



SEXUAL MISCONDUCT

A Resource Guide for Faculty and Staff



Millersville University

STUDENT AFFAIRS AND
ENROLLMENT MANAGEMENT



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OUR COMMITMENT

Millersville University is strongly committed to maintaining a positive learning, working and living environment for all and assuring its educational and employment environment is free from unlawful discrimination or harassment.

Consistent with Title IX of the Education Amendments of 1972, Millersville University does not discriminate against students, faculty or staff based on sex in any of its programs or activities, including but not limited to educational programs, employment and admission. Sexual harassment, including sexual violence, is a form of sex discrimination and is prohibited by Title IX and the University.

The University is committed to responding in a prompt and reliable manner when it learns of any form of possible discrimination based on sex and/or gender. The University responds to reports of sexual harassment, including sexual violence, as part of its efforts to stop the harassment and prevent its recurrence of possible sex discrimination. We will work to assure that a prompt, adequate, reliable and impartial investigation is undertaken by the University and that procedural due process is followed for both the complainant and respondent.

This guide provides faculty and staff with an overview of the University's policies, obligations and support services related to sexual misconduct involving students.

FEDERAL LAW

There are four federal laws which require employees of colleges and universities to report certain types of crimes and incidents, especially sexual misconduct. The Clery Act, Title VII, the Violence Against Women Act and Title IX have different purposes but are largely intended to protect against criminal and discriminatory behavior. As a general rule, faculty and staff are responsible employees and are expected to report incidents of sexual violence that they witness or are advised to have occurred.

REPORTING

As a member of the Millersville University community, you may be the first point of contact for a student who has been impacted by sexual misconduct or has been accused of sexual misconduct. Moreover, you may also overhear about an alleged episode of sexual misconduct through a source other than the complainant or respondent. All faculty and staff members who do not work within The Center for Counseling & Human Development or Health Services are responsible employees and are expected to report incidents of sexual violence that they witness or are advised to have occurred. Title IX requires all responsible employees "who know or reasonably know of possible sexual harassment or sexual violence" to report the information to the Title IX Coordinator or one of the Deputy Title IX Coordinators.



WHAT IS SEXUAL MISCONDUCT?

Sexual misconduct is defined as a broad range of sex- or gender-based discrimination including sexual harassment, sexual assault and other forms of misconduct of a sexual nature such as relationship violence, stalking and sexual exploitation. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual activities or between individuals who do not know each other. For definitions of consent and other terms, please see the Sexual Misconduct Policy by visiting: www.millersville.edu/smpp.

What information must be reported?

Responsible employees must report all of the details that come to their attention, including but not limited to, the names of the complainant and respondent, other individuals involved, date, time and location.

CONFIDENTIAL REPORTING

Under Title IX, The Center for Counseling & Human Development and Health Services are not required to report incidents of sexual misconduct without a student's consent. Consequently, students who wish to seek confidential on-campus support can contact these offices directly.

Center for Counseling & Human Development

Lyle Hall, 3rd floor 717-871-7821

Health Services

Witmer Building 717-871-5250

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 and Community Standards. Sexual misconduct complaints involving employees will be processed by the Office of Human Resources.

It is possible that you are made aware of a case of sexual misconduct, either directly from the complainant or indirectly, and should immediately report the information to the Title IX Coordinator or a Deputy Title IX Coordinator.

Millersville University Title IX Coordinator

Elizabeth Swantek | 717-871-4100
elizabeth.swantek@millersville.edu
Student Memorial Center, Room 107B

Millersville University Deputy Title IX Coordinator

Lori B. Austin | 717-871-5841
lori.austin@millersville.edu
The Witmer Building

Scott M. Helfrich, D.Ed. | 717-871-5836

scott.helfrich@millersville.edu
Lombardo Welcome Center

Melissa Wardwell | 717-871-7655

melissa.wardwell@millersville.edu
The Huntingdon House

WHAT SHOULD A RESPONSIBLE EMPLOYEE DO?

It is not always easy to know what to say when someone discloses something personal to you. For some individuals, disclosing to someone they trust can be very difficult, so we encourage you to be as supportive and non-judgmental as possible. Remember to listen and support the complainant then report the incident to the Title IX office.

LISTEN.

- Listen openly and be supportive.
- It is important to truly listen, refrain from judgmental questions and try not to allow your biases affect how you perceive the individual.

