification of student is not limited to the physical campus of the University. The Student Code of Conduct applies to student conduct on campus as well as satellite and remote locations where University operations are conducted, including the virtual, online learning environment of a student. Students will also be held responsible for their conduct regardless of their place of residence or whether their conduct occurred on or off campus.

The Code also applies to any group of students that has complied with the University requirements for recognition as a student organization. Members of a student organization may be held responsible individually or charged as a group for infractions and violations of the Code.

### SECTION B

#### Student Code Of Conduct

Millersville University wants to ensure that all of our students and student organizations have an exceptional, productive and challenging educational experience in a civil and safe environment. In order to maintain such an environment, Millersville University has adopted this Student Code of Conduct in support of its mission to prepare students to become well-rounded individuals who become involved in productive roles as civic and community-engaged leaders and citizens.

The purpose of the Student Code of Conduct is not solely to punish students for transgressions, but to help them understand and accept their many obligations as citizens of this academic community. The Student Code of Conduct reflects the University community's concern that students and student organizations on our campus and in our communities maintain the highest standards of conduct. It guarantees due process and protects the individual freedoms of our students while holding students accountable for conduct that violates the terms of the Student Code of Conduct.

Students are responsible for the actions of their invited guests. Violation of any policy by a guest of a Millersville University student may subject that student to disciplinary action via the Code of Conduct. The Student Code of Conduct is reviewed annually by the Office of Student Conduct and Community Standards, and amendments to the Code must be approved by Millersville University's president and Council of Trustees.

#### The following is prohibited conduct:

**V.1. Conduct threatening the welfare of others:** Acts that cause harm to another person or oneself, or threaten or endanger the health or safety of another person or oneself, or constitute harassing conduct. The prohibited conduct includes but is not limited to:

**A. Harassing conduct:** Engaging in conduct that is harassing, intimidating or threatening, or engaging in conduct that constitutes unlawful discrimination based on another person's race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, or veteran status or disability. Harassing conduct may include electronic communication.

**B. Hazing:** No person shall engage in hazing activities or intimidating practices for the purpose of initiation or maintaining group affiliation. Hazing is defined as any action that endangers the mental or physical health or safety of a student, with or without his/her consent.\* Any activity falling within the definition of hazing activities is considered to be a forced activity, subjecting the organization and its individual members to the full range of penalties. Additional information is available in our Student Organizations Guidebook.

**C. Physical violence:** Striking, shoving or subjecting another person to unwanted physical contact.

**D. Sexual misconduct:** All sexual-misconduct cases are resolved in accordance with Section E (the Student Sexual-Misconduct Policy) on page 21 of this handbook. 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:

**A. Sexual and gender-based harassment** – Sexual and gender-based harassment consists of interaction between individuals that is characterized by unwelcome sexual advances, coercion, 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 and/or educational activity; (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. Sexual harassment as described in elements (1) and (2) is known as "quid pro quo" and typically arises when a person has authority over another. Sexual harassment as described in element (3) is also referred to as hostile work or educational environment harassment.

**Sexual Assault** – Sexual assault is a form of sexual misconduct and represents a continuum of conduct from forcible intercourse to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will.

Examples of sexual assault under this policy include but are not limited to the following behaviors, however slight, when consent is not present:

**B. Nonconsensual sexual intercourse** – Nonconsensual sexual intercourse is having or attempting to have sexual intercourse with another

individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or an object, or oral penetration by mouth-to-genital contact; or attempted. Sexual intercourse is defined as vaginal penetration, however slight, by a penis, object, tongue or finger; anal penetration, however slight, by a penis, object, tongue or finger; or oral copulation (mouth-to-genital contact or genital-to-mouth contact).

**C. Nonconsensual sexual contact** – Nonconsensual sexual contact is any intentional sexual touching (including touching with an object), however slight, by one person on another without consent. Intentional contact with the breasts, buttocks, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any other intentional, unwanted bodily contact of a sexual nature; use of coercion, manipulation or force to make someone else engage in sexual touching, including breasts, chest and buttocks.

**D. Sexual exploitation and/or exposure:** Sexual exploitation occurs when an individual takes nonconsensual or abusive advantage of another in a sexual or intimate context for the advantage or benefit of the individual, or to the benefit or advantage of anyone other than the one being exploited. Sexual exploitation includes the exposure of one's self to another person without that person's consent; it also includes recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved, or observing others who are engaged in intimate or sexual situations without permission, or engaging in consensual activity with another person while knowingly infected with a sexually transmitted disease without informing the other person of such disease.

**Relationship violence refers to both dating violence and domestic violence. All acts of relationship violence are forms of sexual misconduct under this policy.**

**E. Dating violence** – Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant, and where the existence of such relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; (3) the frequency of interaction between the persons involved in the relationship.



**F. Domestic violence** – Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is living with or has lived with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Domestic violence can include:**

- Physical assault;
- Verbal abuse;
- Controlling behavior;
- Sexual abuse; or
- Psychological abuse.

**G. Stalking** – Stalking is engaging in a pattern of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

**Stalking includes but is not limited to:**

- Unwanted telephone calls;
- Unwanted letters, emails, social-media messages (e.g., Twitter, Facebook) or other forms of communication/messaging;
- Pursuing or following a person without the person's consent;
- Unwanted appearances at a person's place of residence, school activity or work;
- Surveillance or other types of unauthorized observation; or
- Use of electronic devices or software to track or obtain private information; and
- Cyberstalking, a form of stalking where a person engages in a course of conduct using the internet, email or other electronic communications devices to pursue or track another person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

*"Consent": Consent is clear, knowing and voluntary, and expressed prior to engaging in and during an act. 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.*

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

- In order to give effective consent, one must be of legal age.
- In order to give effective consent, one must not be incapacitated.

*\*Please note that all sexual-misconduct cases are resolved in accordance to Section E (the Student Sexual-Misconduct Policy) on page 21 of this handbook.*

**V.2. Alcohol:** Millersville University is a "responsible use" campus, which means that alcohol is not permitted on campus or any affiliated campus property or event without the express written permission of the Vice President for Student Affairs and Enrollment Management. All approved service of alcohol must adhere to the Administrative Policy on Alcoholic Beverages found at [www.millersville.edu/aod/university-policies.php](http://www.millersville.edu/aod/university-policies.php). Accordingly, the following activities are prohibited:

- Conduct involving the personal consumption and/or possession of alcohol in violation of the law on or off campus.
- Distribution of alcoholic beverages to minors.
- Knowingly being in the presence of unauthorized use, possession or distribution of alcoholic beverages.
- Public drunkenness.
- Violations of the University Administrative Policy on Alcoholic Beverages.

**V.3. Drugs:** Acts involving the manufacture, distribution, sale, exchange, use, offer to sell or possession of illegal drugs, narcotics, or drugs not prescribed for the person in possession of the drugs, or drug paraphernalia. Illegal drugs are defined by state and federal statutes. The following activities are also prohibited under this section:

- Knowingly being in the presence of unauthorized use, possession or distribution of drugs.
- The use of counterfeit or synthetic substances, frequently referred to as "designer drugs."
- Failure to comply with any existing University policy regarding medical marijuana. Marijuana (cannabis) is a controlled substance under federal law, and its possession and use, even for medical reasons, is prohibited on property owned or operated by the University or at University-sponsored or -affiliated programs and events.

**V.4. Weapons and incendiary devices:** The possession or carrying of any deadly or offensive weapon by any person is prohibited in University academic buildings, administrative buildings, student residential buildings, dining facilities, parking garages or while attending a sporting, entertainment or educational event on the University's property or sponsored by the University. For the purposes of this policy, deadly and offensive weapons may include but are not limited to firearms, loaded or unloaded; pellet, flare, tranquilizer, stun, spear or dart guns; knives with blades larger than a small folding knife; any cutting instrument where the blade is posed in an automatic way; daggers or swords; striking instruments, including clubs, truncheons and blackjacks; martial arts weapons; bow-and-arrow combinations; explosive devices, ammunition or components

to manufacture ammunition. Objects that could be mistaken for any of the prohibited weapons are also a violation of the Student Code of Conduct. The University policy PROHIBITING DEADLY and OFFENSIVE WEAPONS can be found at [www.millersville.edu/weapons-policy](http://www.millersville.edu/weapons-policy).

**V.5. Conduct which violates community standards:** The following conduct, which deviates from, interferes with and negatively impacts the academic and administrative functions or activities of the University, is prohibited.

**A. Academic dishonesty:** Incidents of plagiarism, cheating and other forms of academic dishonesty as set forth in the Academic Honesty Policy violate the Student Code of Conduct and are adjudicated by the appropriate academic affairs personnel under the provision of the Academic Honesty Policy, which can be found at [www.millersville.edu/honesty-policy](http://www.millersville.edu/honesty-policy).

**B. Destruction:** Deliberate or negligent acts that endanger and/or result in damage or vandalism (see Student Organization Guidebook for the policy on chalking) to University property, including its electronic resources, or the property of others.

**C. Disorderly conduct:** Conduct which is disorderly, disruptive or interferes with orderly University operations, including but not limited to:

A. Any act that fails to comply with, ignores or disobeys directives given by law enforcement officers and duly authorized University officials, including Millersville University faculty, staff, paraprofessionals and student employee leaders in the performance of their duties.

B. Fire safety – Violation of safety regulations including but not limited to (a) setting unauthorized fires, (b) tampering with fire safety, firefighting equipment and/or defibrillators, or rendering such equipment inoperable, (c) turning in false fire alarms by any means of communication, (d) tampering or improper use of campus emergency phones, (e) failure to evacuate facilities upon the sounding of a fire alarm/drill or (f) creating any hazardous condition that endangers the health and safety of others.

C. Creating excessive noise or commotion.

D. Disrupting scheduled University programs and activities.

E. Obstructing vehicular and pedestrian traffic.

F. Deliberate acts that interfere with the use of University electronic resources.

G. False reporting of an emergency.

H. Furnishing false information to any law enforcement officer or University employee orally, in writing or electronically.

I. Forging, altering or misusing any document, record or any instrument of identification; includes possession of a fake identification card.

J. Tampering with relevant evidence/information pertinent to a disciplinary proceeding.

K. Failing to appear when directed to do so by the Vice President for Student Affairs and Enrollment Management or designee, the Director of Student Conduct and Community Standards, the Assistant Director of Student Conduct and Community Standards, Residential Area Directors, or the University Appeal Board when charged with a violation of the Student Code of Conduct.

L. Failing to comply with a sanction imposed by either the Director of Student Conduct and Community Standards or designee, the Associate Provost, the University's Appeal Board, the Vice President for Student Affairs and Enrollment Management or designee.

M. Fire alarm causation triggered by acts that are a violation of the Student Code of Conduct or any other rules, regulations, and state or local laws.

**V.6. Theft:** No person shall engage in the theft or misappropriation of University-provided funds or property, including its electronic resources or the property or funds of another person, entity or organization. For more information, follow this link: [www.millersville.edu/about/administration/policies/pdf/information-technology/responsibleuseofinformationtechnologyresources.pdf](http://www.millersville.edu/about/administration/policies/pdf/information-technology/responsibleuseofinformationtechnologyresources.pdf).

**V.7. Trespassing:** Unauthorized entry to or use of University/ non-University facilities or any other property, including electronic systems or acts constituting unauthorized possession, duplication, or use, transfer or access of University keys or IDs. Failure to adhere to a No Trespass Order is also a violation of this policy.

**V.8. Unlawful conduct:**

A. Conduct in violation of federal, state or local laws, including violations of municipal ordinances.

B. Conduct that constitutes unlawful discrimination based on a person's race, color, sex, religion, age or national origin.

