

# STUDENT LIFE POLICIES

Amended by Board of Regents, Nov. 19, 1993

**For additional policies, procedures and information, faculty, staff and students are advised to consult all official university publications, such as the *Faculty Handbook*, *Personnel Policies and Procedures Manual*, *Student Handbook*, and the university bulletins.**

## Statement on Student Rights

Murray State University is a community whose members include its faculty, students, staff, administrators and alumni. The basic purpose of this university community is the enlargement, dissemination and application of knowledge. The most basic necessity for the achievement of this purpose is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas cease, and research, teaching and learning are stifled. Therefore, the university must always strive to strike that balance between maximum freedom and necessary order which promotes its basic purpose of providing the environment most conducive to the many faceted activities of teaching, learning, research and public service.

Specifically, students at Murray State University are guaranteed the following rights as members of the university community:

- Students shall be free from actions on the part of the university which would discriminate against them on the basis of sex, race, religion, age, national origin, political beliefs or affiliation, or handicap.
- Students shall be granted freedom of research, freedom of classroom discussion, and freedom to advocate alternative opinions to those presented in the classroom within the structure of the goals and objectives of the course.
- Students shall be free from evaluation based on personal or political beliefs and shall have protection from capricious or prejudicial evaluation.
- Students accused of breaches of institutional regulations shall be guaranteed due process within the university community.
- Students residing in university-owned housing shall be free from unreasonable search and seizure. Before entry, the resident must be informed of the reason(s) for entry, except in cases involving the protection of health and property.
- Students shall be free from censorship in

the publication of their views, provided the canons of responsible journalism are followed, and provided the views stated are not represented as the views of the university. Students shall be free to form, join, and participate in any group for intellectual, religious, social, economic, political, or cultural purposes. Organizations wishing to use university facilities must be appropriately registered and comply with university regulations regarding the conditions of use of university facilities.

- Students shall have their views and welfare represented in the formation of university policy through voting or non-voting membership on all university committees which materially affect students as members of the university community.
- Students shall have the right to freely express themselves, provided such freedom does not interfere with the rights of others in the pursuit of their legitimate goals.
- Students shall be permitted to invite and hear speakers of their choice. University officials shall not withhold approval for the purpose of censorship.
- Student records, including academic, medical, disciplinary, counseling and personal shall be kept confidential as required under federal law.

Beyond the rights and obligations a student possesses as a result of his membership in the university community, he continues to have all the rights granted to him and obligations imposed upon him by society as a whole and by the laws of the land. The university provides no shelter from these greater legal rights and obligations. In fact, the university encourages each student to exercise the rights granted to him by society and to accept the concomitant obligations society expects each member to shoulder.

## Grievance Procedures

Murray State University commits itself to investigating and determining all claims or

allegations of discrimination in the operation and administration of its programs, services and employment practices.

Step One does not envisage a formal hearing. The formal hearing is reserved for Step Two. Consequently, the parties will not necessarily be present in all stages in the process of gathering evidence.

### STEP ONE:

1. Any member of the university community adversely affected by a discriminatory act by an employee of Murray State University may complain. The aggrieved party must state his/her complaint in writing. The complaint shall state the nature of the discrimination, the facts upon which the complaint is based, and the relief demanded.
2. The complaint shall be filed with the university's Office of Equal Opportunity within 180 calendar days\* after the alleged act(s).
3. The charged party(ies) may submit a written statement addressing the complaint to the Office of Equal Opportunity within 20 calendar days.\* Three (3) days shall be added to the 20 days if the complaint is mailed. The director of equal opportunity may extend the time for good cause showing.\*\* If a written statement answering the charge is submitted, the director of equal opportunity shall promptly send a copy to the aggrieved party.
4. The university's general counsel office will be promptly apprised of copies of documents pursuant to Arabic one through three above.
5. The director of equal opportunity will promptly meet with the aggrieved party to gather investigatory information.
6. The director of equal opportunity will promptly meet with the charged party(ies) to gather investigatory information.
7. The investigation will continue. The director of equal opportunity may discuss this complaint with whomever it is necessary.

Members of the university community will cooperate in the investigation. All relevant files not privileged will be available to the director of equal opportunity.

8. A meeting will be held with both parties in an attempt to resolve the complaint in an informal manner.
9. If the complaint is not resolved in the meeting, the director of equal opportunity will make a formal, written decision within 30 calendar days.\* The president may extend the time for good cause showing.\*\* The formal decision may include corrective action which the director of equal opportunity believes to be necessary and justified by the complaint.
10. The decision shall be forwarded to the president of the university and to all interested parties.

### STEP TWO:

Either party adversely affected by the decision of the director of equal opportunity shall have the right to an appeal. The appeal shall be filed with the Office of Equal Opportunity. The appeal shall be heard by a hearing body composed of three (3) members of the university community appointed by the president. The chair of the committee shall be designated by the president. The president shall appoint a committee within fourteen (14) calendar days\* after receipt of the appeal. The president may extend the time for good cause showing.\*\*

The committee shall develop its rules of procedure which will include as a minimum the following rights:

1. Any hearing at this stage will be de nove.
2. The appellant has thirty (30) calendar days\* to appeal the written decision. The appellant shall set forth the grounds for the appeal in writing. Three (3) days shall be added to the thirty (30) days if the director of equal opportunity mails the decision. The president may extend the time for good cause showing.\*\* If the person adversely affected by the director of equal opportunity's decision

allows the time limit to elapse, the decision shall be final.

3. The person charged shall submit a written response to the Office of Equal Opportunity within twenty (20) calendar days\* after the charge is mailed to him/her. The chair of the committee may extend the time for good cause showing.\*\*
4. Each party shall have the right to be represented by counsel.
5. Each party shall have the right to produce witnesses and to cross-examine witnesses presented against them.
6. As a general practice, the committee will not be obligated to conform to technical rules of evidence.
7. The burden of proof shall be on the appellant.
8. A record of the proceedings shall be retained by electronic and/or stenographic recording.
9. The decision shall include a brief statement of the factual situation, the question presented, and the decision of the hearing body.
10. The rules of procedure which may be developed by the hearing body shall be consistent with due process under the circumstances of the case.