SUPPORT.

- Encourage people to seek support services.
- There are confidential and non-confidential campus and community options.

REPORT.

- If the person is in immediate danger, please call 911.
- Responsible employees must report all of the details that come to their attention, including but not limited to, the names of the complainant and the respondent, other students involved or witness to the incident, date, time and location.

Faculty and staff are in a unique position to assist those who report sexual misconduct, including sexual harassment and violence. This can pose a challenge for employees who want to respect the individual's request for confidentiality and anonymity without compromising the University's legal obligations.

Individuals who wish to report incidents of sexual misconduct in University programs or activities may contact the Title IX Coordinator via phone or e-mail. 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. The Sexual Misconduct reporting form is also available on the Title IX website: www.millersville.edu/titleix.

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



Because students may develop trusting relationships with members of the faculty and staff, they will often seek them out during times of personal hardship and trauma. Moreover, they may request confidentiality and ask that the faculty/staff member not repeat any of the information they want to reveal. This can create a difficult dilemma for employees who want to respect a student's request for anonymity, while at the same time, adhere to federal law.

Although there is not a perfect answer to this type of situation, here is an example of an exchange between a student and a faculty member that would balance a student's request with the University's legal obligations.

Employee: I am very sorry to hear that you are going through this, and I want to listen and get you to the right place so we can make sure you get the support and help you need.

Employee: Before we have any further dialogue, however, I want to be upfront with you about my legal obligations. If what you are about to tell me has something to do with your health and safety, a sexual assault for example, I will be obligated to contact our Title IX Coordinator, Elizabeth Swantek, who is trained on how to provide options, resources and your rights in these matters. Please know, however, that once I inform this individual, they will do their best to protect your confidentiality and will be able to do so in many of the cases, but more importantly, they want to empower you to choose how to proceed.

Student: Can I think about this?

Employee: Of course you may. Let me give you the contact information for our campus counselors. I will pass along your information and the nature of the incident along to the Title IX Coordinator so that they can reach out to you as well. Thank you for trusting me with this information. I would also be happy to walk you over to the Title IX office, MUPD or The Center for Counseling and Human Development, if you would like.

WHAT DOES A MEETING WITH A MEMBER OF THE TITLE IX TEAM LOOK LIKE?

When a member of the Title IX Team meets with the complainant, the initial meeting is a private conversation about the information received. We want to assure that they have an overview of support services, interim measures available and reporting options. Individuals are reminded that they can bring along a support person if they wish.

www.millersville.edu/titleix



GENERAL OBLIGATION TO REPORT

Good faith efforts shall be made, to the extent possible, to protect the privacy of those involved in the filing and the investigation of a complaint. The University, however, is not able to guarantee absolute confidentiality because it is obligated to take appropriate steps to mitigate the effects of alleged sexual misconduct, prevent its recurrence and, if need be, take interim measures for the student(s) and employee(s) involved. In recognition of the dignity and reputation of all individuals, the University's intent is to preserve the confidentiality of the complaint during its investigation. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and resolution, are involved in the investigation. The University will take reasonable measures to protect the confidentiality of the testimony and records produced during an investigation conducted pursuant to this policy. The complainant and respondent are strongly encouraged to maintain confidentiality.

The following steps should be taken to help assure confidentiality:

- The number of persons with knowledge of the complaint shall be kept to a minimum.
- Only persons with a need to know shall be notified of the complaint; The Director of Student Conduct and Community Standards or the Executive Director of Human Resources shall exercise discretion in the setting of dates and locations of interviews, and the placing of, and responding to, telephone calls and written correspondence related to the complaint.
- Investigator(s) will interview the complainant, the respondent and individuals named as witnesses by the complainant and respondent to the extent possible.

REPORTING DUTIES AND RESPONSIBILITIES

Any individual (e.g., person, visitor, student, faculty, staff, administrator or applicant) who is made aware of an incident or receives a report of sexual misconduct should immediately refer the person to the Title IX Coordinator or any of the Deputy Title IX Coordinators listed in page one of this document.

An online reporting form can be found at: www.millersville.edu/titleix. All initial reports of sexual misconduct will be reviewed by the Title IX Coordinator or the Executive Director of Human Resources.