**V.9. Prohibited conduct:** Conduct that violates published University policies, rules and regulations that are contained in other University publications but not specified in the Student Code of Conduct, or that are announced to the University community following this publication, including but not limited to the Student Organization Guidebook, residence hall rules and regulations, and the Policy for Responsible Use of Technology found here: [www.millersville.edu/about/administration/policies/pdf/information-technology/responsibleuseofinformationtechnologyresources.pdf](http://www.millersville.edu/about/administration/policies/pdf/information-technology/responsibleuseofinformationtechnologyresources.pdf).

**V.10. Retaliation.** No individual shall physically harm, threaten, intimidate or harass any person or witness involved in a student conduct case or any other University process or investigation, or cause damage to a person's property, with the intent of influencing the outcome of the case or investigation.

## SECTION C

### Select Policies, Guidelines and Resources Responsible Action Policy

Millersville University holds the safety, security and well-being of its students as one of its highest priorities. The University prides itself on offering all of the benefits of a public institution while preserving a caring, individualized community. Millersville University recognizes that a student's concern for potential disciplinary action while under the influence of alcohol and/or other substances may hinder a student's actions in response to seeking assistance in certain emergency situations and/or reporting incidents.

It is imperative that medical attention be sought should concerns arise for a person's own safety or the safety of others. This policy is intended to increase the reporting of incidents requiring emergency assistance during a life-threatening or drug/alcohol-related illness and will in turn result in increased safety for students and the campus community.

### Policy

As such, medical amnesty is in effect to ensure that those students who seek assistance for another individual who may have consumed excessive alcohol or other drugs will turn to the appropriate personnel to seek emergency medical assistance without fear of being cited for a violation under the Commonwealth of Pennsylvania's Crimes Code or charged by the University for violating Section V.2.A, Alcohol or V.3, Drugs of the Student Code of Conduct, if all of the conditions below are met:

1. The only way law enforcement officers or University officials became aware of the person's violation of the Student Code of Conduct is because the person placed a 911 call, or a call to campus safety, police or emergency services, in good faith, based on a reasonable belief, and reported that another person was in need of immediate medical attention to prevent death or serious injury.
2. The person reasonably believed they were the first person to make a 911 call or a call to campus safety, police or emergency services and report that a person needed immediate medical attention to prevent death or serious injury.

3. The person provided their own name to the 911 operator or equivalent campus safety, police or emergency officer.

4. The person remained with the person needing medical assistance until emergency healthcare providers arrived and the need for the person's presence had ended.

### Confidentiality

The Office of Student Conduct and Community Standards will take every measure to ensure the privacy of all parties involved in the disciplinary process. Information related to disciplinary cases will be shared only with appropriate University authorities and law enforcement authorities as necessary for each case. Due to University obligations to investigate particular complaints, circumstances may arise that may limit the Office of Student Conduct and Community Standards' ability to provide absolute confidentiality.

### PARENTAL NOTIFICATION

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records, but these rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high-school level. Millersville University must have written permission from the student in order to release any information from a student's education record, including information contained in a record maintained by the Office of Student Conduct and Community Standards. FERPA does, however, allow for some disclosures without student consent.

In accordance with FERPA regulations, Millersville University's Parental Notification policy includes notifying parents of students who are under 21 years of age who have been found responsible for involvement in an incident in which there was an alcohol violation. Millersville University's Parental Notification policy also includes notifying parents of students who have been found responsible for being involved in an incident in which there was a drug violation. Parental notification is an option under FERPA regulations that will be subscribed to when deemed to be in the best interest of the student.

### Local Law Enforcement

Millersville University students are expected to conduct themselves at all times in a manner that is consistent with the University's Student Code of Conduct. Incidents that result in actions taken by any law enforcement agency, on or off campus, will be addressed by the Office of Student Conduct and Community Standards. Application of the Student Code of Conduct may proceed while criminal investigations are pending and may proceed without a finding in court.

**Citations:** A nontraffic summary citation is a ticket issued when someone has committed a nontraffic-related summary offense. The citation is either handed directly to the defendant or sent via summons from a court of law. Both the Office of Student Conduct and Community Standards and local law enforcement will separately adjudicate conduct that results in the issuance of citations.

**Criminal complaints:** Charges that result in an arrest for an alleged criminal action.

**Disruptive conduct reports:** A formal written warning issued by local law enforcement and adjudicated by the Office of Student Conduct and Community Standards.

## SECTION D

### **Student Conduct and Community Standards Process Understanding The Student Conduct and Community Standards Process**

As members of the University community, Millersville University students are expected to act as responsible members and citizens both on campus and in the local community. In the event an incident or conflict arises in which the Student Code of Conduct is in question, the Office of Student Conduct and Community Standards administers the Student Conduct and Community Standards process for Millersville University.

It is important to note that our campus disciplinary process is not a criminal trial. It is a University proceeding designed to determine the facts pertaining to alleged misconduct. The University will apply a "preponderance of the evidence" standard in determining whether a violation of the Student Code of Conduct occurred. A preponderance of the evidence standard simply means that it is "more likely than not" that a violation occurred. This is in contrast to the "beyond a reasonable doubt" standard, which is the higher standard of proof required for a conviction in a criminal trial.

### **USE OF ADVISORS IN THE PROCESS**

A student can have one advisor present with him/her at any stage in the Student Conduct and Community Standards process, whether a parent, member of the University community, advocate or attorney. At the discretion of the hearing officer, one additional advisor may be allowed. However, advisors may not speak in the process, may not question witnesses or otherwise participate in the hearing; rather, they may only communicate with the student. If the advisor charges a fee, the fee will be borne by the student.

### **CONDUCT ADVOCATE PROGRAM**

A conduct advocate is a resource for students going through or involved in the disciplinary process at Millersville University. Advocates are here to help and guide both complainants and respondents (students accused of violating the Code of Conduct) in preparation for a University disciplinary hearing and will help students understand outcomes of disciplinary cases as appropriate. Conduct advocates also provide necessary support and resources to those who may have been victims of a violation of the Code. The advocates are well trained in the Student Conduct and Community Standards process and are neutral parties who have no influence on the outcome of the case.

## **PROCEDURES FOR REPORTING AND RESPONDING TO ALLEGED CODE VIOLATIONS**

Any member of the University community may report alleged violations of the Student Code of Conduct to the Office of Student Conduct and Community Standards. All reports of violations of the Student Code of Conduct must be in writing and should be submitted via the online incident report found on the Student Conduct and Community Standards web page. Please note that all emergencies/ crimes should be immediately reported to the police by dialing 911.

- The Director of Student Conduct and Community Standards or designee will review incident reports and will determine whether there are sufficient grounds to initiate the Student Conduct and Community Standards process for violations of the Student Code of Conduct.
- The University conduct process may proceed independent of any pending criminal or civil charges and actions. The Student Conduct and Community Standards process outcome, including sanctions in the University Student Conduct and Community Standards process, will be determined independent of other criminal or civil proceedings.
- Students will be notified in writing when a complaint of an alleged violation has been received by the Office of Student Conduct and Community Standards. The student shall respond as required by the notice. Failure to respond accordingly to the notice may result in further disciplinary charges.

## **ADMINISTRATIVE HEARING PROCEDURES**

1. Upon receipt of a complaint of alleged violations of the Student Code of Conduct, the Office of Student Conduct and Community Standards will send reasonably specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date and place of occurrence and the rules of conduct allegedly violated by the student. The student will be notified by email to their University account of charges filed against the respondent, along with the date, time and location of the respondent's scheduled hearing.
2. Failure to appear at a hearing for the scheduled date and time may result in a decision being made in the absence of the respondent, which might result in additional charges and sanctions, including Failure to Comply, along with applicable fines.
3. If a student organization is charged with violating the Code of Conduct, the organization's president or his/her designee must attend the hearing.



4. During the administrative hearing, the respondent:

- a. Shall be informed that the hearing will be recorded. The recording shall be the property of the University.

- b. Shall be advised of their responsibility to tell the truth before testifying in response to the charges.

- c. Shall be allowed to introduce witness testimony, relevant evidence and provide the respondent's version of the events that resulted in the alleged violation of the Student Code of Conduct.

- d. May hear and may question witnesses as well as examine the relevant evidence and documents presented against the respondent.

- e. May bring an advisor or Student Conduct and Community Standards advocate, who may consult with and advise the student/student organization but may not otherwise participate in the hearing.

5. Only those individuals involved with the proceedings will be admitted to the hearing.

6. The hearing officer shall decide that a violation of the Code of Conduct occurred if it is proven that it is more likely than not that such a violation occurred.

7. Hearing decisions and penalties imposed shall be provided in writing within five business days to the respondent and shall include information about the student's right to an appeal hearing.

8. All hearing procedures shall be carried out promptly, adhering to the following guidelines:

- a. All charges of a violation as well as the date, time and place of the hearing shall be provided in writing via University email to the complainant, respondent or student organization.

- b. The hearing officer shall consider the evidence presented by the parties and determine if a violation of the Code occurred. The hearing officer shall inform the respondent of the decision. If additional time is required to render a decision, the respondent shall be informed of the decision within five business days of the hearing conclusion. All decisions will be communicated in writing via University email to the respondent student or student organization.

- c. The respondent has the right to an appeal.

## APPEALS

1. Millersville University's appeal process is provided to ensure that the procedures used for resolving student conduct matters are followed in such a manner as to provide fundamental fairness to all parties involved. An appeal is not a rehearing of a

case, but instead is an independent review of the original student disciplinary process, finding or sanctioning.

2. A respondent found responsible for violating the Student Code of Conduct may request an appeal of the administrative hearing decision by submitting an appeal request form to the Office of Student Conduct and Community Standards within five business days following the hearing officer's decision. If granted, the University Appeal Board may hear the appeal. The Appeal Form is available on the Office of Student Conduct and Community Standards web page at [www.millersville.edu/studentconduct/files/appeal.pdf](http://www.millersville.edu/studentconduct/files/appeal.pdf).

3. All sanctions rendered at the administrative hearing must be adhered to while awaiting a result of the request for appeal. Appeals will only be considered if the request is based on one or more of the following reasons. The burden of proving that a legitimate reason exists for an appeal rests with the student:

- a. Alleged violations of administrative hearing procedures.

- b. New factual information pertaining to the case that was not available at the time of the administrative hearing which is relevant and may materially impact the decision issued by the Office of Student Conduct and Community Standards.

- c. The sanctions issued are allegedly arbitrary and capricious.

4. The appeal officer or designee will review the appeal request and determine whether there is sufficient reason to initiate the appeal process. Any requests not meeting the above criteria will not be considered, and all original findings will be upheld.

5. Should the appeal officer or designee conclude that the request meets any of the above-noted reasons, the following actions may be taken with or without reconvening a hearing:

- a. No change in any findings or sanctions.

- b. A modification of some or all of the findings and sanctions.

- c. Reversal of all of the findings of the administrative hearing decision and/or sanctions.

## UNIVERSITY APPEAL BOARD

When a student has submitted the Administrative Appeal Form, the respondent may be granted a review by the University Appeal Board. The Director of Student Conduct and Community Standards or designee shall convene the Board to conduct a review. The University Appeal Board is responsible for reviewing appeals of findings made at administrative hearings.