The decision of the hearing body shall be in the form of a recommendation to the president of the university. The president shall act upon the recommendation within thirty (30) calendar days.\* The president may extend the time for good cause showing.\*\* The decision of the president shall be made a part of the record. However, should the president believe it is necessary to request additional information, this may be done in whatever form the president seeks to adopt. For example, the president may give specific instructions to or ask specific questions of the hearing body or the director of equal opportunity. These examples are not intended to be all inclusive.

The decision of the president shall be final save and except as an appeal to the board of regents may be mandated by law.

This grievance procedure is designed for complaints with respect to discrimination and affirmative action. This procedure shall supersede any other grievance mechanism now having jurisdiction over discrimination and affirmative action, save and except as the question of discrimination and affirma-

tive action may constitute a part, but only a part, of grievances or complaints filed before other hearing bodies within the university. In these latter cases, the proceedings before the hearing body shall be suspended until matters of discrimination and affirmative action have been decided in accordance with the procedure mandated by this statement.

This grievance procedure shall not be used for student-versus-student, non-employment relationships. A student-versus-student, non-employment grievance will be handled by other established mechanisms.

If the director of equal opportunity is the person complained against, the president of the university will designate an individual to perform that director's function as set out in Section XV of the Affirmative Action Plan. If the complaint is against the president, the chairman of the board of regents will designate an individual to perform the function accorded to the president under Section XV of the Affirmative Action Plan.

Retaliation against any individual making a complaint, inquiry, or report of a known violation under this policy is expressly prohibited.

\* The last day of the period so computed is to be included, unless it is a Saturday, a Sunday or a Murray State University holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a Murray State University holiday.

\*\* Good cause showing shall include but not be limited to such things as illness, death within the family, absence from the university or the commonwealth, and any other circumstances which will constitute undue hardship upon that person who may want to respond or who is required to respond.

### **Statement on Confidentiality of Student Records ☆**

Murray State University is the custodian of many types of student records, and, as such, the university has a substantial duty to protect the confidentiality of the information contained therein. As a general rule, the university may release only "directory information" about its students, such as full name, address, E-mail address, telephone number, college major, birth date, classification, honors, graduation date, and degrees held, if applicable. If a student wishes the university to withhold even this

modest amount of information, he/she must complete an appropriate form in the Registrar's office within the first two weeks of each semester specifying that you wish your information to be withheld. This form must be renewed each semester you are in attendance so long as you wish to have your presence as an MSU student withheld. Of course, all student records are available for official use to authorized personnel who demonstrate a need to know.

Disciplinary, counseling, medical, financial and other personal records will not appear on official academic records. Other than directory information, no records will be disclosed without the student's written permission except under legal compulsion or if the withholding of such information could endanger the individual or other members of society. A student shall have free and open access at reasonable times and under reasonable conditions to those of his/her university records which would normally be transferred to other schools or to third parties upon request. However, students may waive their right of access to their records in writing at any time.

Students also have the right to challenge the accuracy of their records, such as an incorrectly recorded grade, and may appeal within established time guidelines such inaccurate contents to the custodian of those records. If agreement cannot be reached between the records custodian and the student, the student may request in writing a hearing before the university appeals board. Such a request shall be addressed to the chairperson of the appeals board with a copy to the custodian of the records in question. The decision of the appeals board shall be final and binding on all parties concerned.

Nothing in this policy statement is meant to take the place of university policies dealing with grade appeal procedures. In addition, this policy is not retroactive in effect.

☆ This policy statement implements the Family Education Rights and Privacy Act.

### **Policy Statement On Intolerance**

The university is committed to creating an educational environment which is free from intolerance directed toward individuals or groups and strives to create and maintain an environment that fosters respect for others. As

an educational institution, the university has a mandate to address problems of a society deeply ingrained with bias and prejudice. Toward that end, the university provides educational programs and activities to create an environment in which diversity and understanding of other cultures are valued.

A. Intolerance refers to an attitude, feeling or belief wherein an individual shows contempt for other individuals or groups based on characteristics such as race, color, national origin, gender, sexual orientation or political or religious belief.

B. Actions motivated by intolerance violate the principles upon which American society is built and serve to destroy the fabric of the society we share. Such actions do untold and unjust harm to those who experience this kind of discrimination and threaten the reputation of the university.

C. The expression of diverse views and opinions is encouraged in the university community. Further, the First Amendment of the United States Constitution assures the right of free expression. In a community which recognizes the rights of its members to hold divergent views and to express those views, sometimes ideas are expressed which are contrary to university values and objectives. Nevertheless, the university cannot impose disciplinary sanctions upon such expression when it is otherwise in compliance with university regulations.

D. When any violation of a university policy, rule or regulation is motivated by intolerance toward an individual or group based on characteristics such as race, color, national origin, gender, sexual orientation or political or religious beliefs, the sanction will be increased in severity and may include separation from the university.

Contact the Office of Student Affairs at 809-6831, 800-909-1507, fax (270) 809-4176.

### **Official Policy on Combating Sexual Harassment**

It is the policy of Murray State University to maintain the university community as a place of work and study for faculty, staff and students, free from sexual harassment and all forms of sexual intimidation and exploitation. All faculty, staff and students should be aware that the university is concerned and prepared

to take action to prevent and correct such behavior, and that individuals who engage in such behavior are subject to discipline.

Behaviors which constitute sexual harassment can be classified in three categories: (1) repeated and unwanted sexual behavior involving physical contact; (2) verbal comments or suggestions of a sexual nature which adversely affect the working or learning environment; (3) coercive behavior, including suggestions that academic or employment reprisals or rewards will follow the refusal or granting of sexual favors. These constitute gross misconduct and will not be tolerated. In such cases, a single incident would establish grounds for action.

