



**STUDENT CONDUCT AND  
COMMUNITY STANDARDS  
HANDBOOK**

**2018-2019**

Millersville University

TOGETHER STRONG

# TABLE OF CONTENTS

<b>SECTION A</b>	<b>4</b>
PURPOSE	4
PREAMBLE	4
JURISDICTION	5
<b>SECTION B: STUDENT CODE OF CONDUCT</b>	<b>5</b>
<b>SECTION C: SELECT POLICIES, GUIDELINES &amp; RESOURCES</b>	<b>13</b>
PROCEDURES FOR REPORTING & RESPONDING TO ALLEGED CODE VIOLATIONS	13
RESPONSIBLE ACTION POLICY	14
CONFIDENTIALITY	15
PARENTAL NOTIFICATION	15
LOCAL LAW ENFORCEMENT	15
CONDUCT ADVOCATE PROGRAM	16
<b>SECTION D: STUDENT CONDUCT &amp; COMMUNITY STANDARDS PROCESS</b>	<b>16</b>
UNDERSTANDING THE STUDENT CONDUCT & COMMUNITY STANDARDS PROCESS	16
USE OF ADVISORS IN THE PROCESS	16
ADMINISTRATIVE HEARING PROCEDURES	17
APPEALS	18
UNIVERSITY CONDUCT BOARD	19
CONVENING THE APPEAL HEARING	20
<b>SECTION E: STUDENT SEXUAL MISCONDUCT VIOLATIONS OF TITLE IX</b>	<b>20</b>
COMPLAINANT AND RESPONDENT RIGHTS AND EXPECTATIONS	23
ADMINISTRATIVE FACT-FINDING	24
ADMINISTRATIVE HEARING PROCEDURES INVOLVING STUDENT-ON-STUDENT INCIDENTS	25
APPEALS IN TITLE IX SEXUAL MISCONDUCT CASES	26
<b>SECTION F: DISCIPLINARY SANCTIONS</b>	<b>27</b>
INTERIM SUSPENSION	27
EDUCATIONAL SANCTIONS (S.E.)	28
RETRIBUTIVE SANCTIONS (S.R.)	29
COMPLIANCE	32
<b>APPENDIX</b>	<b>33</b>
RETENTION OF RECORDS	33
AMENDMENTS AND REVISIONS	33
GLOSSARY OF TERMS	34

# 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 ever felt 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 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, including students who are on a Medical Leave of Absence or serving an academic or disciplinary suspension with the University, are 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. It 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.

**D. Sexual misconduct:** All sexual-misconduct cases are resolved in accordance with Section E (the Sexual-Misconduct Violation Policy) on page 17 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 harassment.** Sexual 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 element (3) is also referred to as hostile work or educational environment harassment.

**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.

**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.

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

**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 Sexual-Misconduct Violation Policy) on page 17 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 Alcoholic Beverages Administrative Policy found at [www.millersville.edu/about/administration/policies/pdf/administration/administrative-policy-alcoholic-beverages-policy.pdf](http://www.millersville.edu/about/administration/policies/pdf/administration/administrative-policy-alcoholic-beverages-policy.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.
- 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 the University policy regarding medical marijuana.

**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 [millersville.edu/about/administration/policies/pdf/student-affairs/prohibiting-deadly-and-offensive-weapons.pdf](http://millersville.edu/about/administration/policies/pdf/student-affairs/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 [www.millersville.edu/about/administration/policies/pdf/academics/academic-policy-academic-honesty-and-dishonesty.pdf](http://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 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 & Enrollment Management or his/her designee, the Director of Student Conduct & Community Standards or his/her designee, or the University Conduct 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 & 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.

**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.

## SECTION C: SELECT POLICIES, GUIDELINES & RESOURCES

### PROCEDURES FOR REPORTING & 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:

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 he/she was 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. 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, 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**

1. Upon receipt of a complaint of alleged violations of the Student Code of Conduct, the Office of Student Conduct & Community Standards will notify the respondent (student accused of violating the Code of Conduct) of the charges being filed against the respondent. The notice will include a summary of the alleged incident that resulted in charges being filed under the Student Code of Conduct. 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 student, 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 may 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 rights 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 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 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 University Conduct Board may hear the appeal. The Appeal Form is available on the Office of Student Conduct & Community Standards.  
[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 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 CONDUCT BOARD**

The Conduct Board is responsible for reviewing appeals of findings made at administrative hearings and educating the University population about the rules, policies and regulations contained in the Code.

