



TITLE IX

A Resource Guide for Faculty and Staff



Millersville University
Title IX Office



Millersville University

Title IX Office

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
MUTitleIXCoordinator@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

Melissa Wardwell | 717-871-7655

melissa.wardwell@millersville.edu
The Huntingdon House

WHAT ARE YOU REQUIRED TO DO AS AN EMPLOYEE?

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 at MUTitleIXCoordinator@millersville.edu, 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, supportive measures available and reporting options. Individuals are reminded that they can bring along a support person if they wish.



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.



EMPLOYEE RESPONSIBILITIES

MANDATED REPORTING OBLIGATIONS OF UNIVERSITY OFFICIALS, VOLUNTEERS AND EMPLOYEES

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

PLEASE NOTE: These reporting exceptions do not apply to reports of sexual misconduct involving an individual who was, or is, a child (a person under 18 years of age) when the abuse allegedly occurred. When a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all the University Employees, Officials and Volunteers are required to notify the University police and the ChildLine run by the Pennsylvania Department of Human Services (1-800-932-0313). All other members of the University community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine. University Employees designated as Campus Security Authorities (CSAs) under the Clery Act are required to report certain crimes for federal statistical reporting purposes.

INVESTIGATOR

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

REPORTING SEXUAL MISCONDUCT

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct

as soon as possible to allow the University to respond promptly and effectively.

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

REPORTS TO TITLE IX COORDINATOR

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

SUPPORTIVE MEASURES

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

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@caplanc.org

(Thursdays on Campus)

To schedule an on-campus appointment
call 717-299-1249

YWCA

Advocate: wehearyou@ywcalanaster.org

(Mondays on Campus)

To schedule an on campus appointment
call 717-869-5013

MEDICAL ATTENTION

(Confidential Resource)

Health Services (Witmer Building) 717-871-5250

EDUCATION

Center for Health Education and Promotion

..... 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 Suite 107)

EMERGENCY/ARE YOU SAFE?

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



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COMMUNITY RESOURCES

Confidential Counseling and Support

Respondent Resource

Commonwealth Clinical Group 717-393-3900
Lancaster, PA

Courdea 215-242-2235
Philadelphia, PA

MU Employee Assistance Program (SEAP) 800-692-7459
or www.liveandworkwell.com
Access Code: Pennsylvania

Victims Compensation

Victims Compensation Assistance Program 800-233-2339

Law Enforcement (Non-Emergency)

**24/7 Lancaster County
Non-Emergency Dispatch** 717-664-1180
(All Lancaster County Police Departments)

Lancaster County District Attorney's Office 717-299-8100

Legal Assistance

Domestic Violence Legal Center 717-291-5826
(Assistance with Protection from Abuse Orders)

Lancaster County Victim/Witness Services 717-299-8048
(Support and Advocacy to Victims of Crime)

Pennsylvania Coalition Against Rape (PCAR)

PCAR Legal Assistance 717-901-6784
Monday-Friday from 9:30 a.m. - 4 p.m. to speak with a legal provider.

LGBT Center of Central PA 717-920-9534

Medical/Healthcare Resources

Planned Parenthood of Lancaster 717-299-2891

Relationship Violence

Domestic Violence Services

of Lancaster County 717-299-1249

National Domestic Violence

Hotline and Chat 800-799-7233
www.thehotline.org

National Teen Dating Abuse Hotline 1-866-331-9474
or by text "love is" to: 22522

Sexual Assault

YWCA Sexual Assault Prevention

and Counseling Center 717-392-7273

National Sexual Assault Helpline 800-656-4673

Sexual Assault Examination

Lancaster General Hospital 717-544-7000

Crisis Intervention

of Lancaster County 717-394-2631

National Suicide Hotline 800-273-8255

START Text Line 741741