Misconduct involving students in a non-employment setting is governed by the University Codes of Conduct, and complaints about such behavior should be referred to the Office of Student Affairs. Anyone who is subject to offensive sexual behavior in the employment setting is encouraged to pursue the matter through the Office of Equal Opportunity.

## Racial Harassment

It is the policy of Murray State University to conduct and provide programs, activities and services to students, faculty and staff in an atmosphere free from racial harassment. Racial harassment is any behavior that would verbally or physically threaten, torment, badger, heckle or persecute an individual because of his/her race. Isolated instances of misconduct, although never condoned, do not necessarily constitute racial harassment, nor a hostile environment.

Racial harassment of university faculty, staff, students or visitors is prohibited and shall subject the offender to appropriate disciplinary action ranging from disciplinary warning to expulsion.

The administration has an open-door policy for any student who feels he or she has been subjected to racial harassment or discrimination. Students are urged to contact the Office of Student Affairs, Ordway Hall, in the event that racial harassment arises outside of the employment setting. All others should contact the Office of Equal Opportunity, Wells Hall.

## Statement of Affirmative Action and Equal Opportunity

Murray State University does not dis-

criminate on the basis of race, color, national origin, sex, disability, age, religion, or marital status in admission to educational programs and activities, or employment practices in accordance with **Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (revised 1992), Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990.** For more information contact Annazette Fields, Director of Equal Opportunity, Murray State University, 103 Wells Hall, Murray, KY 42071-3318; phone (270) 809-3155.

## University Policy on Campus Solicitation

Murray State University has the duty and responsibility to maintain a safe and healthy environment conducive to its principal mission of education. At the same time, the university recognizes and respects the constitutional protection of free speech as well as the individual student's right to privacy. Accordingly, the university hereby adopts this solicitation policy for the purpose of establishing reasonable time, place, and manner restrictions on and around campus solicitation.

Even within areas open to solicitation, this contact may not substantially disrupt or materially (or significantly) interfere with the educational, administrative, or operational activities of the university. Commercial speech which is false, fraudulent or misrepresentative is not permitted. Events which are in violation of local, state or federal law, or rules, regulations, and guidelines of the university are prohibited.

Any outside organization or individual wishing to come on campus for the purpose of solicitation must be sponsored by a registered MSU organization or university department. After obtaining sponsorship, the outside organization or individual must follow the proper procedures as stated in the *Student Life Handbook* and other relevant publications.

- Solicitation in or around campus residences requires permission from the housing office and is governed by regulations published by the housing office which are located in the *Student Life Handbook* (see solicitation under policies on page 42). Solicitation in the residence halls is not permitted on a door-to-door basis.

- Solicitation in or around the Curris Center is controlled by and requires advance permission from the director of the Curris Center.
- Solicitation at or around athletic events is normally prohibited. If an exception to this general policy is to be made, it must be made by the director of intercollegiate athletics.
- Solicitation inside or around any campus building must be approved by the coordinator for that facility.
- There will be no solicitation during Summer Orientation.

**Questions** regarding the distribution of published materials on university property should be directed to the Office of Student Affairs, 809-6831.

## Policy on Non-University Speakers

Murray State University is committed to the concept that a university should encourage the free flow of ideas on all subjects, including controversial issues, and that all ideas should be subjected to objective, critical analysis. Therefore, any registered student organization, academic department or administrative unit in which students are included may invite speakers of its choice to speak on campus. (See policy on "Guidelines for Use of University Facilities.") In addition, the sponsoring organization must see to it that the campus facility it uses for such an event is properly cared for and that at the conclusion of the event the facility is returned to its pre-use condition.

The university shall not adopt any practice or policy which would result in censorship, except in the rare instance, in accordance with recent judicial interpretation, in which speaker's advocacy of a course of action would present a "clear and present danger" to the normal functioning of the university.

Under no circumstances shall a speaker's viewpoint be presented or advertised as being the viewpoint of Murray State University.

## Policy On Disruptive Activities

Murray State University guarantees the right of free discussion and expression, peaceful demonstration, the right to petition, and peaceful assembly. It is equally clear, however, that interference, coercion, or disruption cannot be tolerated in a community of learning. Hence, students who engage in acts which impair or interfere with the university's mis-

sions, processes, or functions, or who impair or interfere with the rights of others as outlined in the Statement on Student Rights shall be disciplined forthwith.

If individuals are participating in actions which interfere with the normal process of the institution, the president or his delegate will inform them that their conduct is illicit and/or unacceptable and they will be requested to cease such activity at once. If the individuals fail to heed the official request, one or more of the following courses of action may be taken:

- Bring prompt disciplinary action against the individual(s).
- Impose interim suspension on the individual(s), provided a hearing before the University Appeals Board is granted within five (5) working days.
- Make application to the courts for injunctive relief.
- Request assistance from outside law enforcement agencies.
- Institute such other legal actions deemed necessary by the president to protect lives and property and to provide for the orderly operation of the university.

## General Student Conduct Regulations

This section establishes the rules and regulations all students and student organizations of Murray State University are expected to follow under the duty and powers inherent in educational institutions to protect their educational purposes through the setting of standards of student conduct and scholarship and through the regulation of the use of university facilities.

Students and student organizations have a right to expect enforcement of these rules and regulations. The university also has the right to expect good-faith efforts to enforce these rules and regulations. The university also has the right to expect students and student organizations to abide by the rules and regulations as befits the responsibilities of students as members of the university community. Knowledge of these rules and regulations can prove most beneficial to students and student organizations in utilizing and protecting their guarded rights. It is important to add, however, that unfamiliarity with institutional regulations or rules is no ground for excusing infractions.

# MURRAY STATE UNIVERSITY'S SEXUAL ASSAULT POLICY

## I. STATEMENT ON SEXUAL ASSAULT

Murray State University explicitly condemns sexual assault within its campus community of students, faculty and staff. Kentucky state law also prohibits such conduct. As a result, perpetrators of this behavior are subject to university sanctions as well as civil and criminal penalties.