The members of the Appeal Board include faculty, students and staff, and they take their duties to the Millersville University community seriously. The Board is committed to preserving the integrity of the University's Student Code of Conduct. The Appeal Board's duties require the honesty, intelligence, professionalism and diligence of every Board member, and to ensure this, the following is adhered to during appeal reviews:

1. At least three Appeal Board members will preside over a University Appeal Board review. One of the three Board members presiding over the case will act as chairman during the review.
2. If a member of the University Appeal Board has been involved in any way in a case to be heard or if he/she feels unable to render a fair decision, they must disqualify themselves from the hearing. If it is determined by the University Appeal Board chairperson that a member of the University Appeal Board is unable to render a fair decision, the chairperson may disqualify the University Appeal Board member from the hearing. A respondent may request that a University Appeal Board member be disqualified if he/she feels the member is unable to make a fair decision. The chairperson reserves the right to approve or deny the respondent student's request.
3. Those present at a University Appeal Board hearing shall be limited to the Board members, chairperson and the Director of Student Conduct and Community Standards or their designee.
4. After completing and submitting the Administrative Appeal Hearing Form, the respondent may be granted an appeal hearing before the University Appeal Board. The Director of Student Conduct or their designee shall convene the Board to conduct a hearing. During the hearing the following process will be followed:
  - A recording of the hearing, not including the Board deliberations, shall be made. The recording shall be the property of the University.
  - Pertinent records, exhibits and written statements may be accepted as information for consideration by the University Appeal Board at the discretion of the chairperson.
  - All procedural questions are subject to the final decision of the chairperson of the University Appeal Board.
  - All decisions made by the University Appeal Board are final.
  - The appeal is the final step in the Millersville University process.

## SECTION E

### Student Sexual-Misconduct Policy

Title IX of the Education Amendments of 1972 and its underlying regulations mandate that educational institutions prevent and address cases of sexual misconduct against students, whether perpetrated by peers or by employees of the institution. Millersville University has appointed a Campus Title IX Coordinator. The Director of Student Conduct and Community Standards, as a Deputy Title IX Coordinator, works closely with the Campus Title IX Coordinator to ensure adherence to the guidelines provided in Title IX. Alleged violations must be immediately reported to the Campus Title IX Coordinator or Deputy Title IX coordinators. See Section B for full descriptions of potential violations. In addition, please reference the complainant and respondent rights and expectations, which are set forth in this section of the Handbook. For more information about the University's sexual-misconduct policy and additional resources available to all parties involved in these difficult matters, go to [www.millersville.edu/titleix/definitions.php](http://www.millersville.edu/titleix/definitions.php).

Title IX Coordinator – (717) 871-410  
Room 107, Student Memorial Center – 21 S. George St.

Individuals who wish to report incidents of sexual misconduct in University programs or activities may contact the Title IX Coordinator. In the event that there is a conflict of interest with the Title IX Coordinator, reports or complaints of sexual misconduct may be made with the Deputy Title IX coordinators.

Sexual-misconduct complaints that only involve students will be processed by the Office of Student Conduct and Community Standards. Sexual-misconduct complaints involving employees will be processed by the Office of Human Resources.

LORI B. AUSTIN is a Deputy Title IX Coordinator and can be reached in person at the Witmer Building, by telephone at 717-871-5841 or by email at [lori.austin@millersville.edu](mailto:lori.austin@millersville.edu). Ms. Austin's role is to work with complaints involving students. Ms. Austin serves as a hearing chairperson and sanctioning administrator. This deputy coordinator handles student complaints once they reach the Office of Student Conduct and Community Standards.

DIANE COPENHAVER is a Deputy Title IX Coordinator and can be reached in person at the Dilworth Building, by telephone at 717-871-4950 or by email at [diane.copenhaver@millersville.edu](mailto:diane.copenhaver@millersville.edu). Ms. Copenhaver's role is to work with complaints involving employees from investigation through outcomes. This deputy coordinator handles student and employee complaints once they reach the Office of Human Resources.

SCOTT HELFRICH is a Deputy Title IX Coordinator and can be reached in person at the Lombardo Welcome Center, by telephone at 717-871-4200 or by email at [scott.helfrich@millersville.edu](mailto:scott.helfrich@millersville.edu). Dr. Helfrich's role is to work with complaints involving on-campus students. This deputy coordinator handles response and intake of on-campus student complaints.

MELISSA WARDWELL is a Deputy Title IX Coordinator and can be reached in person at the Huntingdon House, by telephone at 717-871-7655 or by email at [melissa.wardwell@millersville.edu](mailto:melissa.wardwell@millersville.edu). Ms. Wardwell's role is to work with complaints involving experiential learning and career management from investigation through outcomes. This deputy coordinator handles student complaints once they reach the Office of Experiential Learning and Career Management.

Please be advised that the roles of the listed Deputy Title IX coordinators (i.e., intake of complaints, investigation and adjudication) may be reassigned depending on the matter that is presented, workload, scheduling conflicts, prior involvement with a particular student, etc. Staff in the Office of Student Conduct and Community Standards are cross-trained so as to be competent in handling these respective duties.

Complaints of sex- and gender-based discrimination and/or sexual misconduct may be filed through completion of the online reporting form found at [www.millersville.edu/studentconduct](http://www.millersville.edu/studentconduct).

The Title IX Coordinator coordinates and oversees prompt, effective and impartial responses to Title IX and related sexual-misconduct complaints on both an individual and systematic basis, including the initiation of investigations and assisting University officials with the implementation of interim measures and remedies. The Title IX Coordinator is responsible for monitoring investigations and outcomes of sexual-misconduct complaints as assigned to Deputy Title IX coordinators or other University staff. The Title IX Coordinator will work with Office of Student Conduct and Community Standards staff, members of Student Conduct and Community Standards Title IX Panel, and Human Resources to assure compliance with Title IX requirements. In addition, the Title IX Coordinator will serve as a liaison with the University's Police Department to assure coordination of sexual-assault and -misconduct cases.

The Deputy Title IX coordinators will assist the Title IX Coordinator in assuring that the University provides adequate, reliable and impartial investigations of sexual-misconduct complaints. This will include undertaking investigations of sexual misconduct consistent with (1) this policy and applicable collective-bargaining agreements when an employee is the respondent; and (2) the Student Code of Conduct for complaints involving students as respondents. Additional duties of Deputy Title IX coordinators include the training of Title IX Hearing Panel members about Title IX procedural due-process issues.

## COMPLAINANT AND RESPONDENT RIGHTS AND EXPECTATIONS

A. The right to have complaints of sexual misconduct responded to quickly and professionally by campus law enforcement, the Office of Student Conduct and Community Standards and the Title IX Coordinator;

B. The right to an investigation and equitable resolution of all credible complaints of sexual misconduct made in good faith to University administrators;

C. The right to be treated with respect by University officials;

D. The right to be notified of available counseling and mental-health or student services, both on campus and in the community;

E. The right to be informed by University officials of the various reporting options;

F. The right to have an advisor or advocate accompany and assist in the campus investigation and hearing process. This advisor can be anyone, including an attorney (provided at the student's own cost), but the advisor may not take part directly in the investigation or hearing itself, though they may communicate with the student as necessary;

G. The right to notification of and options for, and available assistance in, reasonably available interim measures;

H. Freedom from retaliation for making a good-faith report of sexual misconduct or participating in any proceeding under the sexual-misconduct policy;

I. The responsibility to refrain from retaliation directed against any person for making a good-faith report or participating in any proceeding under the sexual-misconduct policy;

J. The right to an adequate, reliable and impartial investigation closed to the public;

K. The right to have any complaint of sexual misconduct fairly adjudicated and not mediated;

L. The opportunity for procedural due process;

M. The responsibility to provide truthful information in connection with any report, investigation or resolution under the sexual-misconduct policy or these procedures;

N. The opportunity to articulate concerns or issues about proceedings under the sexual-misconduct policy or these proceedings;

O. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;

P. The right to submit an impact statement to the sanctioning administrator after the panel renders a decision;

Q. The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;

R. The right to have complaints investigated and heard by investigators and administrators who have received annual sexual-misconduct training;

S. The right to ask the investigators to identify and question relevant witnesses;

T. The right to review all documentary evidence provided in the investigative report regarding the complaint (subject to the privacy limitations imposed by state and federal law and/or information which cannot be revealed for compelling safety reasons) at least 48 hours prior to the hearing, and the right to challenge documentary evidence;

U. The right to preservation of privacy, to the extent possible and allowed by law;

V. The right to be promptly informed of the outcome and sanction of any conduct hearing involving sexual misconduct and/or any violent-crime offenses;

W. The right to appeal the findings in accordance with the standards of appeal established for sexual-misconduct cases;

X. The right to be considered for amnesty of other minor Student Code of Conduct violations when reporting a sexual-misconduct incident;

Y. The right to have the disclosure of this information governed by the Family Educational Rights and Privacy Act and to only permit exceptions that are allowed by FERPA legislation. You can find out more information about the disclosing of information at [www.millersville.edu/registrar/ferpaforstudents.php](http://www.millersville.edu/registrar/ferpaforstudents.php).

## FILING A COMPLAINT THAT INVOLVES A STUDENT-ON-STUDENT INCIDENT

### Administrative Fact-Finding Involving Student-on-Student Incidents

Upon the report of alleged sexual misconduct, the Sexual Misconduct Response Team will meet to make an initial assessment as to whether the reported information impacts the health and safety of the Millersville University community. In the course of this assessment, the University will consider the interest of the complainant and the complainant's expressed preference for manner of resolution: 1) administrative fact-finding; 2) voluntary resolution or 3) not moving forward. Where possible and supported by an assessment of the facts and circumstances, the University will seek action consistent with the complainant's request. If the complainant requests to move forward with the formal resolution process, or by virtue of the nature of the complaint, then the administrative fact-finding process will occur. The administrative fact-finding is a process which will include interviews of the complainant, the respondent and any witnesses. Included in the Fact-Finding Report will be a summary of the allegation, a list of University policies that may have been violated and an analysis of the facts, including testimony and documentation that is in dispute or in agreement. Respondents and complainants will be informed

of the outcome of the administrative fact-finding process. If policy allegations have been substantiated, the Administrative Fact-Finding Report will be submitted to an administrator within the Office of Student Conduct and Community Standards and the Student Conduct and Community Standards Title IX Panel (SCCS Title IX Panel) for an administrative hearing.

### Administrative Hearing Procedures Involving Student-on-Student Incidents

It is important to note that our campus disciplinary process is not a criminal trial. It is a University proceeding designed to hold students responsible for their role in violations of the Student Code of Conduct.

Like in all other administrative hearings, the University will apply a "preponderance of the evidence" standard in determining whether a violation of the Student Code of Conduct occurred in cases of alleged sexual misconduct. A preponderance of the evidence standard simply means that it is "more likely than not" that a violation occurred. This is in contrast to "beyond a reasonable doubt," which is the higher standard of proof required for a conviction in a criminal trial. In addition, the University has chosen to utilize an investigation model for resolving sexual-misconduct complaints.

The investigation model is nonadversarial and minimizes revictimization by discouraging interaction between the complainant and respondent. Investigations are conducted with all involved parties separately. Pertinent notes and an analysis of the facts, including testimony and documentation, are compiled into a Fact-Finding Report. If a Code of Conduct violation is prevalent in the Administrative Fact-Finding Report, the respondent will be afforded an administrative hearing by the SCCS Title IX Panel.