The Title IX Coordinator is available to assist a complainant in the filing of a sexual misconduct complaint with the Executive Director of Human Resources or the Director of Student Conduct and Community Standards depending on the parties involved. In addition the Title IX Coordinator will work with the Executive Director of Human Resources and other relevant University personnel in determining whether appropriate measures need to be provided during the investigation of a Title IX complaint.



STAFF RESPONSIBILITIES

Elizabeth Swantek is the Title IX Coordinator and can be reached in person at the Student Memorial Center in room 107B, by telephone at 717-871-4100 or by email at elizabeth.swantek@millersville.edu. Swantek is the designated university official with primary responsibility for coordinating the university's compliance with Title IX. This includes providing leadership for Title IX activities; providing consultation, education and training; and helping to ensure that the university responds appropriately, effectively and equitably to Title IX issues.

Lori B. Austin is a Deputy Title IX Coordinator and can be reached in person at the Witmer Building, by telephone at 717-871-5841 or by email at lori.austin@millersville.edu. 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 and Community Standards.

Scott M. Helfrich, D.Ed. 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. 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. 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.

A member of the **Office of Human Resources** works with complaints involving employees from investigation to outcomes.

LEAD INVESTIGATOR

Aly Sehl

Assistant Director of Student Conduct and Community Standards
717-871-5841
alison.sehl@millersville.edu

The Assistant Director or Student Conduct and Community Standards (or designee) is the primary person who will 1) investigate the case and 2) prepare all documents relative to the case.

VICE PRESIDENT'S OFFICE

Brian Hazlett

Vice President of Student Affairs and Enrollment Management
717-871-5714
brian.hazlett@millersville.edu

Renardo Hall

Associate Vice President of Student Affairs and Enrollment Management
717-871-5840
renardo.hall@millersville.edu

The Vice President or their designees will, upon request of an appeal, determine if there is merit for an appeal of a sexual misconduct decision.

PREVENTION AND EDUCATION

The prevention of discrimination, harassment, retaliation and the establishment of effective procedures with due concern for everyone involved requires a comprehensive educational plan. The University provides information concerning; a) definitions of harassment, discrimination, and retaliation; b) examples of incidents of discrimination or harassment; c) sources of support and information for complainants and respondents; and d) mediation and resolution resources. Faculty, staff, administrators and students must share joint responsibility for creating and maintaining an environment free from discrimination and harassment; therefore, the University provides an online harassment prevention tutorial. Vice Presidents, Deans, Directors, Managers/Supervisors and/or Department Chairs are required to discuss these procedures and issues with students, faculty and staff annually. For a list of available programs please, visit www.millersville.edu/chep.

CONDUCT ADVOCATES

Conduct Advocates are here to help and guide you in preparation for a student conduct hearing. A Conduct Advocate is a resource for students going through or involved in the conduct process at Millersville University. The Advocates are well trained in the conduct process and are neutral parties that have no influence on the outcome of your case. For a list of advocates please visit www.millersville.edu/studentconduct.



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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972
"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

CAMPUS RESOURCES

Resources to discuss sexual misconduct issues on a confidential basis are available. You may speak with a member of the Center for Counseling & Human Development, Health Services or clergy.

COUNSELING AND SUPPORT

(Confidential Resource)

Center for Counseling and Human Development

(Lyle Hall, 3rd floor) 717-871-7821

Domestic Violence Services of Lancaster

Advocate: MUadvocate@dvslanc.org

(Tuesdays in the Montour House from 1-4 p.m.)

To schedule an on campus appointment call the Montour House..... 717-871-4141

YWCA

Advocate: dharvey@ywcalancaster.org

(Mondays in the Montour House from 10 a.m.-6 p.m.)

To schedule an on campus appointment call the Montour House..... 717-871-4141

MEDICAL ATTENTION

(Confidential Resource)

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

EDUCATION

Center for Health Education and Promotion

(Montour House) 717-871-4141

Student Conduct and Conduct Advocate Program

..... 717-871-5841
www.millersville.edu/studentconduct

Reporting

To report online to MU:

www.millersville.edu/studentconduct

University Police (Lebanon House) 717-871-4357

Title IX Coordinator..... 717-871-4100

(Student Memorial Center, SMC Room 107B)

EMERGENCY/ARE YOU SAFE?

Call 911 • If you cannot call, **text 911**

Millersville University is an Equal Opportunity/Affirmative Action institution.
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