The university is committed to the elimination of sexual misconduct on campus by means of preventative educational programs, victims's advocacy, and strict enforcement of the sexual assault policy.

As part of the commitment to prevent sexual assault and rape, numerous educational programs are offered throughout the year, including a week-long focus on defining, understanding and preventing sexual assault and rape. The annual event known as B.E. S.A.F.E. (Be Educated on a Sexual Assault-Free Environment) week is generally held in late September or early October.

Sexual misconduct is defined as any touching of a sexual nature, without consent. Consent which is obtained through the use of any type of force, such as physical force, manipulation, threats, intimidation or coercion is not valid consent. There are two categories of sexual misconduct: rape and sexual assault. Rape refers to sexual penetration (anal or vaginal), without consent. Sexual assault is sexual penetration with an object, however slight, oral sex, or any other touching of a sexual nature, without consent. Rape and sexual assault may be committed by a man or woman, upon a man or woman. These acts may be committed by a stranger, or by someone known to the victim, such as a date, acquaintance, boyfriend, co-worker, spouse or relative. Whenever a person engages in sexual contact with another that a reasonable person would consider offensive or when the other person is unable to assess the nature of or control their own conduct (e.g., unconscious, mentally retarded, or under the age of sixteen), he/she is guilty of sexual misconduct.

## II. DEFINITIONS

**Sexual misconduct** includes the following:

**Sexual Assault:** Any nonconsensual sexual acts or touching, by a man or a woman, upon a man or a woman, whether a stranger or someone known to the victim. A sexual act is non-consensual if it is forced through the use of physical force, manipulation, coercion, threats or intimidation. While sexual assault may refer to actual or attempted oral sex, attempted anal or vaginal penetration, or penetration by an object, it also includes unwanted sexual touching.

**Rape:** Sexual penetration (anal or vaginal), however slight, without consent. A sexual act is nonconsensual if it is forced through the use of physical force, manipulation, coercion, threats or intimidation. Individuals who engage in sexual penetration of persons who are underage, or are physically incapacitated by the use of alcohol or drugs, or are mentally incapacitated, unconscious, or otherwise physically unable to communicate consent are guilty of rape. Rape may be committed by a man or a woman upon a man or a woman and may be a stranger or someone known to the victim.

## III GRIEVANCE PROCEDURES

A. Depending on the employment status of the alleged perpetrator (i.e., student, faculty or staff) there are several routes through which grievances are filed. The following is a summary of these processes.

1. In the case that the alleged perpetrator is a student, the grievance should be taken up with the judicial board through the Office of Student Affairs (refer to the Student Handbook for specifics of grievance process). The Office of Equal Opportunity does not have jurisdiction over student vs. student situations under the Sexual Assault Policy, any

other policy of the university to the contrary notwithstanding. Section XV A. of the Affirmative Action Plan is amended accordingly.

2. If the alleged perpetrator is a staff or faculty member, the grievance procedure set forth under appropriate board policy shall be followed. (Affirmative Action Plan section XV and VI B. in the Personnel Policies and Procedures Manual.)
- B. The alleged victim and perpetrator are entitled to have others present during disciplinary proceedings. Both will also be notified of the outcome of campus disciplinary proceedings regarding sexual assault.
  - C. It should be noted that campus disciplinary proceedings may proceed regardless of the disposition of off-campus proceedings. The goals of campus proceedings and criminal proceedings are different. In addition, the requirements of criminal procedure are more exact. (i.e., The requirements under criminal law are proof beyond a reasonable doubt whereas the university's procedure is based on a preponderance of evidence. 1993.)
  - D. Due to the severe nature of the offense, the university reserves the right to deal with matters of sexual misconduct internally whenever such matters are brought to the university's attention. Victims shall be encouraged to contact appropriate law enforcement agencies in addition to pursuing the matter through the university system.

**Note: Confidentiality will be respected. However, confidentiality cannot be maintained following the decision to commence advisory proceedings.**

## IV. SANCTIONS

Due to the severity of the offense, individuals found to be in violation of this policy are subject to a range of sanctions ranging from warning to expulsion or termination. (i.e., a suspension or reprimand may be appropriate).

## V. PREVENTING SEXUAL ASSAULT AND RAPE IS EVERYONE'S RESPONSIBILITY

Both men and women must take responsibility to prevent rape. Listed below are several prevention tips. Although no single method will prevent the occurrence of sexual assault or rape, adopting these practices may reduce the likelihood.

### Individual Dating Responsibilities:

- Clearly communicate your desires and limits; never assume.
- Learn as much as you can about an individual prior to the date.
- At least 70 percent of all sexual assaults involve alcohol; avoid excessive use.
- Listen. Being told "no" or saying "no" is not a rejection of another person. Anyone has a right to say "no" at any time.
- Be assertive. If you say "no," say it clearly and mean it.
- Accept your partner's choice if the decision is "no;" don't be manipulative or coercive.
- Ensure that your verbal and nonverbal messages are consistent.
- Be wary of persons who portray a domineering, unrealistic or hostile attitude toward your gender.
- Trust your instincts. If you suspect something is wrong, you're probably right. If possible, get out of the situation immediately.
- Learn self-defense techniques.

## VI. WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL ASSAULT OR RAPE

- A. Remember that rape and sexual assault are never the victim's fault; don't blame yourself.
- B. Seeking medical help is an important step that should be taken as soon as possible. Do NOT bathe or douche. Take the clothing worn at the time of the assault with you. Medical attention at Student Health Services is free. Victims can also be treated at the Murray/Calloway County Hospital (MCCH) Emergency Room (review the MCCH information under "Resources"). Seeking medical attention is vital to test for STDs, to prevent pregnancy (if addressed within 72 hours of intercourse), and for evidence collection should you decide to press charges. Feel welcome to take someone with you. A trained Rape Crisis Center volunteer will gladly meet you at the hospital upon request (1-800-928-7273).
- C. Victims understandably find rape and sexual assault upsetting and painful to discuss. However, it is important to report the incident as soon as possible. You are encouraged to contact Public Safety or the local police regardless of whether you intend to press charges. Reporting the incident does not obligate you to press charges. However, if for some reason (e.g., several reports have been made against this perpetrator) the county attorney or commonwealth attorney wants to prosecute, the decision is legally in the hands of the prosecutor since by law, rape is considered a "crime against the state."
- D. You may press charges through the local police and/or file charges under the university judicial system. Refer to Section III of this policy for an explanation of the grievance procedures.
- E. Victims are encouraged to seek support from a relative, good friend, resident advisor or counselor. Free and confidential counseling is available on campus at the Counseling and Testing Center, the Women's Center, and the Psychological Center, and off campus at the Rape Crisis Center. See Section VIII for phone numbers and locations.