Outlined below are the additions to the existing administrative hearing procedures adhered to in cases of alleged sexual misconduct:

1. Upon receipt of the substantiated allegations in the Administrative Fact-Finding Report, an administrative hearing will be held.
2. In cases of alleged sexual misconduct, the respondent:
  - a. May select an advocate to guide them through the Student Conduct and Community Standards process;
  - b. Is informed that a recording of the hearing shall be made. The recording shall be the property of the University.
  - c. Shall be advised of their responsibility to tell the truth before speaking to the charges;
  - d. May decline to answer questions posed during a hearing. The refusal of the respondent to answer questions shall not be considered as evidence of a violation of the Code; however, such refusal may be considered in assessing credibility;



e. Shall be allowed to introduce witness testimony, relevant evidence and his/her version of the events that resulted in the accusation of a violation of the Code of Conduct;

f. May question and examine the relevant statements, evidence and documents presented in the investigative report. The Director of Student Conduct and Community Standards or designee, or Student Conduct and Community Standards Title IX Panel will determine if questions will be submitted in writing prior to the hearing;

g. May bring an advisor or Student Conduct and Community Standards advocate, who may consult with and advise the student/student organization but may not otherwise participate in the hearing.

3. Hearing decisions and penalties imposed shall be provided to the respondent or student organization in writing, and shall include information about the student's right to an appeal hearing. Complainants of sexual-misconduct violations shall also be notified of hearing decisions and their right to appeal in accordance with FERPA requirements and Title IX guidelines.

4. All hearing procedures shall be carried out in a timely fashion, adhering to the following guidelines:

a. All charges of a violation as well as the date, time and place of the hearing shall be provided in writing to the complainant, respondent or student organization;

b. The Student Conduct and Community Standards Title IX Panel shall consider the evidence presented within the Administrative Fact-Finding Report and provided by the hearing to determine if a violation of the Student Code of Conduct occurred. The Student Conduct and Community Standards Title IX Panel shall inform both the respondent and the complainant of the decision. If additional time is required to render a decision, the respondent and complainant shall be informed of the decision within five business days of the hearing conclusion. All decisions will be communicated in writing;

c. The respondent and complainant have the right to an appeal in cases alleging sexual misconduct.

## APPEALS IN TITLE IX SEXUAL-MISCONDUCT CASES

A student may appeal the administrative hearing decision in Title IX sexual-misconduct cases in writing to the Vice President for Student Affairs and Enrollment Management or designee within five class days following the decision. The vice president or a designee will review the appeal and render a decision.

Appeals to the Vice President for Student Affairs and Enrollment Management or designee must be based on one or more of the following:

a. Alleged violations of hearing procedures.

b. New information pertaining to the case that was not available at the time of the hearing that may substantially change the decision.

c. Sanctions imposed were arbitrary or capricious for the violation of the Student Code of Conduct.

The vice president or designee will review the existing record and may:

a. Uphold the findings and sanctions.

b. Modify some or all of the findings and sanctions.

c. Reverse all of the findings of the administrative hearing decision.

d. Order a new hearing.

The decision rendered by the vice president or designee is final.

In matters of a safety and/or security risk to the campus, the vice president or designee reserves the right to institute measures to protect the safety and well-being of the campus. In such matters the vice president or designee will have sole discretion to ensure the safety of the University, including but not limited to an interim suspension.

## SECTION F

### DISCIPLINARY SANCTIONS

The following are general University sanctions which may be imposed upon a student or an organization that is found responsible for a violation of the Student Code of Conduct. This list is not intended to be exhaustive, and the University and its agents reserve the right to impose additional sanctions to ensure the highest standards of conduct. Counseling, treatment programs, restrictions from facilities or other conditions may be imposed when deemed appropriate. The University may impose any combination of the following sanctions:

## \*INTERIM SUSPENSION

Pending final action on charges of violating the Student Code of Conduct, the student may be subject to immediate suspension or loss of privileges if it is determined by the Vice President for Student Affairs and Enrollment Management or designee that the student's presence on campus may constitute a threat to the health, safety and welfare of the University community. In addition, a student may be placed on interim suspension if the student poses an ongoing disruption of, or interference with, the normal operations of the University.

If a student is placed on interim suspension, an administrative hearing will be scheduled within 10 class days to determine a final sanction. Unless extenuating circumstances prevent the facilitation of a hearing, the reversal of an interim suspension shall not be construed as a determination that the student is not in violation of the Student Code of Conduct. The University reserves the right to extend the required time period for exceptions based on the health and/or mental-health concerns that may impede the student's ability to effectively participate on their own behalf. In such matters the Vice President for Student Affairs and Enrollment Management or designee will have sole discretion.

During a period of interim suspension, students may not continue to participate in classes or participate in online or distance-education courses, participate in University activities and/or be on University property. The interim suspension shall remain in effect until such time as it has been modified by the Director of Student Conduct.

*\*While on interim suspension, the student is responsible for the payment of all tuition and fees in accordance with the University payment policies. (Please reference the offices of Housing and Residential Programs and Office of Student Accounts fee schedules for more details.)*

## EDUCATIONAL SANCTIONS (S.E.)

This action will be commensurate with the violation. The objective of educational sanctions is to provide the responsible student with a dynamic and active educative experience. The goal is to help the student better understand the impact of their conduct on themselves and on the community, and to help rebuild healthy communities, increase the violator's social capital, decrease the likelihood of future negative conduct, repair harm and restore relationships.

A. Educational reflection: Students may be required to attend an educational program, produce an educational project, write an essay or other such creative educational activities.

B. Educational development: Hearing officers may refer students found responsible for violations to campus resources to assist, educate or monitor the development of appropriate conduct, critical-thinking skills, mature decision-making skills, etc. These referrals are mandatory and failure to complete a referral could result in additional charges by the Office of Student Conduct and Community Standards. Referrals may include a drug and alcohol education program or other appropriate program or resource.

C. Service restitution: Students may be required to perform a community service to assist in developing increased awareness of the impact of misconduct to strengthen critical-thinking abilities to identify appropriate conduct.

D. Counseling services: Where there is a question of safety, a student may be required to obtain an evaluation through the University's Counseling and Human Development Center or another counseling resource, and comply with the recommendations that result from the evaluation.

E. Conduct contract: A student and hearing officer may reach a written agreement concerning expectations for future conduct and decisions to assist in preventing inappropriate conduct from recurring.

F. Behavioral mentor: The student may be assigned to a faculty, staff, community or student mentor for support in the areas of personal and academic development relevant to the violation. The hearing officer will establish the frequency and duration of the mentoring relationship. Any missed appointment with the assigned mentor will be considered a failure to comply, and additional sanctions may be imposed.

G. Restorative practices: Restorative action holds students responsible for violating the Code accountable for their conduct by involving them in face-to-face encounters with the people they have harmed/impacted. The restorative action seeks to develop good relationships and restore a sense of community.

H. Off-campus counseling: The student will need to provide verification from an off-campus, verified, licensed counseling professional stating that the student has entered counseling and is complying with the treatment plans and/or recommendations of the treatment provider. This verification should include a written statement that the treatment plan will include the following outcomes: (1) development of effective coping strategies to help deal with the pressures (peer and otherwise) one is facing, (2) plans to achieve a healthier balance in life, and (3) identification of tools and resources to achieve psychological well-being.

I. Ethical reflection: The student will write a 1–2-page reflection paper on the importance of ethical decision making in an educational community. It is important to include in the paper a discussion of how one poor decision can impact an individual, a community and the person who makes the poor decision.

## RETRIBUTIVE SANCTIONS (S.R.)

This action will be commensurate with the violation. The objective of this administrative imposition of sanction is to hold accountable the responsible student with a proportionate penalty in response to their role in violating the Code of Conduct.

A. Deferred action: Deferring the imposition of a standard sanction for a violation based on mitigating circumstances. Students imposed “deferred action” sanctions understand that any new misconduct for which a student is found responsible will result in the immediate imposition of the sanction that was deferred, becoming effective immediately without further review. A sanction may be in deferred status for a limited period of time.

B. Reprimand: A student shall be warned, in writing, not to violate the Student Code of Conduct in the future. Additional violations may result in more serious disciplinary action.

C. Financial restitution: A student or student organization may be required to make payment to the University or to another specified person(s) or group(s) for damages incurred as a result of a violation of behavioral expectations.

D. Fines: A financial cost applied to the student or organization as predetermined on existing policies.

E. Parental notification: A student’s parent or guardian may be notified of a violation of the Code of Conduct and the student’s disciplinary record in accordance with the Family Educational Records Privacy Act (FERPA) (see page 49).

F. No-contact directive: This action is implemented at the discretion of a hearing officer directing a student to avoid initiating contact with another member of the University community and may include limiting access to areas to avoid incidental contact. Restricted contact includes direct interactions in person or through technology as well as the use of third parties to interact.

G. Loss of privileges: A student/student organization may be denied specific privileges for a designated period of time. These privileges include but are not limited to access to specific buildings, facilities, residence hall assignment and participation in extracurricular activities.

H. Probation: This level of sanction is intended to provide the student an opportunity to reflect on and learn from their conduct while increasing their awareness of the impact of their conduct on themselves and others, and of the University’s behavioral expectations. Additional violations during this period will result in more serious sanctions by the Office of Student Conduct and Community Standards.

I. Censure: Designated for a period of not less than a full academic year and not more than the remainder of the student’s academic career at Millersville University. During a period of assigned “censure,” a student may maintain membership with any student organization, group or team, but the student may not represent the University in any official leadership capacity or hold office or a leadership position in any student organizations, groups or teams. Censure indicates to the student that further violation(s) of University regulations will result in more stringent conduct action, including but not limited to suspension or expulsion from the University.

J. Suspension: The loss of privileges of enrollment for a designated period of time determined by the hearing officer or designee. A suspension remains in place during the appeal process and until a final outcome of the appeal has been determined.

Suspended persons are prohibited from taking classes, including distance-education and online courses, taking exams and/or receiving grades, participating in University activities and being present on University-owned or -controlled property. During a period of suspension, if a person is found to be present on University property without permission from the Office of Student Conduct and Community Standards, they will be subject to arrest for criminal trespass. Persons are not entitled to a monetary refund for tuition, housing or a meal plan. (Please reference the offices of Housing and Residential Programs and Office of Student Accounts fee schedules for more details.) If living on campus, a student must make arrangements to vacate within 48 hours or less. The time period will be determined by the hearing officer.

In order to be eligible for readmission, a person must comply with all aspects of the suspension letter. Readmission is contingent upon completion of the suspension period, fulfillment of sanctions, if any, and the approval of the Vice President for Student Affairs and Enrollment Management or designee.

To petition for reenrollment, a letter must be submitted to the Office of Student Conduct and Community Standards or the Vice President for Student Affairs and Enrollment Management no sooner than 30 days prior to the intended reenrollment. The written petition should include 1) reasons for wanting to return to Millersville University, 2) how behavior has changed since the suspension and 3) plans for becoming a productive member of the University community.

After the petition has been approved, notification will be made to make an appointment with the Vice President for Student Affairs and Enrollment Management to arrange for a readmission meeting.

K. Inactivation: Temporary loss of University recognition and campus privileges for a designated period of time not to exceed five years imposed upon a student organization.

L. Termination of University recognition: The organization is not eligible for reinstatement for a minimum of five years. Only the Vice President for Student Affairs and Enrollment Management can grant reinstatement of an organization's recognition. Consideration for reinstatement must be accompanied by a written proposal developed under the guidance of the Director of the Center for Student Involvement and Leadership. The proposal for reinstatement must also include the following criteria:

- a. A letter of endorsement/support from a proposed faculty/staff advisor.
- b. A letter of support from the Executive Board of Student Senate.
- c. A cover letter outlining the steps that have been taken to avoid a repeat of the earlier misconduct.

M. Expulsion: The student is separated from the University permanently. There are no provisions for the readmission of the student in the future.\* The expelled student is responsible for the payment of all tuition and fees in accordance with the University payment policies. (Please reference the Department of Housing, and Residential Programs' and Office of Student Accounts' fee schedules for more details.)

