



**STUDENT CONDUCT AND
COMMUNITY STANDARDS
HANDBOOK**

2020-2021

Millersville University

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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 & 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. If a student feels as though their rights have been violated, they have the ability to file an incident report with the Office of Student Conduct & Community Standards. The Office of Student Conduct & 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. 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 F 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, 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 code.

The classification of student is not limited to the physical campus of the University. Concern for the conduct of students extends to satellite and remote locations wherever 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 who have complied with the University requirements for recognition as a student organization. Members of a student organization may be individually held responsible 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 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. Disciplinary action may be imposed on a student whose conduct violates the Code, whether that conduct occurs on or off campus. The Student Code of Conduct details the rules and regulations for students and student organizations. The Code of Conduct is reviewed annually by the Office of Student Conduct & 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 which 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 may be intentional or reckless and 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. This includes conduct involving 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.

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 Alcoholic Beverages Administrative Policy found at <https://www.millersville.edu/about/administration/policies/pdf/administration/alcoholic-beverages.pdf>.

Accordingly, the following activities are prohibited:

A. Conduct involving the personal consumption and/or possession of alcohol in violation of the law on or off campus.

- B. Distribution of alcoholic beverages to minors (those under the age of 21).
- C. Knowingly being in the presence of unauthorized use, possession or distribution of alcoholic beverages.
- D. Public drunkenness.
- E. Violations of the University Alcoholic Beverage Administration Policy.

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

- A. Knowingly being in the presence of unauthorized use, possession or distribution of drugs.
- B. The use of counterfeit or synthetic substances, frequently referred to as “designer drugs.”
- C. 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 <https://www.millersville.edu/saem/files/prohibiting-deadly-and-offensive-weapons.pdf>.

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 hosted by 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 <https://www.millersville.edu/about/administration/policies/pdf/academics/academic-policy-academic-honesty-and-dishonesty.pdf>.

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 employees/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 with 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 his/her designee, the Director of Student Conduct & Community Standards or his/her designee, 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 & Community Standards or his/her designee, the Associate Provost, the University's Conduct Board, the Vice President for Student Affairs and Enrollment Management or the president of the University.
- M. Fire alarm causation triggered by acts which are a violation of the Student Code of Conduct or any other rules, regulations, and state or local laws.
- N. Noncompliance with public health guidance or any institutional guidelines that are designed to address public health. Failure to comply with federal, regional, state or local directives concerning Covid-19 or any other public health crisis would fall under this violation.

V.6. Theft: No person shall engage in the theft or misappropriation of University–provided funds or property, including its electronic resources (see policy for Responsible Use) or the property or funds of another person, entity or organization.

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 this 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.

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.

Prohibited conduct related to the sexual misconduct policy can be found in Section F.

SECTION C: SELECT POLICIES, GUIDELINES AND RESOURCES

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 & 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 & 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 & Community Standards or designee will review incident reports and will determine whether there are sufficient grounds to initiate the Student Conduct & 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 & Community Standards process outcome, including sanctions in the University Student Conduct & 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 & Community Standards. The student shall respond as required by the notice. Failure to respond accordingly to the notice may result in further disciplinary charges.

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 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 his/her 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 & 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 which may limit the Office of Student Conduct & 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.

<https://www.millersville.edu/registrar/ferpaforstudents.php>

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 & Community Standards. FERPA does, however, allow for some disclosures without student consent.

In accordance with FERPA guidelines, 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 within the law 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 & Community Standards. Application of the Student Code of Conduct may proceed without a finding by a criminal or civil 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 & Community Standards and local law enforcement will separately adjudicate 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 & Community Standards.

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 & Community Standards process and are neutral parties who have no influence on the outcome of the case.

SECTION D: STUDENT CONDUCT & COMMUNITY STANDARDS PROCESS

UNDERSTANDING THE STUDENT CONDUCT & 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 & Community Standards administers the Student Conduct & 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 & Community Standards process, whether a parent, member of the University community, advocate or attorney. At the discretion of the hearing officer(s)/hearing board, one additional advisor may be allowed. However, advisors may not speak in the process, may not question witnesses or participate otherwise 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.

ADMINISTRATIVE HEARING PROCEDURES (effective through December 31, 2020)

1. Upon receipt of a complaint of alleged violations of the Student Code of Conduct, the Office of Student Conduct & 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 University email 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 Appear, 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 & 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.
*See appeal process listed below.