## V. WHAT TO DO IF A FRIEND HAS BEEN RAPED

- A. Listen and be supportive. Tell the friend you care and want to help.
- B. Let the victim make her/his own choices—just help the person be aware of options.
- C. Encourage the friend to:
  1. Seek medical attention immediately.
  2. Call Murray State Police Department (2222) or the local police (911). It is particularly important to encourage, not bully or badger a victim due to the need for the individual to regain a sense of control.
- D. Call the Rape Crisis Center hotline for support, suggestions, and information regarding ways to help.
- E. Offer and be willing to stay with your friend during interviews and medical exams.
- F. Encourage the friend to seek counseling.
- G. Take care of yourself. It may be helpful to talk to someone about how the sexual assault has affected you. Learn about trauma recovery and how to be an "ally in healing."

## VIII. RESOURCES

All departments/agencies listed below are aware of the resources available to victims and will provide information and encourage utilization of these local, potentially beneficial resources. Each one will make every effort to help victims access the various resources. Each department/agency will also complete an anonymous third party report regarding the incident and submit it to the university's appointed sexual assault response coordinator. The name of the victim does not appear anywhere on the form.

- A. **Murray State Police Department** (2222); Location: 16th St., across from Wells Hall
  - A police reporting agency
  - Transportation to the hospital upon request
  - Immediate assistance with securing a safe environment
  - Escort service (Racer Patrol)

- B. **Counseling and Testing Center** (6851); Location: 100 Ordway Hall
  - Individual counseling (free and confidential)
  - Support to friends and families of the victim
  - Educational programs for students, faculty, and staff
- C. **Women's Center** (3140); Location: 201 Ordway Hall
  - Crisis counseling (free and confidential)
  - Advocacy and judicial system assistance (both on and off campus)
  - Accompany victims to hearings and meetings with police or other officials
  - Support to friends and families of the victim
  - Educational programs for students, faculty and staff
- D. **Psychological Center** (2504); Location: 400 Wells Hall
  - Individual counseling (free and confidential)
  - Support to family members and friends of the victim
- E. **Health Services** (3809); Location: Wells Hall, facing the quadrangle on the end closest to Faculty Hall
  - Physical exams, pregnancy and STD testing (free and confidential)
- F. **Student Affairs Office** (6831); Location: first floor Ordway Hall
  - Notifies Murray State Police Department
  - Handles formal complaints of sexual assault and rape between students
- G. **Residential College staff**
  - Notifies Murray State Police Department and the director of Housing
  - Provides on-going support
  - Assists in securing a safe living environment for a victim
- H. **Residential College Head**
  - Notifies the vice president for Student Affairs
  - Helps ensure a safe/secure immediate environment for a victim
- I. **H.E.A.T. (Health Education Advocate Team)** (4418); Location: 301 Ordway Hall
  - Makes presentations to faculty, staff and students concerning MSU's sexual assault policy and appropriate responses to sexual misconduct.
- J. **Local Rape Crisis Center** (1-800-928-7273 or 753-5777)  
ALL SERVICES ARE FREE AND CONFIDENTIAL.
  - 24-hour hotline
  - Immediate crisis counseling and support during hospital exams and interviews
  - Victim advocacy
  - Judicial system assistance
  - Medical and legal information
  - Support groups
  - Individual counseling
- K. **Local Police** (911 or 753-1621)
  - A police reporting agency
  - Transportation to the local hospital
  - Reports sent to district attorney's office
- L. **Murray/Calloway County Hospital** (809-1100); location: 803 Poplar Street
  - Medical exams
  - Collection of forensic evidence (results go directly to the local police)

NOTE: Victims will not be billed for the emergency room visit, physician's care, or any medical procedures and lab work directly related to the sexual assault/rape.
- M. **Office of Equal Opportunity** (809-3155); location: 103 Wells Hall
  - Notifies Murray State Police Department
  - Handles formal complaints of sexual assault and rape between a student and staff or faculty member.

## ■ Conduct Rules

The following statements constitute an official record of general conduct rules and regulations for students, clubs and organizations at Murray State University. Students and student organizations are expected to abide by these regulations, and administrators are expected to enforce them. These regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be promulgated or declared during the year; announcements will be made upon adoption of the changes or additions.

**Academic Dishonesty** – Cheating, plagiarism (submitting another person’s material as one’s own), or doing work for another person which will receive academic credit are all impermissible. This includes the use of unauthorized books, notebooks or other sources in order to secure or give help during an examination; the unauthorized copying of examinations, assignments, reports or term papers; or the presentation of unacknowledged material as if it were the student’s own work. Disciplinary action may be taken beyond the academic discipline administered by the faculty member who teaches the course in which the cheating took place.

**Appearance at Hearing** – Failure to appear, without accepted excuse, on official request to give testimony before one of the duly constituted judicial bodies of the university shall be regarded as purposeful disruption of the judicial process through the withholding of evidence. Although a student must appear before the judicial body, he need not testify if such testimony would lead to self-incrimination.

**Bomb Threats and False Fire Reports** – Reporting the false presence of an explosive or incendiary device or intentionally reporting the existence of a non-existent fire is prohibited.

**Bribery** – Any attempt to bribe a university official or to bribe a member of or a witness before a university judicial body shall result in disciplinary action.