## COMPLIANCE

The Director of Student Conduct and Community Standards or designee has oversight for monitoring the compliance of sanctions. In the event a student does not comply with the imposed sanctions, the hearing officer may place a hold on their student record. A hold will prevent future course registration, receipt of diplomas and access to general business services.

Before a Student Conduct and Community Standards hold can be removed, the student will be required to submit a Hold Removal Form, located on the web page of the Office of Student Conduct and Community Standards.

Students who miss appointments during or as a part of the fulfillment of any phase of the Student Conduct and Community Standards process may incur fines and have additional charges imposed against them for noncompliance. This includes appointments with the hearing officer, the Appeal Board, Counseling Center personnel or with any other internal or external individuals or entities enlisted by the University to assist with the Student Conduct and Community Standards process.

It should be noted that noncompliance with mandated sanctions may also result in the loss of University scholarships. Students who are found responsible for violations are directed to contact the Financial Aid department to assess the consequences that may result from a sanction issued by the Office of Student Conduct and Community Standards. Sanctions imposed against student organizations do not apply to

the individual members of the organizations. However, organization members may be held separately responsible for violations, depending on their individual role and involvement, and relevant sanctions may be imposed as appropriate.

\*Please note that interim suspensions are applied prior to any Student Conduct and Community Standards proceedings in cases where safety may be a major concern.

## APPENDIX

### RETENTION OF RECORDS

#### Expunging of Records

1. All disciplinary records or electronic files for cases involving sanctions other than suspension or expulsion will be expunged seven years after the initial date of the incident. If for some reason the date of the initial incident is unable to be determined, the case will be expunged seven years after the resolution of the initial incident.

2. University suspension and expulsion records will be maintained by the Office of Student Conduct and Community Standards for an indefinite period of time.

3. Audio recordings for cases resulting in suspension or expulsion will be maintained for an indefinite period of time.

#### Request to Obtain Student Records

1. All requests for a student disciplinary record must be done in writing and authorized/signed by the student and given to the appropriate office.

2. Students are able to view the file in the corresponding office where the file is kept and take appropriate notes of their observations. Student disciplinary records are the property of Millersville University and cannot be copied, photographed or removed from the corresponding office.

## AMENDMENTS AND REVISIONS

Any question of interpretation or application of the Code of Conduct shall be referred to the Vice President for Student Affairs and Enrollment Management for final determination, P.O. Box 1002, Millersville, PA 17551-0302.

The Code of Conduct is reviewed annually, and amendments are made under the direction of the Director of Student Conduct and Community Standards. Amendments to the Student Code of Conduct policy are subject to presidential approval and formal action by the Council of Trustees. An electronic version of the updated Code of Conduct is available for all students each year via the internet on the Office of Student Conduct and Community Standards website.



Information regarding advocates or forms may be obtained at [www.millersville.edu/studentconduct/files/conductadvocateprogram.pdf](http://www.millersville.edu/studentconduct/files/conductadvocateprogram.pdf).

## GLOSSARY OF TERMS

“Administrative hearing” refers to the lowest level of review in the conduct process. The hearing officer conducts this hearing. In cases involving Title IX, the Student Conduct and Community Standards Title IX Panel will hold the hearing.

“Arbitrary or capricious” refers to decisions subject to individual will or judgment without restriction, contingent solely upon one’s discretion, and made by an arbiter rather than by a law or statute.

“Business days” refers to days when University offices are open for normal business hours.

“Complainant” refers to the person who is impacted by or subject to the alleged violation. In some cases, the Millersville University Police Department or the Office of Student Conduct and Community Standards, serving in the best interest of the University, may act as the complainant.

“Conduct advocate” refers to a resource for students going through or involved in the Student Conduct and Community Standards process at Millersville University. The advocates are well trained in the Student Conduct and Community Standards process and provide necessary support and resources as needed to any party involved in the disciplinary process. As neutral parties they have no influence on the outcome of the case.

“Consent”: Consent is clear, knowing and voluntary, and expressed prior to engaging in and during a sexual act. 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.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age.
- In order to give effective consent, one must not be incapacitated.

“Designee” means a person authorized to make decisions on behalf of the named administrator in his/her absence or on behalf of that administrator.

“Director of Student Conduct and Community Standards” refers to the administrator within the Division of Student Affairs and Enrollment Management who is responsible for overseeing the overall operations of the conduct process.

“Faculty member” means any person defined as a member of the faculty in the APSCUF collective-bargaining agreement.

“Force”: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

“Good standing” is defined as having no outstanding disciplinary sanctions or disciplinary actions pending. Students must be in “good standing” to receive a degree from the University.

“Hearing officer” refers to a staff member designated by the Vice President for Student Affairs and Enrollment Management or Director of Student Conduct and Community Standards to hold disciplinary hearings, including the administrative hearing; impose sanctions; manage student conduct records and administer the Student Code of Conduct.

“Incapacitation” is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This definition also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the use of alcohol or drugs. Sexual activity with a person they know or reasonably should know to be mentally or physically incapacitated constitutes sexual misconduct under this code. In evaluating whether a person should know if another individual is incapacitated is whether a reasonable person in the same position knew or should have known of the complainant’s incapacitation.

“Interim suspension” means that a student cannot attend classes and must leave University property and remain off University property until a hearing is completed.

“Office of Student Conduct and Community Standards” investigates possible violations, maintains Student Conduct and Community Standards records, trains the University Appeal Board and the Student Conduct and Community Standards Title IX Panel, interviews parties involved in alleged violations and coordinates with the Title IX Coordinator in matters pertaining to sexual assault/harassment.

“Preponderance of the evidence” has been described as just enough evidence to make it more likely than not.

“Relevant evidence” refers to evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

“Respondent” refers to the party accused of violating the Code of Conduct. “Staff member” is a University employee who is not a faculty member.

“Sex and gender-based discrimination” is discrimination against an individual on the basis of sex, sexual orientation, gender identity, genetic information and/or gender expression. “Student Conduct and Community Standards Title IX Panel” is charged with determining whether a student/student organization has violated the Code of Conduct in Title IX cases and recommending sanctions.

“Student organization” refers to any number of students who have complied with the formal requirements to be sanctioned as a student organization at the University.

“University campus” includes all property owned or leased by Millersville University.


“University Appeal Board” refers to those involved in the hearing process that results when a student/student organization appeals the findings from an administrative hearing. Members are chosen from among the staff, faculty and students. The University Appeal Board is charged with determining whether a student/student organization has violated the Code of Conduct and recommending sanctions.

“University official” includes any person employed by the University who performs assigned administrative or professional responsibilities.

“University” means Millersville University of Pennsylvania, also referred to as Millersville University.

The term “may” is used in the permissive sense. The term “shall” is used in the imperative sense.

## Property and Evidence Control

	<b>SUBJECT:</b>  <b>Property &amp; Evidence Control</b>		<b>DIRECTIVE NUMBER:</b>  <b>47</b>	
	<b>IACLEA STANDARDS:</b> 83.1.1, 83.3.1, 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6 <b>PLEAC STANDARDS:</b> 3.5.1, 3.5.2, 3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6, 4.5.1(h)		<b>PAGE</b> 1 OF 17	
<b>BY ORDER OF:</b> Peter Anders Chief of Police	<b>EFFECTIVE DATE:</b> Jan 19, 2018	<b>ANNUAL REVIEW DATE:</b> Jan 19, 2019	<b>RESCINDS:</b> Prior Manual/ Directive	<b>REVISED:</b>

### I. PURPOSE

The purpose of this directive is to establish administrative and operational guidelines for property and evidence control by employees of the Millersville University Police Department (MUPD).

### II. POLICY

It is the policy of the MUPD to ensure that all found and abandoned property, contraband and evidence in the department’s custody are properly documented and accounted for, securely stored, and readily retrievable for court, analysis, return to the rightful owner or claimant, disposal, destruction or other final disposition.

### III. DEFINITIONS

**EVIDENCE:** Any physical item or object which may provide proof of a crime, could be used in a criminal proceeding as support for testimony, or which may implicate or clear a person of a criminal charge(s), or disprove a disputed fact.

**EVIDENCE CUSTODIAN:** A sworn MUPD police officer authorized to possess and use the key to the evidence room and is solely accountable for control, chain-of-custody transfers and maintenance of all evidence and property stored in the department property area.

**EVIDENCE ROOM:** A room designated as a “restricted to authorized MUPD personnel only” area for long-term storage of evidence, requiring that any MUPD sworn officer, other employee, or other authorized law enforcement personnel entering same must be accompanied by an evidence custodian, and must sign the log when entering and exiting the room.

**FOUND PROPERTY:** Any item or object whose owner is not known or cannot be determined or located at the time of discovery or submission that is found and given or turned over to department personnel.

**PROPERTY:** Any item coming into the possession of the department which is not classified as evidence. Property may be generally classified as follows:

- Impounded
- Found
- Turned Over to Police for Destruction
- Safekeeping
- Personal Belongings
- Held for Forfeiture

**PROPERTY HELD FOR SAFEKEEPING:** Any item or object that is obtained by or given to any MUPD employee which because of the nature or value of the object, or the circumstances under which it is obtained, including to prevent injury to the owner or another, must be safeguarded.

**TEMPORARY EVIDENCE LOCKER:** The Temporary Evidence Lockers are located in the Firearms Storage/Cleaning Room in the basement of the MUPD. These evidence lockers are authorized by the department as temporary storage for evidence, until the evidence custodian can remove the items from the back side of the locker, which is located in the evidence room. (PLEAC 3.6.2) (Obs.), (3.6.3)

## IV. PROCEDURES

A. All property and evidence received by any MUPD employee must be properly documented and logged into the ALERT system as soon as possible, safeguarded and secured by the employee receiving or coming into possession of the property/evidence. (PLEAC 3.6.1)(a)

B. Employees shall ensure that all property/evidence which comes into their possession is properly safeguarded until relieved of that responsibility. It shall be the responsibility of the employee first receiving the property/evidence to ensure that it is clearly marked, identified and stored prior to the conclusion of the employee's shift and according to the provisions of this directive. (PLEAC 3.6.1)(b)

1. In every instance, employees shall place all property evidence obtained in the course of their employment in the appropriate locker or storage area. (PLEAC 3.6.2)(Obs.)
2. In no instance shall an employee store property or evidence in a personal locker or other unauthorized location, or remove it from the MUPD station, unless removal is for legitimate, documented, authorized purposes.

C. When an employee cannot determine if an item should be classified as property or evidence, it shall be classified as property. Should the classification need to be changed to evidence, the employee shall notify the evidence custodian in writing. The employee shall also forward to the evidence custodian a copy of the supplement report explaining in detail why the change is needed.

D. When property/evidence comes into the control of this department, the receiving employee shall:

1. Ensure that an ALERT entry is made by the dispatcher.
2. Complete an Incident Report. The Incident Report shall include (PLEAC 3.6.1)(c):
  - a. The circumstances under which the property evidence came into the department's possession and control.
  - b. A description of the item(s), including condition.
  - c. Identification of the owner and/or finder, if known.
  - d. Any details concerning special handling or disposition of the property/evidence.
  - e. A copy of any search warrants and receipts (if applicable).
3. Enter the required information about the property evidence in the proper data fields in the ALERT Property File module, and generate an ALERT Property Record for the item(s). (PLEAC 3.6.5)
4. Mark the property/evidence and/or its package/container with the ALERT case/report number.
5. Submit the properly packaged item, with a hardcopy of the property record attached, to the shift supervisor/coordinator, who will inspect the item(s) before it is placed in the appropriate storage location. The shift supervisor/coordinator shall place his/her initials and the date on the bottom right-hand corner of the envelope(s)/package(s) and the property record as an indication that the package has been properly sealed.