ADMINISTRATIVE HEARING PROCEDURES (effective January 1, 2021)

1. Upon receipt of a complaint of alleged violations of the Student Code of Conduct, the Office of Student Conduct & 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 University email with the date, time and location of the respondent's scheduled preadministrative hearing meeting.
2. Failure to appear at a preadministrative hearing meeting, administrative hearing, University Conduct Board or SCCS Title IX Panel hearing for the scheduled dates and times may result in a decision being made in the absence of the student, which might result in additional charges and sanctions, including Failure to Appear, 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 preadministrative hearing meeting and/or administrative or Conduct Board hearing.
4. The purpose of the preadministrative hearing meeting is to discuss the charges filed against a student. Students will then have the opportunity to have an administrative hearing immediately or request a hearing with the University Conduct Board.

- a. If the student requests a hearing with the University Conduct Board, the preadministrative hearing meeting will serve to support the student in explaining the hearing process and answer any questions they may have.
5. There are two types of formal hearings – an administrative hearing, facilitated by one University employee, and a University Board Hearing. A University Board Hearing is conducted by at least three University community members. University board members each have an equal vote in the outcome of the proceeding. Each member is trained in advance and prescreened on a case-by-case basis to eliminate familiarity with the involved parties.
6. The hearing officers or board members hold ultimate discretion over what records, exhibits and written statements may be accepted as information for consideration during the hearing. All procedural questions, including those regarding materials and testimony that will be presented during the hearing, are subject to the final decision of the hearing officers.
7. The hearing officer, or University Conduct Board chairperson, shares responsibility for maintaining order and decorum. They have the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The hearing officer has the authority to direct the time of entrance and exit of all parties participating in the hearing. All hearings are closed proceedings.
8. 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 & Community Standards advocate, who may consult with and advise the student/student organization but may not otherwise participate in the hearing.
9. Only those individuals involved with the proceedings will be admitted to the hearing.
 10. The hearing officer/University Conduct Board 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.
 11. 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 rights to an appeal hearing.
 12. 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/University Conduct Board 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.

Preadministrative hearing meetings and University Conduct Board hearings will be an option beginning on January 1, 2021, but only for cases that are not likely to end in suspension or expulsion.

Conduct Board hearings are only an option during the academic year.

APPEALS

1. Millersville University's appeals 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(s) by submitting an appeal request form to the Office of Student Conduct & Community Standards within five business days following the hearing officer's decision. If granted, the Director, Assistant Director of Student Conduct & Community Standards or the University Appeal Board will review the case. The Appeal Form is available on the Office of Student Conduct & Community Standards web page at 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 that is relevant and may materially impact the decision issued by the Office of Student Conduct & Community Standards.
 - c. The sanctions issued were arbitrary and capricious.
4. The appeal officer or designee will review the appeal request and will 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 hearing review before the University Appeal Board. The Director of Student Conduct & Community Standards or designee shall convene the Board. The Appeal Board is responsible for reviewing findings made at administrative hearings. The respondent shall be notified of the date and time of the hearing review as well as the names of the appeal board members. The members of the Appeal Board include faculty, students and staff, and they take their duties to the Millersville University community very 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 hearings:

1. At least three members of the Appeal Board will preside over the hearing review. One of the three Board members presiding over the case will act as chairperson during the hearing review.
2. If a member of the Board has been involved in any way in a case to be heard or if they feel unable to render a fair decision, they must disqualify themselves from the hearing review. If it is determined by the Board chairperson that a member of the Board is unable to render a fair decision, the chairperson may disqualify the Board member from the hearing review. A respondent may request that a Board member be disqualified if they feel 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 review shall be limited to the Board members, chairperson and the Director of Student Conduct & Community Standards or their designee.
4. During the hearing review, the following process will be followed:
 - A recording of the hearing review, 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: 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 listed below:

***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 his/her 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 his/her 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/hearing board members 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 & 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/hearing board 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. (Table of fines is located at the end of this document.)

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 12).

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. 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.

H. 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.

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 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 & 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 & 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 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.

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 offices of Housing and Residential Programs and Office of Student Accounts fee schedules for more details.)

Additional sanctions involving cases of sexual misconduct can be found in Section F.