**Conduct Endangering Safety and Welfare** – Any conduct which potentially endangers the safety and welfare of other individuals such as hazing (see definition in section titled “Hazing”), assault, battery, abuse or threat of abuse on university-owned or -controlled property or at university functions is prohibited.

**Commission of a Serious Crime** – If a student

is arrested and charged with the commission of a serious or violent crime on or off campus, a hearing may be held as soon as possible before the university appeals board to determine if the student’s continued presence on campus presents a possible threat of danger to members of the university community. The student may be suspended from school pending the appeals board hearing.

**Counterfeiting and Altering** – It is not permissible to counterfeit, tamper with, or alter in any way, manner, shape or form any record, document or identification form (including parking permits) used or maintained by the university.

**Disorderly Conduct** – Abusive, drunk and disorderly, violent, or excessively noisy conduct on university-owned or -controlled property or at university functions is prohibited.

**Disruptive Activities** (see policy on Disruptive Activities) – Disruptive picketing, protesting, or demonstrating on campus or at university functions is strictly prohibited. Disruptive activities include:

- Unauthorized occupancy of university facilities or buildings.
- Interference with the rights of students or faculty to gain access to any college facility for the purpose of attending classes, participating in interviews and conferences or for other authorized purposes.
- Interference with the orderly operation of the university by destruction of property, or by noise and tumult, or by other similar forms of disturbance.
- Deliberate interference with university pedestrian or vehicular traffic.
- Behavior that intentionally and significantly interferes with teaching.

**Misuse of Keys** – A student may not possess a key or key-type device to any university facility without proper authorization.

**Misuse of Property** – Anyone who misuses, defaces, or damages university buildings, property, or library holdings, or private property located on campus shall be subject to disciplinary action.

**Passing Worthless Checks** – It is a violation of this code to intentionally pass a worthless check or to fail to redeem a worthless check unintentionally passed when such check is written to any part of the university.

**Payment of Accounts** – Failure to make satisfactory arrangements for the settlement of a

campus account by the due date may result in one or more of the following official actions:

- Late payment penalty.
- A “hold” placed on the student’s records.
- Cancellation of the student’s enrollment.
- Prevention of future enrollment.

**Repeat Violations** – Students who repeatedly violate university and/or residence hall policies are subject to university disciplinary action.

**Residence Hall Regulations** – Students living in or visiting in campus residence halls must abide by all regulations of the halls.

**Response to Official Requests** – Students must comply promptly with the legitimate and reasonable directions and requests of university officials or security officers in the performance of their duties.

**Sexual Harassment** – Behaviors which constitute sexual harassment can be classified in three categories: (1) repeated and unwanted sexual behavior involving physical contact; (2) verbal comments or suggestions of a sexual nature which adversely affect the working or learning environment; (3) coercive behavior, including suggestions that academic or employment reprisals or rewards will follow the refusal or granting of sexual favors. These constitute gross misconduct and will not be tolerated. In such cases, a single incident would establish grounds for action.

**Theft and Illegal Possession** – The unauthorized taking, misappropriation or possession of any property or library holdings owned or maintained by the university and owned or maintained by any person on campus is prohibited.

**Unauthorized Entry** – A student may not enter, or attempt to enter, any university building or room without proper authorization and legitimate purpose.

**Tampering with Fire and Safety Equipment** – Tampering with or removing fire alarms, fire extinguisher, exit signs or other safety equipment and giving false alarms is prohibited.

**Possessing, Consuming, and Distributing Alcoholic Beverages** – Possessing, consuming and distributing alcoholic beverages is prohibited on the campus and on any property owned by Murray State University.

**Distributing, Possessing and Using Illegal Drugs** – Possession and/or use of controlled substances including, but not limited to, amphetamines, barbiturates, hallucinogens, narcotics, marijuana, cocaine, anabolic steroids

or other intoxicants and drug paraphernalia is prohibited. Providing or distributing illegal drugs to any individual is prohibited.

**Possessing Firearms or Weapons on Campus** – The possession, whether open or concealed, of any weapon including, but not limited to, firearms, explosives, BB guns, throwing stars, knives with blades of more than four inches, and any weapon or an imitation that could be used to cause fear in another person is prohibited.

**Off-Campus Conduct** – A student who is charged or convicted of a crime off campus will not automatically be charged with a Murray State University Code of Conduct violation. However, the university reserves the right to take disciplinary action if, in its judgment, such action is warranted. Any disciplinary action imposed by the university may precede or follow and be in addition to any penalty imposed by an off-campus authority.

**Fraud** – Knowingly furnishing false information to the university, and forgery, alteration, or misuse (i.e., unauthorized, negligent) of documents, equipment (including computers and parking permits), records or identification is prohibited on the campus and on any property owned by Murray State University.

## Vehicular Noise Policy

Because of the nature of high-density living on the MSU campus and close proximity of roadways and parking lots to academic areas, it is important that the rights and responsibilities of all residents and academic areas are both respected and protected. One right all students have is to the educational nature of Murray State University. In order to respect the rights of others, it is expected that no student, faculty, staff or visitor create excessive amounts of noise anywhere on the MSU campus. If noise of any type is loud enough to potentially disturb others, it is unacceptable. The Office of Student Affairs may make exceptions to this policy for pre-approved activities by recognized student or campus organizations.

1. Vehicular noise, involving stereos and speakers, that is loud enough to be heard or felt outside the vehicle is prohibited.
2. Vehicular noise, involving mufflers or exhaust systems, that is loud enough to disturb people in residential or academic settings is prohibited.

Violations of this policy by members of the university community can result in one of the following:

- a. Warning
- b. loss of parking privileges on university-owned or controlled property

Violations involving persons not associated with the university are subject to citation into District Court.

Violations of vehicular noise policy should be reported to the University Police.

## Procedural Standards in Disciplinary Proceedings

The disciplinary powers of Murray State University are inherent in its responsibility to protect the rights of its students, to promote its educational purposes, and to regulate the use of its facilities through the setting of standards of conduct and scholarship for the students who attend the university.