The members of the Conduct 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 Conduct 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 Conduct Board members will preside over Conduct Board hearings. One of the three Board members presiding over the case will act as Chair during the hearing.
2. If a member of the Board has been involved in any way in a case to be heard or if he/she feels unable to render a fair decision, he/she must

disqualify him/herself from the hearing. 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. A respondent may request that a 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 Conduct Board hearing shall be limited to the Board members, Chairperson and the Director of Student Conduct and Community Standards or their designee.

## CONVENING THE APPEAL HEARING

After completing and submitting the Administrative Appeal Hearing Form, the respondent may be granted an appeal hearing before the University Conduct Board. The Director of Student Conduct & Community Standards or designee shall convene the Board to conduct a hearing. During the hearing the following process will be followed:

- a. Pertinent records, exhibits and written statements will be accepted as information for consideration by the University Conduct Board at the discretion of the Chairperson.
- b. All procedural questions are subject to the final decision of the Chairperson of the University Conduct Board.
- c. All decisions following an appeal are final.

## SECTION E: STUDENT SEXUAL MISCONDUCT VIOLATIONS OF TITLE IX

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 & Community Standards as a Deputy Title IX Coordinator who work 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/sexualviolence/files/june2018sexualmisconductpolicy.pdf](http://www.millersville.edu/sexualviolence/files/june2018sexualmisconductpolicy.pdf)

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

Millersville University Title IX Coordinator  
Elizabeth Swantek  
Phone No.: 717-871-4100  
Email: [Elizabeth.Swantek@millersville.edu](mailto:Elizabeth.Swantek@millersville.edu)  
Office: Student Memorial Center, Room 107B

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

Lori 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. Lori serves as a Hearing Chairperson and Sanctioning Administrator. This deputy coordinator handles student complaints once they reach the Office of Student Conduct & Community Standards.

Melanie DeSantis is a Deputy Title IX Coordinator and can be reached in person at the Dilworth Building, by telephone at 717-871-4350 or by email at [melanie.desantis@millersville.edu](mailto:melanie.desantis@millersville.edu). Ms. DeSantis'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 717-871-5836 or by email at [scott.helfrich@millersville.edu](mailto:scott.helfrich@millersville.edu). Mr. 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 & 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 & Community Services staff, members of Student Conduct & 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 & 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, 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 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).

## **ADMINISTRATIVE FACT-FINDING**

Upon the report of alleged sexual-misconduct violence, the Sexual-Misconduct Response Team will meet to make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. 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. 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 a synthesis of the facts outlining what questions remain and elements that are 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 the Director of Student Conduct & Community Standards and the Student Conduct & Community Standards 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 are synthesized and compiled into an administrative fact-finding report. If a Code of Conduct violation is prevalent in the fact-finding report, the respondent (also known as the accused student) will be afforded an administrative hearing by the Student Conduct & Community Standards 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 & 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 & Community Standards, designee or Student Conduct & 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 & 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 rights to an appeal hearing. Complainants of sexual-misconduct violations shall also be notified of hearing decisions and their rights 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 & 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 & 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 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 & 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 & Enrollment Management or designee will have sole discretion. During a period of interim suspension, students may not continue to participate in classes.

*\*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 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 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.

## 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.
- 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 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.
- 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. During this time the student will be prohibited from being present on the property of any campus without permission. Readmission is contingent upon completion of the suspension period, fulfillment of sanctions, if any, and approval of the Vice President for Student Affairs & Enrollment Management or designee. The suspension is in place during the appeal process and remains in place until a final outcome of the appeal has been determined.\* The suspended 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.)
- 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 & 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 & 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 offices of Housing and Residential Programs and Office of Student Accounts fee schedules for more details.)

## 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. [cm.maxient.com/reportingform.php?MillersvilleUniv&layout\\_id=10](http://cm.maxient.com/reportingform.php?MillersvilleUniv&layout_id=10)

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 may 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.

# 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 & 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](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 & 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.

“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.

“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 & 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 & 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.

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

“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 Conduct & 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 Conduct 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. The University Conduct 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.



Approved by the Millersville University Council of Trustees  
Effective date: July 1, 2018  
Current date: June 1, 2018

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; Ms. Elizabeth Swantek, Title IX Coordinator, Student Memorial Center,  
(717) 871-4100; ADA Coordinator—Mr. Patrick C. Weidinger, Director of Safety and Environmental  
Health, Dilworth Building, (717) 871-4950

A Member of Pennsylvania's State System of Higher Education 7360-JUDI-0818-JR