6. Secure the property/evidence in the storage area designated by this directive. Items such as bicycles, which are too big for the temporary evidence locker, shall be placed in the basement storage area.

### E. Property Record

1. The property record generated by the ALERT Property File module shall be utilized to document and record all property and evidence as required by this directive.
2. Mandatory fields: The following fields within the Property File module must be completed for each entry/item:
  - a. Property Type: This field is a series of check boxes that allow you to classify the property/evidence by type. You may select more than one type. You will be able to search by this type later on.
  - b. Property Status: This allows you to choose, from a list of check boxes, the status of the property evidence. You will also be able to print a report for any of these items. Check the boxes as indicated below:
    - (1) Check "Entered into System" for all property and evidence that is held and deposited in one of the designated storage areas (temporary evidence locker, evidence room, basement storage area).
    - (2) Check "Hold for Invest. And Do Not Release" for all evidence.
    - (3) Check "Release on Demand" for all found property for which the owner has been identified.
    - (4) Check "Hold for Invest." for all found property for which no ownership has been established, and for found property turned in by a person who states that they intend to claim the property if it remains unclaimed after the mandatory waiting period established in this directive.
    - (5) Check "Hold for Destruct." for all alcoholic beverages.
    - (6) For drugs and other controlled substances, check "Hold for Invest. + Hold for Destruct. + Do Not Release."
  - c. Property Item Information: This is where you enter the specific property/evidence information.
  - d. Names: Up to two names can be associated with a property record. You can click on the check box describing their relation to the case, and then enter their address information in the spaces provided.

### 3. Evidence transfers/transactions

a. The transfer of custody of all property classified as evidence shall also be documented in the property record for each item of evidence. Examples of the transfer of custody of evidence include:

- (1) To the investigating officer for court appearances
- (2) To/from a lab for analysis
- (3) To the DA's office
- (4) To another law enforcement agency which is assuming responsibility for the follow-up investigation and prosecution of the case to which the evidence is related (e.g., PSP, Millersville Borough, Butler County District Attorney's Office, FBI, etc.)

b. To maintain the integrity of the physical evidence, all property records relating to evidence will remain in the custody of the MUPD.

c. When evidence is to be transferred for an extended period of time (i.e., 30 days or more) or permanently to the custody of another criminal justice entity, as in Subsections 4.a (3) and (4) above, the transaction shall also be documented in a supplemental report.

d. Information to be documented regarding the transfer of evidence shall include the following (PLEAC 3.5.2):

- (1) Name of the MUPD member possessing/receiving the evidence (PLEAC 3.5.2)(a)
- (2) Date and time of every transaction/transfer (PLEAC 3.5.2)(b)
- (3) Name and assignment of the member receiving the evidence (PLEAC 3.5.2)(c)
- (4) Reason for the transaction/transfer (PLEAC 3.5.2)(d)
- (5) Name and location of any laboratory and/or agency to which the evidence was transferred (PLEAC 3.5.2)(e)
- (6) Type of examination(s) requested (PLEAC 3.5.2)(f)
- (7) Any other pertinent information relating to the transaction/transfer of the evidence (PLEAC 3.5.2)(g)
- (8) Any type of hazard related to the evidence
- (9) Complaint/case/incident number
- (10) Location where evidence was obtained
- (11) If obtained from a person, name of the person
- (12) Full description of the item(s)

e. These requirements will ensure that the chain of custody of the evidence will be ascertainable for court purposes and presentation. It provides a way to determine who had possession of and the location of the evidence during any time that it was in the custody of the MUPD or other authorized agency or individual.

### F. Determining Ownership

1. Employees shall make every attempt to determine the owner of found property and have the property returned. The employee taking actual, initial control of property which is found and/or recovered and not needed for evidentiary purposes shall be responsible for doing so. (PLEAC 3.6.1)(f)

2. If the found property is returned, the owner shall sign a printed/hardcopy of the ALERT Property Record.

The ALERT Property File module for that record shall be updated to reflect the return. (PLEAC 3.6.1)(g)

3. If the property is not released prior to the employee going off duty, the property shall be secured in the temporary evidence locker.

4. All efforts to determine ownership shall be documented in the narrative of the incident report. These efforts may include but are not limited to:

- a. JNET inquiries
- b. Search of the ALERT Master Name File and other appropriate databases
- c. Messages to other University departments and law enforcement agencies

5. Once determined, the identity of the owner of any property/evidence shall be noted in the Incident Report and the property record along with what attempts were made to notify the owner. If the owner was previously unknown, upon learning the identity of the owner, the employee shall make an attempt to notify the owner and document all pertinent information, including the attempt(s), in a supplemental report.

G. Employees shall make appropriate inquiries to the JNET/NCIC/CLEAN system regarding all serialized or identifiable items of property/evidence to determine if the property/evidence has been reported stolen. The results of the inquiry shall be noted in the incident report narrative.

1. If the inquiry results in a positive "hit," the employee shall make appropriate inquiries with the originating agency and complete the necessary paperwork.

2. Information regarding the disposition of property evidence found to be stolen shall be included in the incident report and the property record.

### H. Packaging (PLEAC 3.6.1)(d)

1. As a general rule, always practice Officer Safety when handling any property or evidence.

2. All property/evidence should be packaged in paper bags, secured and tagged. Always use a size-appropriate bag, and ensure that the bag will not tear or rip as a result of the item being placed in the bag.

3. To ensure the evidentiary properties of paper containers:

- a. Clothing or other items which are wet or which contain blood or other body fluids should be stored in a paper bag – never plastic.
- b. Wet evidence should be air dried before packaging.
- c. Evidence bags should be sealed with tape rather than staples.



4. Heavy items may be placed in a box after being sealed in a paper container.

5. Sharp items that are small, if dry, may be placed in a plastic container (syringe holder or jar). Seal the container, place the container in a paper bag and seal the bag.

6. Sharp items that are too large for a plastic container, if dry, may be wrapped in paper towel or newspaper, placed in a paper bag or box, and sealed.

7. Breakable items should be marked prominently.

8. In the event that the item is not suitable for packaging in an evidence bag, an evidence tag shall be secured to the item. All firearms shall be tagged and stored without ammunition.

9. The tag shall contain the same information as the evidence bag.

## I. Valuables (PLEAC 3.6.1)(e)

1. Valuable property or evidence taken into department control shall be stored and recorded as described in Part VI, C.1-5 above. Additionally, the on-duty shift supervisor shall be notified.

2. Valuable property or evidence may include expensive jewelry, large amounts of U.S. or foreign coins/currency, large amounts of controlled substances, and any other items which may be deemed exceptionally valuable. These items will subsequently be stored in a designated locked metal cabinet/safe inside the evidence room by the evidence custodian after they have been removed from the temporary evidence locker.

3. When possible, two employees should be present during the inventory and securing of valuable property or evidence.

a. Money will be counted by the reporting officer and verified by a shift supervisor.

b. Practice Officer Safety – wear latex gloves when counting currency, particularly when cash is seized in connection with a drug arrest or the execution of a search warrant.

c. If the reporting officer is a shift supervisor or if no shift supervisor is available, a second officer shall verify the amount.

d. Both officers' initials must appear on the hardcopy of the ALERT Property Record, and the names of all MUPD employees present during any part of the counting or inventory shall be listed in the incident report.

e. All money will be submitted in a sealed package or envelope.

4. Illegal controlled substances/drugs shall be counted and/or weighed prior to submission.

a. The quantity of drugs shall be listed on the ALERT Property Record.

b. Practice Officer Safety – latex gloves should be worn when handling any drugs or drug paraphernalia.

## J. Special Instructions

### 1. Crime Scene Processing (PLEAC 3.5.1)

a. The criminal investigator is responsible for most crime-scene processing. Patrol officers may be utilized for most types of crime scenes, exclusive of vehicle collision scenes, if requested by the shift supervisor or captains. Qualified MUPD police officers when on duty may also process minor crime scenes.

b. If an incident requires crime-scene processing when a MUPD supervisor is not available, the OIC shall notify the criminal investigator.

c. The MUPD shift supervisor shall request the services of PSP crime scene technicians in the following instances:

(1) Any major crime (e.g., rape, arson, shooting, homicide, etc.) occurring on campus or on

University-owned/leased property involving serious injury or death.

(2) Any crime scene where blood or DNA evidence samples are present and need to be recovered, obtained or processed.

(3) All vehicle collisions occurring on campus or on University-owned/leased property involving serious injury or death.

d. When the processing of any crime scene located on University property is being handled by the PSP or another law enforcement agency, all evidence collection, documentation, submission to a laboratory and storage shall be the responsibility of that agency.

1) This includes any/all weapons and firearms that are part of the crime scene or recovered from a suspect's possession, property or vehicle at the crime scene, or at the scene of arrest if the latter is other than the crime scene.

e. If nonevidentiary property collected at such scenes by a member of another agency is turned over to a member of the MUPD (e.g., the victim's personal property), the MUPD member shall complete an incident report for "Assist Outside Agency" and follow all procedures for recording and storing said property as required elsewhere in this directive.

### 2. Found Property

a. An ALERT incident report shall be completed on ALL property that is:

(1) Found by a department employee

(2) Turned in/over to a department employee by someone on campus, or

(3) Turned in/over to a dispatcher by a walk-in at the Information Desk.

b. The narrative shall contain:

(1) The name, telephone number, local residence address and e-mail address of the person who turned in the property (if the person provides his/her name).

- (2) The exact location where the item was found (e.g., "in the PT Lot" is not sufficient. Describe as "1st row near building, second handicapped space").
- (3) The name and rank/title of the department employee to whom the property is turned over.
- (4) The location where the property is placed for storage (e.g., temporary evidence locker, basement storage area, etc.).

c. All cash, jewelry, credits cards, backpacks, wallets, cell phones and any other items – regardless of value – shall immediately be placed in the temporary evidence locker.

d. This procedure shall be followed regardless of whether or not:

- (1) The property (e.g., a wallet, MU ID card, PA driver's license, etc.) readily identifies the owner and the owner can be immediately notified or contacted by phone or email; OR
- (2) The property will be in the department's custody for any length of time.

e. Claims Filed for Unclaimed Property: Employees shall advise any finder filing a claim for property, particularly valuables and cash that he/she found and turned in to the MUPD, that according to Commonwealth law, all unclaimed property must be turned in annually by the MUPD to the Pennsylvania State Department of the Treasury.

f. Annual Report to the State

- (1) By January 15 of each calendar year, the evidence custodian shall submit a report through the chain of command to the chief of police listing all found property in the custody of the department which remains unclaimed.
- (2) The chief of police will then submit a report of same to the State Vault Manager, PA State Department of the Treasury, utilizing PA State Form TUP-40.
- (3) All unclaimed property shall be held in the custody of the department until the state determines which reported items it will accept and which items it will refuse.
- (4) Those items claimed by the state shall be forwarded upon receipt of a determination by the State Vault Manager.
- (5) Those items rejected by the state shall be disposed of by one of the below methods:
  - (a) Discarding in appropriate trash receptacles
  - (b) Direct charitable donation
  - (c) As directed by MU Purchasing and Campus Services.

### 3. Containers: Locked/Large

- a. Whenever locked containers, boxes, attaché cases, suitcases, etc., come into the custody of the department for which no keys are available, the employee handling the property/evidence shall notify the shift supervisor, who shall decide the method to be utilized in opening the locked items.
- b. When recovering large containers (e.g., trunks, suitcases, boxes, lockers, etc.) in which assorted items of property/evidence are contained, employees shall

inventory the container and itemize the contents in the incident report and property record.

c. Employees shall securely fasten a copy of the property record and a property tag to all large containers.