The university will provide the necessary procedural safeguards to protect the students from the unfair imposition of serious penalties. Of course, the university may proceed with its disciplinary process without regard to potential action by local, state, or federal courts.

### ■ Pre-Hearing Procedures

Any member of the university community may present a complaint against a student to the Office of Student Affairs.

The Office of Student Affairs shall investigate the complaint, estimate its seriousness, and decide upon one of the following courses of action:

- Drop the complaint.
- In cases which could not result in suspension or expulsion, hold an informal hearing before a staff member.
- In cases which could result in suspension or expulsion, mandate a hearing before the university judicial board.
- In cases where the accused requests a hearing before the university board, forward the case to the judicial board for a hearing.
- In cases involving student organizations, a hearing before the student judicial board would occur.

If a hearing is warranted, it shall be held as soon as practical after the completion of an investigation. In addition to the aforementioned courses of action, the matter may be brought to the attention of local police authorities.

If a hearing before the university judicial

board is warranted or requested, the Office of Student Affairs shall call a meeting of the board to hear the case. Further, the Office of Student Affairs shall send the student a notice of the hearing including the time and place of the hearing and a statement of charges, describing the alleged wrongdoing and the specific regulations allegedly violated.

The notice and charges shall either (a) be mailed via registered mail to the address last noted on the student's official records at the university or (b) be handed to the accused student. Such service of charges shall not be regarded as defective if the student hides himself, refuses mail, or has failed to notify the university of his current address, and the hearing may proceed without hindrance or delay. Such notice and charges shall be mailed or handed to the student not less than five working days prior to the hearing, unless the student agrees to waive the five-day notice requirement in writing.

The student can choose to meet with a student affairs staff member for discussion of the issues involved in the case, preparation of a defense, hearing procedures, possible outcomes, and the rights which he or she will be free to exercise in the hearing (see policy on University Judicial Board Hearing Procedures).

### ■ Informal Hearing Procedures

If an informal administrative hearing is held, a student affairs staff member shall consider all the material available in the case and take one of the following courses of action:

- Acquit the student.
- Impose the sanctions of warning, referral, loss of privileges, probation, and/or restitution as defined under "University Judicial Board Authority and Jurisdiction."
- Make a decision to pass the case on to the university judicial board.
- In addition, the Office of Student Affairs may assist the student with his/her behavioral and/or personal difficulties.

If the student disagrees with the finding of the administrative officer and/or the sanction imposed, he/she may appeal the decision in writing to the university judicial board no later than five working days after the day of the administrative hearing.

## The University Judicial Board

**Composition** – The university judicial board

shall be composed of three members of the student judicial board, three faculty members and one administrative staff member. A hearing officer will conduct the hearing for procedure process to ensure proper procedures are followed. The three representatives from the student judicial board shall be chosen by a random drawing for each hearing by the chairman of the student judicial board. The three faculty members shall be elected by the faculty as a whole for staggered three-year terms. One administrative staff member shall be appointed by the president of the university for a one-year term. A quorum of the board shall consist of any five members present and voting. The board shall elect its own chairperson.

**Hearing Procedures** – The judicial board shall maintain a record of the pertinent evidence presented in each case and a copy of the judicial board's decision.

Students coming before the board shall be granted the following rights:

- The right to have the charges read at the beginning of the hearing.
- The right to be presumed innocent until proven guilty.
- The right to question his/her accuser(s).
- The right to call witnesses in his/her behalf.
- The right to present evidence in his/her behalf.
- The right to remain silent and have no inference of guilt drawn therefrom.
- The right to have, during the hearing, an advisor who shall be another student, a faculty member, a staff member or a parent; except that no one, including the university, shall be advised by an attorney during the hearing, unless Class A misdemeanor or felony charges arising from the same set of facts are pending in state or federal court.

No decision for the imposition of sanctions may be based solely upon the failure of the accused student to answer charges or to appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered and sanctions imposed only if the alleged violations are proven.

A student's character, reputation, and prior disciplinary record shall be inadmissible as evidence to prove his/her guilt. However, the board may consider a student's character, reputation and prior disciplinary record in determining appropriate disciplinary action

after guilt has been determined.

All hearings before the university judicial board shall be private, unless the student requests a public hearing within the terms, conditions, and limits established by the Kentucky Open Meetings Law and the Federal Family Educational Rights and Privacy Act.

**Decisions** – All decisions shall be based upon the preponderance of the evidence in the case as a whole. A determination of guilt and the imposition of sanctions shall be by majority vote of those members present and voting, except that expulsion shall require a two-thirds vote. A recommendation of suspension or expulsion shall automatically be reviewed by the university appeals board. A written copy of the decision of the university judicial board shall be sent to the student, to the Office of Student Affairs and, in the case of a recommendation of suspension or expulsion, to the university appeals board. The decision letter shall contain information regarding the student's right to appeal.

**Authority and Jurisdictions** – The university judicial board shall have original jurisdiction in all cases in which suspension or expulsion might eventually result, and in those cases passed on to it by the Office of Student Affairs. The university judicial board shall have appellate jurisdiction from the informal administrative hearings of the Office of Student Affairs.

The university judicial board shall have the authority either to acquit the accused student or to impose one or more of the following sanctions:

- **Referral to alternative services**, such as counseling. This sanction may be accompanied by other sanctions.
- **Warning**. Written notification that the student's actions are unacceptable and that a continuation or repetition of such action will result in more severe disciplinary action.
- **Loss of Privileges**. Denial of participation in specified activities, removal from a living group, denial of use of specified facilities, or other loss of privileges consistent with the offense committed. This sanction may be accompanied by other sanctions.
- **Probation**. A definite period of observation and review of conduct not to exceed twelve months' duration. Violations of university regulations during a probationary period may result in suspension or expulsion.
- **Restitution**. Reimbursement by transfer of

money or services to the university or to a member of the university community in an amount not to exceed the damage or loss incurred. Restitution may be accompanied by other sanctions.