COMPLIANCE

The Director of Student Conduct & Community Standards and/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 prevent access to general business services.

Before a Student Conduct & Community Standards hold can be removed, the student will be required to submit a Hold Removal Form, located on the webpage of the Office of Student Conduct & Community Standards. Students who miss appointments during or as a part of the fulfillment of any phase of the Student Conduct & Community Standards process may incur fines and have additional charges imposed against them for noncompliance. This includes appointments with the hearing officer, the Conduct Board, Counseling Center personnel or with any other internal or external individuals or entities enlisted by the University to assist with the Student Conduct & 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 & 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 & Community Standards proceedings in cases where safety may be a major concern.*

SECTION F: SEXUAL MISCONDUCT POLICY

Allegations of sexual misconduct involving students or where a student is the respondent to such allegations will be handled in accordance with the University's Sexual Misconduct Policy: <http://www.millersville.edu/titleix>

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 & 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 & 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 & Community Standards website.

Information regarding advocates or forms may be obtained at 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 & 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; 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 reporting the alleged violation. In some cases, the Millersville University Police Department or the Office of Student Conduct & 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 & Community Standards process at Millersville University. The advocates are well trained in the Student Conduct & 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.

“Conduct Board hearing”: A formal proceeding at which presentations are made by or on behalf of the complainant (charging party) and the accused student or group to the hearing officer or University Conduct Board. The members of the Conduct Board will determine the accused student’s responsibility for the violation(s). Not all cases will warrant the convening of a University Conduct Board hearing. Cases that could lead to suspension or expulsion are not eligible for Conduct Board hearings. Conduct Board hearings are only an option during the academic year.*

“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. (the definition of consent for sexual misconduct cases is in Section F of this document).

“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 & 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.

“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 & Community Standards to hold disciplinary hearings, including the administrative hearing; impose sanctions; manage student conduct records and administer the Student Code of Conduct.

“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 & Community Standards” investigates possible violations; maintains Student Conduct & Community Standards records; trains the University Conduct Board, University Appeal Board, the Student Conduct & 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.

“Preadministrative hearing meeting”: An initial meeting between the accused student or student group and the hearing officer to review the information, discuss the allegations, and ask the accused their position on the alleged violations. The accused will also have the ability to request a formal hearing with the University Conduct Board or complete their case at this meeting.

“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.

“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 which results when a student/student organization appeals the findings from an administrative hearing. Members are chosen from among the staff, faculty and students.

“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.

*Pre-administrative hearings and University Conduct Board hearings will be an option beginning on January 1, 2021, but only for cases that are not likely to end in suspension or expulsion.

OFFICE OF STUDENT CONDUCT & COMMUNITY STANDARDS FINES

Description	Amount
1st Alcohol Offense	\$100.00
2nd Alcohol Offense	\$200.00
3rd Alcohol Offense	\$300.00
Additional Alcohol Offense	\$400.00
1st Drug Offense	\$100.00
2nd Drug Offense	\$200.00
3rd Drug Offense	\$300.00
Additional Drug Offense	\$400.00
Possession or Use of a Fake I.D.	\$100.00
Failure to Appear at Administrative Hearing	\$100.00
Failure to Appear at Conduct Board Hearing	\$200.00
Failure to Complete an Educational Sanction	\$100.00
Fire Alarm Causation	\$200.00
Failure to Evacuate	\$200.00
Vandalism	\$100.00 + restitution
Tampering with Fire Safety Equipment	\$500.00

- All fines will be reported to the Office of Student Accounts and will be placed on your account.
- Fines can be viewed on MAX accounts and paid using the online billing system.
- Failure to pay fines will result in a hold, preventing release of grades, transcripts and scheduling of future classes.



Approved by the Millersville University Council of Trustees
Effective date: July 1, 2020
Current date: August 14, 2020

Millersville University is an Equal Opportunity/Affirmative Action institution. Coordinators: Services for Students with Disabilities—Dr. Sherlynn Bessick, Director, Office of Learning Services, Lyle Hall, 717-871-5554; Title IX—Ms. Elizabeth Swantek, Title IX Coordinator, Student Memorial Center, 717-871-4100—Ms. Diane Copenhaver, Executive Director for Human Resources, Dilworth Building, 717-871-4950.

A Member of Pennsylvania's State System of Higher Education 8082-SCCS-0820-JR