4. Alcoholic Beverages: Employees shall, whenever possible, avoid seizing even small quantities of alcoholic beverages. Every effort should be made to return to the rightful owner alcoholic beverages that are not evidence of illegal activity or a violation of the University alcohol policy, if the owner can be identified and if she/he is a responsible person of legal age.

- a. Before returning alcoholic beverages, a photo of the beverages should be taken for evidentiary purposes. The photo will then be documented in the incident report and property record as an item of evidence, and will be processed as any other item of evidence.
- b. Before returning the alcoholic beverages, employees shall document the type, brand and quantity in the incident report and obtain a signed property receipt from the responsible person.

c. In the event that no responsible person is located, a photo shall be taken of the alcoholic beverages, and the photo will be processed as in item 4a above. The alcohol may then be disposed of under the supervision of the evidence custodian. The disposal and witnesses to the disposal shall be documented in a supplemental report.

d. When alcoholic beverages must be seized as evidence and a final disposition has been reached in the criminal case, the evidence custodian shall dispose of small quantities.

e. In the event that a keg and/or pump (tap) is taken into custody as evidence, every possible attempt shall be made to identify the owner of the keg. A photo shall be taken of the keg/pump, the photo entered into evidence, and the keg turned over to the owner. The owner shall sign a property receipt upon receipt of the keg/pump. In the event that the owner of a keg is not immediately available or is not identified, the keg shall be properly tagged and stored in the basement storage area under the classification of Property.

### 5. Firearms

- a. All firearms, except weapons which are to be fingerprinted, shall be unloaded immediately after being taken into custody. Firearms which will be fingerprinted shall be unloaded as soon as possible, taking extra care not to destroy any latent prints.
- b. An officer seizing a firearm shall unload any firearm before entering the MUPD station.

(1) If the firearm cannot be unloaded because of a malfunction or the officer's unfamiliarity with the firearm, the officer shall attempt to secure the weapon so that it cannot fire (e.g., secure the cylinder or trigger).

(2) The officer shall attach a prominent note to the firearm, describing the malfunction, and/or a warning that the firearm has not been unloaded, before depositing it in the temporary evidence locker.

c. All firearms shall be checked through JNET//NCIC CLEAN before being deposited in the temporary evidence locker. The results of the check shall be noted in the incident report. If a "hit" is received on a weapon, the recovering officer shall be responsible for the follow-up investigation.

d. Upon taking a firearm into custody, sworn members shall record the following in the incident report:

- (1) Make (Winchester, Remington, etc.)
- (2) Caliber (22, 30/30, 12-gauge, etc.)
- (3) Serial number
- (4) Type or model (double-barreled shotgun, over/under shotgun, etc.)
- (5) Color (blue steel, chrome plated, etc.)
- (6) Any special markings or defects (e.g., chip or scratches on left side of stock, trigger guard broken, engraved stock, etc.)

e. Attach a property tag to the trigger guard of all weapons, regardless of whether or not the weapon has been placed in a property bag or was in a carrying case or shotgun/rifle bag at the time it was taken into custody.

f. Unless otherwise advised, any weapon taken into custody shall be stored in a paper bag or paper wrapping. The bag or wrapping shall be secured by means of tape so as to prevent any tampering. Shotguns or rifles may be wrapped in newspaper or a series of paper bags.

g. The evidence custodian may be called in to secure a large amount of weapons or a weapon(s) that will not fit in the temporary evidence locker. This will be at the discretion of the shift supervisor.

h. Firearms not seized/recovered as per Section J.1c above shall be submitted to the PSP Firearms Unit for test firing and other forensic examinations needed to ensure successful prosecution of relevant criminal charges.

## 6. Disposal of Weapons

a. All found weapons whose owners cannot be identified and all weapons seized as evidence shall be destroyed as approved by the District Attorney's office or in compliance with an order issued by the court in which the criminal case was adjudicated. No weapons may be converted to department or individual use.

b. If a weapon was seized as evidence, the original seizing officer or the shift supervisor shall contact the clerk of the court that had jurisdiction over the case in which the weapon was seized to obtain and/or verify the final disposition.

c. The original seizing officer or the shift supervisor shall prepare a supplement report containing the final disposition of the case and any instructions given regarding disposition by the presiding judge, and forward a copy of the supplemental report to the evidence custodian.

d. Absent any specific directions from the court as to disposal, the evidence custodian shall cause the weapon to be transferred to a suitable facility for disposal or destruction.

(1) The evidence custodian shall complete a supplemental report documenting the date, time, location and name of the person to whom the weapon was transferred for destruction.

(2) The destruction will be witnessed by the evidence custodian and his assistant.

e. BB guns and pellet guns shall be unloaded prior to entering the MUPD station. The evidence custodian may store them, and they do not have to be handled as other firearms.

## 7. Bicycles

a. All found, abandoned and recovered (stolen) bicycles taken into the custody of the department should be transported first to the police station for processing.

b. An incident report shall be prepared for each bicycle taken into custody, except:

- (1) When more than one bicycle is seized recovered/found at the same time and location;
- (2) In connection with the same complaint number (e.g., during the execution of an arrest or search warrant); or
- (3) During the annual sweep of campus to remove abandoned bicycles from bike racks or other locations. (In this, all seized bicycles may be listed in the same incident report.)

c. If the bicycle is recovered (i.e., it was previously reported as stolen or the JNET/NCI query lists it as stolen), a copy of the initial incident report or the JNET NCIC check shall be attached to the hardcopy of the property record.

d. Employees shall examine the frame and front forks of each bicycle in an attempt to locate a serial number, bicycle registration number, Social Security number, or similar number engraved thereon or printed on a sticker/label attached thereto which indicates that the bicycle was registered in a law enforcement registration program.

(1) If any such numbers are found, they shall be recorded in the property record.

(2) Employees shall also make an attempt to contact the registering agency. The attempt shall be noted in the incident report.

e. A copy of the property record shall be attached to the property tag that is attached to the bicycle.

f. After completion of the required forms, all bicycles shall be transported to the MUPD station and secured in the bicycle storage area.

(1) Under no circumstances shall any bicycle be left outdoors and unsecured.

(2) If access cannot be gained to the bicycle storage area at any given time, the bicycle shall be temporarily stored in a secure area as determined by the shift supervisor.

- g. Officers shall make an effort to locate the owners of all bicycles in the department's custody.
- h. Bicycles shall be returned only upon presentation of definite proof of purchase and/or ownership. If the owner is a juvenile, the parent, guardian or other responsible adult shall co-sign for the bicycle.
- i. At the end of each calendar year, the evidence custodian shall submit a list of all unclaimed abandoned bicycles to the lieutenant. Any bicycle still in the department's possession may be donated to an appropriate charity, and this shall be documented in a supplement.

## 8. Narcotics and Dangerous Drugs

- a. Whenever any employee of the department comes into possession, in any manner, of suspected narcotic and/or dangerous drugs, any needed field tests shall be performed as soon as possible and the suspected drugs entered into the department's property/evidence control system.
- b. Employees shall keep in mind the importance of the continuity of evidence and shall protect the suspected drugs in every possible way, keeping them in their immediate possession and control, or in a secure place, until they are deposited in the temporary evidence locker.
- c. The employee shall complete a single incident report and property record for all drugs classified as evidence and associated with a single complaint/case number. Any drugs not classified as evidence will be listed as "Hold For Destruct" on a separate property record.
- d. Officers shall prepare a supplement report immediately after receiving a final disposition in a narcotics case. A copy of the supplemental report shall be forwarded to the evidence custodian.
- e. On an as-needed basis, but at least once each calendar year, the evidence custodian shall arrange for the destruction of all suspected narcotics and/or dangerous drugs remaining in the property system for which final dispositions have been obtained.
  - (1) The evidence custodian shall apply for a court order after consulting with the District Attorney's office.
  - (2) The evidence custodian and another MUPD officer shall witness the destruction of narcotics and/or dangerous drugs.
  - (3) Following destruction, the evidence custodian shall cause the information regarding the destruction to be recorded in one or more supplemental reports as applicable.

## 9. Flammables, Explosives and Hazardous Materials

- a. Employees shall not bring flammables or any property into the MUPD station (e.g., gasoline, kerosene, paint, industrial alcohol) that could present a direct or potential hazard to the health or safety of department personnel.
- b. Any officer who locates an item either independently or in response to a complaint which he feels could be potentially volatile or hazardous shall:
  - (1) Secure the immediate area and ensure that the item/object is not disturbed.

- (2) Request through the dispatcher that a representative of Environmental Health and Safety respond.
- (3) If the item(s) is not needed for evidentiary purposes, Environmental Health and Safety shall be allowed to dispose of the item(s).

## 10. Perishable Items

- a. All perishable items, such as food that was stolen, shall be photographed and then returned to the owner upon receipt of a signed property receipt. The photo will be processed as evidence. If the item cannot be returned, it may be disposed of.
- b. In the case of items from a food store which are wrapped in plastic and have a price tag attached, photograph the entire item, but remove and retain the price tag from the wrapper for evidentiary purposes. Both the photo and the price tag will be entered on the property record and processed as evidence.

## 11. Prisoner's Property

- a. At the time of arrest, a prisoner shall be thoroughly searched, and any personal property which could be used to effect an escape or injure an officer shall be temporarily removed from the prisoner.
- b. Noninjurious property may be returned to the prisoner, at the discretion of the arresting officer.
- c. Injurious property (e.g., ties, belts, suspenders, neck scarf, shoelaces, lighter, etc.) shall be placed in a paper bag labeled with the prisoner's name and the complaint or case number.
- d. The paper bag shall be returned to the prisoner at the time of his release from custody, or when she/he is turned over to another law enforcement officer or an employee of the Lancaster County Prison/Sheriff's Office.
- e. Property removed from a prisoner which is classified as evidence shall be handled in accordance with procedures set forth in this directive regarding evidence.
- f. Officers and employees shall not under any circumstances convert to their own use any item of evidence coming into their possession in the course of their official duties, nor shall officers or employees destroy any such item except according to established procedures. Any instance of conversion or unauthorized destruction will be grounds for criminal and/or serious disciplinary action.

## 12. Impounded Vehicles

- a. MUPD officers are authorized to tow vehicles as per Directive #49 Towing Procedures.
- b. When impounding a vehicle for offenses other than parking or traffic, the impounding officer shall, before the towing company removes the vehicle from the scene, carefully inspect the interior and exterior of the vehicle to detect missing or damaged parts or equipment.



c. All damage or missing parts shall be described in the incident report (e.g., missing hubcap L/R wheel, large dent and paint scratch R/R quarter panel). Such notations are important in terms of protecting the department from fraudulent claims by owners of impounded vehicles that additional damage was done to their vehicle while in police custody.

d. As per Directive #49, Part V, T.4, a complete inventory search of the vehicle and all containers found within shall be conducted. Any containers, suitcases, boxes or other property having a value of \$25. or more, as well as all evidence or contraband found during the inventory, shall be removed from the vehicle and entered into the MUPD property and evidence control system as per this directive.

e. When stolen motor vehicles are recovered, the officer recovering the vehicle shall immediately notify the owner or the law enforcement agency where the vehicle was reported stolen. Any special instructions regarding handling or disposition of the vehicle shall be noted in the incident report.