The university judicial board shall have the authority to recommend one of the following sanctions:

- **Self Improvement and Educational Programs.** A program of self development or educational development to assist students in realizing the significance of their behavior.
- **Recommendation of Suspension.** Exclusion from the university for a definite period of time and/or exclusion until specified conditions set out by the judicial board are met. The effective commencement date of such exclusion shall be specified by the judicial board. A student may not be suspended until the university appeals board renders a decision on the recommendation of the university judicial board.
- **Recommendation of Expulsion.** Permanent termination of student status and permanent exclusion from the campus. A student may not be expelled until the university appeals board renders a decision on the recommendation of the university judicial board.

## The University Appeals Board

**Composition** – The university appeals board shall be composed of nine members — six faculty members and three students. Two faculty members shall be named by the board of regents each year to serve three-year terms, and three students shall be named by the board of regents each year for one-year terms.

A quorum of the appeals board shall be any five members present and voting. The appeals board shall elect its own chairperson.

**Appeals Procedure** – A student/student organization may appeal a decision of the judicial board to the appeals board by sending a letter containing the grounds for the appeal in detail to the vice president for student affairs no later than five working days after the date of the judicial board hearing. When the university judicial board has recommended suspension or expulsion, appeal to the university appeals board is automatic, and the student need not appeal in writing.

**Decision** – The appeals board shall review the proceedings and shall take one of three courses of action:

1. If the decision of the judicial board is supported by substantial evidence, if no prejudicial procedural errors were committed, and if the judicial board did not act in an arbitrary or capricious manner, the appeals board shall sustain the decision of the judicial board.
2. If the decision of the judicial board is not supported by substantial evidence, or if the judicial board clearly acted in an arbitrary or capricious manner, the appeals board shall reverse the decision of the judicial board and acquit the student.
3. If the student presents new evidence which could not have reasonably been presented at the initial hearing, or if there is not substantial evidence to support the decision of the judicial board, or if prejudicial procedural errors occurred at the initial hearing, the appeals board shall order a new hearing before the judicial board.

The written decision of the appeals board shall be sent to the student and to the Office of Student Affairs. If the penalty assessed is suspension or expulsion, the student or student organization shall be informed in the decision letter of their right of appeal to the board of regents.

## Board of Regents

**Appeal Procedure** – A student who has been suspended or expelled by action of the university may appeal the decision of the appeals board to the board of regents by presenting a letter containing a detailed statement of the grounds for the appeal to the president of the university no later than five working days after the action of the appeals board.

**Decision** – The board of regents student disciplinary committee, consisting of three board members appointed by the chairman of the board of regents, shall act on behalf of the board in all student disciplinary matters and grant a new hearing. All hearings before the board of regents student disciplinary committee shall follow the hearing procedures outlined for the university judicial board, except that attorneys shall be permitted to advise the student, the university, and the board of regents. The board of regents student disciplinary committee may impose the sanctions of expulsion, suspension, or any of the other sanctions listed under “University Judicial Board, Authority and Jurisdiction.” The committee shall inform the student of its decision

in writing and send a copy of its decision to the vice president for student affairs.

## Information Technology Policy

### ■ Governing Principles

1. In support of its essential mission to enhance educational, economic and cultural opportunities for the people of West Kentucky, Murray State University offers information technology resources to its students, faculty and staff. These resources contribute to the work of all members of the university community. They advance the scholarly pursuit of knowledge and those administrative functions necessary for the operation of the university.
2. Users of the university’s information technology facilities are required to comply with and be subject to the MSU Information Technology Policy, the university’s policies found in the *Personnel Policies and Procedures Manual*, and all relevant federal and state statutes. The university reserves the right to amend these policies at any time without prior notice.
3. This policy is intended to help set the tone for information technology and for the use of technology resources at Murray State University. The university’s priority of academic excellence established the basic priority for Information Technology utilization. This priority must be maintained in appropriate balance with operational requirements (such as registration) and the requirements to use the university resources efficiently. All information technology users are expected to demonstrate respect for the rights of other users and to promote fair use by all so as to guarantee necessary access to all.
4. User access to information technology resources is contingent upon prudent and responsible use.

### ■ Authorization and Equity of Access

University information technology resources are provided to faculty, staff and students for the purposes of study, research, service and other work-related activities. Access to information technology resources is granted to an individual by MSU for that individual’s sole use, which use must be in furtherance of the mission and purpose of the university. Information technology resources must be shared among users in an equitable

manner. The user may not participate in any behavior that unreasonably interferes with the fair use of information technology resources by another.

### ■ Protection of Information Technology Resources and Institutional Data

To protect the integrity of the university’s information technology facilities and the users thereof against unauthorized or improper use of those facilities, MSU reserves the right, without notice, to temporarily limit or restrict any individual’s use and to inspect, copy, remove, or otherwise alter any data, file, or system resource which may undermine the authorized use of any information technology facility. Policy violations will be reviewed under the guidelines established in Article IV, Violations.

### ■ Investigation and Review of Policy Infractions

1. University sanctions are imposed by the appropriate university authority and may include, but are not limited to, limitation or revocation of access rights and/or reimbursement to the university for the technology and personal charges incurred in detecting and proving the violation of these rules, as well as from the violation itself. See Article IV, Violations, for a complete discussion of sanctions and appeals.
2. Users must use only those information technology resources which the university has authorized for their individual use. The unauthorized use of information technology resources as well as the providing of false or misleading information for the purpose of obtaining access to information technology facilities is prohibited and may be regarded as a criminal act and treated accordingly by the university. Users must not use university information technology facilities to gain unauthorized access to other institutions, organizations or individuals.
3. Failure to comply with one or more of the specific requirements of this policy may jeopardize access or use of Murray State facilities and services and could result in a review and investigation into the identified violation.
4. Supervisors of systems and facilities have the authority to immediately terminate any program or access that is deemed to be inappropriate or detrimental to operations.

For more information go to <http://campus.murraystate.edu/technical/infopol.htm>