### 13. Safekeeping

- a. There are numerous occasions when an arrest would be inappropriate but the circumstances suggest that officers seize personal property temporarily from the owner (e.g., a weapon or potentially dangerous instrument). This is usually done to prevent the subject from using the item/instrument in an unlawful manner to subsequently injure someone.
- b. This category of property shall be handled in the same manner as found property.
- c. It is vitally important whenever you seize property for safekeeping to obtain enough information on when, where, how and to whom the property should be returned.
- d. The incident report and property record must include information sufficient to allow the evidence custodian at a later date to return the property to the rightful owner, destroy it or dispose of it by auction.

### 14. Estates of Deceased Persons

- a. Employees of the department, upon determining that the property of a deceased person is without adequate safeguards, and a search has failed to find a relative or responsible person to accept custody of the property, shall notify the shift supervisor. The shift supervisor will determine if the property is without adequate safeguards.
- b. In all cases where a member of the immediate family is not present, cannot be located to respond in a timely manner, or other responsible person cannot be located, a search of the premises shall be made for money and other items of value that could be easily converted. These items shall be taken into custody and shall be processed as property. The premises shall be left secured.
- c. A deceased person's vehicle(s) shall not be impounded if a relative or responsible person can assume custody. Employees shall not, however, permit such vehicles to be left at locations where they might be exposed to damage for extended periods of time.

d. Relatives wishing to claim the property of a deceased person shall be instructed to contact the evidence custodian by mail or telephone.

### 15. Property of Alleged Mentally Ill

- a. Insofar as the provisions are applicable, officers who find it necessary to safeguard the property of an alleged mentally ill person shall do so in the same manner as described for "Deceased Person's" property.
- b. Employees shall bear in mind that when such property is taken into custody by the department, an expense is incurred by the department. Therefore, every effort shall be made to locate a relative, other responsible person, or transport the property with the person so as to transfer custody of the property.

16. Blood and DNA: Blood and DNA evidence not seized/recovered as per Section J.1c above shall, after being processed according to Part VI, A-E of this directive, be submitted to the (PSP Greensburg) Forensic Laboratory Division of the Medical Examiner.

### K. Releasing Property

1. The release of property/evidence in the department's possession/control to the rightful owners, victims, claimants, courts or other agencies shall normally be accomplished by the evidence custodian, in accordance with the policies of this agency.
2. Evidence Needed for Court Appearances: In the case of the release of property/evidence for court purposes, the requesting officer shall notify the evidence custodian 24 hours prior to the scheduled court date, if possible.
3. Property/evidence shall only be released from the evidence room by the evidence custodian. The case officer or shift supervisor must advise the evidence custodian if the property/evidence is cleared for release. The chain of evidence for the item will be properly maintained until the final release of that item.
4. Returning nonevidentiary property to the owner or the victim of a crime if it has been determined that the property evidence has no prosecutorial value by the Butler County District Attorney or is no longer necessary for further prosecution may be returned to the victim (PLEAC 4.5.1)(h), (3.6.1)(g):
  - a. The owner/claimant shall be required to produce at least one valid piece of photo identification.
  - b. The dispatcher or other MUPD employee conducting the transaction shall photocopy the identification and attach the copy to the pink property receipt card.
  - c. The owner/claimant must sign a printed copy of the ALERT property record for receipt of the property as well as the property receipt card.
  - d. The completed/signed property receipt card shall be deposited in the temporary evidence locker.
5. If property is retained by the courts, an entry shall be made in the ALERT property record detailing the retention order. A report shall also be completed to reflect the disposition of the property.
6. Whenever evidence is transferred between the MUPD and other agencies and/or organizations, the receiving and/or releasing MUPD employee/officer shall obtain a copy of

the other agency's custody form and update the property record to reflect the transfer or disposition of each item of property.

## L. Evidence Storage Facilities (PLEAC 3.6.4)

1. A room has been designated as the evidence room. The basement storage area will serve as a secondary evidence storage location.
2. The evidence room and the basement storage area are controlled by limited key access. There will only be two keys for these rooms. The evidence custodian and the backup custodian will be the only MUPD personnel in possession of keys to the evidence room or evidence storage area.
3. Access to this area is limited to those persons authorized by the chief of police. In the event that items taken into department control cannot be stored in the evidence room due to size, condition or hazard, the evidence custodian shall make arrangements for secure storage in another area of such items.
4. Anytime a separate storage area is designated for such storage, it shall be documented in the incident/supplemental report and the property record by the receiving and securing officer(s).
5. Secure storage within the evidence room is available for items which may require added security. Valuable items will be kept in a locked metal safe or cabinet.

## M. Temporary Storage (PLEAC 3.6.3)

### 1. Chain of Custody and Control

- a. All property/evidence will be logged in by completing an ALERT Property Record and by documenting the receipt and transfer in an incident report.
- b. The property/evidence will be placed into an appropriate type of storage bag or marked with a property tag if necessary.
- c. Any items which are to be submitted to the State Police Laboratory, the FBI Laboratory or any other certified laboratory shall be placed into individual packages to prevent cross-contamination and will be packaged according to the instructions from the laboratory.
- d. Once properly prepared for temporary storage, the item(s) shall be placed into one of the temporary storage locker compartments.
  - (1) A copy of the property record shall be placed with the item inside an available locker.
  - (2) The officer then closes the locker door and turns the handle counterclockwise one-quarter turn to the "locked" position. Once a locker is locked, only the evidence custodian can get to the locker from the back side. No key is needed to secure evidence.
  - (3) The evidence custodian will transfer the property from the temporary evidence locker to the evidence room as soon as possible.
- e. Large items/objects: Certain property/evidence may have to be stored somewhere other than the temporary evidence locker. This includes bicycles and other objects which are too large for the temporary evidence locker.

- (1) The designated storage area for these items is the basement of the University Police Building.
- (2) In this circumstance, a hardcopy of the property report shall be forwarded to the evidence custodian.
- (3) The storage location of any property/evidence shall be noted in the incident report and entered in the ALERT Property File.

f. No evidence shall be left unsecured. Any question of storage should be directed to the evidence custodian or a superior officer.

### 2. Duties of Evidence Custodian

- a. The control of and accountability for all property and evidence that has been entered into the department's property and evidence control system shall be the duty and responsibility of the evidence custodian.
- b. Once evidence has been placed in the temporary evidence locker, it will be the responsibility of the evidence custodian to:
  - (1) Remove it from the temporary evidence locker.
  - (2) Ensure that the ALERT Property Record was properly completed.
  - (3) Account for the items listed on the ALERT Property Record.
  - (4) Transfer the property from the back of the locker into the evidence room.
- c. Once property/evidence has been placed into the evidence room, the evidence custodian shall make a log entry to reflect the date and time of transfer to the evidence room as well as the location of the property evidence within the evidence room.
- d. The evidence custodian shall examine the ALERT Property Record for each item for completeness. The record should contain:
  - (1) Complete description of the item(s)
  - (2) Number of items in sequence
  - (3) Signatures of recovering/seizing officer and approving shift supervisor for purposes of chain of custody
  - (4) Owner's information, if known
  - (5) Date, time and location the item was found or seized
  - (6) Status and location of item
- e. When evidence is to be transferred for an extended period of time (i.e., 30 days or more) or permanently to the custody of another criminal justice entity, as in subsections E.4a (3) and (4), the evidence custodian shall document the transaction in a supplemental report.

## N. Reports and Inspections

1. Two annual inspections of the evidence room shall be conducted:
  - a. One annual inspection shall be conducted by the captain to determine adherence to departmental regulations. A written report of the inspection will be submitted to the chief of police, with a copy placed in the accreditation files. (PLEAC 3.6.6)(a)
  - b. A second annual inspection will be conducted by a shift supervisor or patrol specialist who is not responsible for the evidence control function. A written report of the inspection will be submitted to the chief of police or designee, with a copy placed in the accreditation files. (PLEAC 3.6.6)(d)
2. When a change of evidence custodians occurs due to reassignment, promotion or separation from the department; or when there is reason to believe that evidence has been tampered with or otherwise compromised; or when the evidence custodian has been removed due to any confirmed irregularities; an audit shall be conducted to ensure that records are correct and properly documented, and that all property/evidence inventory is accounted for. (PLEAC 3.6.6)(b)(c)
  - a. This audit shall be made by the newly designated custodian and the incumbent custodian, unless the incumbent has been removed.
  - b. A report shall be prepared by the newly appointed evidence custodian describing the results of the audit and submitted through the chain of command to the chief of police, with a copy placed in the accreditation file.
3. An annual audit of property/evidence stored in the evidence room will be conducted by the captain with the evidence custodian present.
  - a. A report shall be completed by the lieutenant describing the results of the audit and forwarded to the chief of police for review.
  - b. A copy of the report signed by the chief of police will be placed in the department accreditation files.
4. The chief of police may conduct unannounced inspections of the evidence room to determine if the requirements of this directive for the control of property and evidence are being met and properly administered. (PLEAC 3.6.6)(e)

## O. Disposition of Property

1. The evidence room will be purged of selected items on at least an annual basis. Items of little value which are unclaimed will be purged on, at minimum, a quarterly basis. Items no longer needed as evidence may be purged at any time on a case-by-case basis.
2. Such a purge shall be conducted after review of agency records for status of prosecution and/or appeals. If necessary, the DA's office may be contacted for verification of the need to retain evidence for prosecution.
3. Inquiry shall be made of the MUPD employee who originally took control of the property to assist in determination of its status.
4. Property/evidence that may be returned to victims shall be done at this time.

5. The evidence custodian will oversee the destruction of purged property/evidence, and a second officer will witness the destruction of the property/evidence.
6. The ALERT Property Record shall include a notation which indicates the date and time the property/evidence was destroyed. The evidence custodian and witnessing officer shall sign the ALERT Property Record for the final disposition in the chain of custody.
7. Unclaimed property/evidence will be disposed of in the most practical means consistent with the current standards of the Pennsylvania Treasury Department.
8. Bicycles which are in good condition and unclaimed will be stored for no more than one month.

(1) If the bicycle is not claimed within that time, it may be donated to a charitable organization or destroyed.

(2) Bicycles which are deemed to be valueless by the supervisor of the bike patrol will be disposed of.

### Sources:

Anders

MUPD

M. Simmons

R. F. Downey

RBPD G.O. #84

Upper Dublin PD Manual, 3.6.1

Horsham PD G.O. #3.5

CMUPD

IACP Managing the Property & Evidence Function Manual.

## Emergency Procedures Lockdown and Shelter In Place

**EMERGENCY LOCKDOWN** – Go to the nearest building or office, secure all interior and exterior doors, lock or barricade doors, keep quiet, turn off lights, do not bunch together in the area and do not open door or leave the secure area until instructed to do so by the police or Environmental Health and Safety (EHS) Director. All events, including classes, are cancelled. Wait for further instructions by means of MU | Alert text message or the web.

**PREVENTIVE LOCKDOWN** – Go to the nearest building or office; secure all EXTERIOR doors. You may conduct normal business or class, but may not be outdoors. Do not leave the secure area until instructed to do so by the police or the EHS Director. Wait for further instructions by means of MU | Alert text message or the web.

**SHELTER IN PLACE** – Go to the nearest building, move to the center of the building away from doors and windows, close windows and turn off air-circulating equipment if possible. All events, including classes, are cancelled. Do not leave the secure area until instructed to do so by the police or EHS Director. Wait for further instructions by means of MU | Alert text messaging or the web.

**EVACUATION** – If police officers, firefighters or other emergency staff request that you evacuate a building for public-safety reasons, do NOT take backpacks or other items with you. Keep your hands open and clearly visible as you exit the building. Do not use cell phones while exiting the building.

Millersville University

NOTE: All problems or concerns related to the contents of this report should be reported immediately and directly to University Police at (717) 871-4357 or to [Peter.Anders@millersville.edu](mailto:Peter.Anders@millersville.edu).

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