

**REPORTING ALLEGATIONS OF DISCRIMINATION
AND DISCRIMINATION GRIEVANCE PROCEDURES****I. Principles of Non-Discrimination at Murray State University.**

Murray State University endorses the intent of all federal and state laws created to prohibit discrimination. Murray State University does not discriminate on the basis of race, color, national origin, sex, gender identity, sexual orientation, religion, age, veteran status, or disability in employment or application for employment, admissions, or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities equal access to participate in all programs and activities.

In particular and without limiting the preceding and pursuant to and consistent with the requirements of Title VI of the Civil Rights Act of 1964 and its regulations 34 CFR 100 et seq.; Section 504 of the Rehabilitation Act of 1973 and its regulations 34 CFR 104; Title IX of the Education Amendments of 1972, 20 USC 1681 et seq., and its regulations 34 CFR 106 et seq; and the Age Discrimination Act of 1975 and its regulations 34 CFR 110, Murray State University does not discriminate on the basis of race, color, national origin, sex, handicap, or age in its educational programs and activities. This non-discrimination in education programs and activities extends to employment and admissions and to recruitment, financial aid, academic programs, student services, athletics, and housing. Murray State is required by Title IX and 34 CFR part 106 not to discriminate on the basis of sex and the prohibition against sex discrimination specifically includes a prohibition of sexual harassment and sexual violence. Examples of prohibited sexual harassment and sexual violence can be found in the “Policy Prohibiting Sexual Harassment” which can be accessed via the link referenced in Appendix I.

Inquiries concerning the application of these provisions may be referred to: 1) the Executive Director of Institutional Diversity, Equity, and Access/ Murray State University Title IX Coordinator, Murray State University, 103 Wells Hall, Murray, KY 42071 Telephone: (270) 809-3155 Fax: (270) 809-6887; TDD: (270) 809-3361; Email: msu.titleix@murraystate.edu; or 2) to the Assistant Secretary of the United States Department of Education, U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100; Telephone: 1-800-421-3481 FAX: 202-453-6012; TDD: 1-800-877-8339; Email: OCR@ed.gov

Links to Murray State University’s policies related to Non-Discrimination, Sexual Harassment, and the Americans with Disabilities Act; Affirmative Action; and Sexual Violence and Misconduct, Relationship Violence, and Stalking; are found in Appendix I at

the end of this policy. Allegations of violation of these policies as applicable are considered as allegations of discrimination under this policy.

Appendix II includes contact information for all offices mentioned in this policy and for other available resources.

II. Scope of this policy regarding Discrimination Grievance Procedures.

This policy establishes the procedures to be followed in the event of allegations of discrimination against a University employee or volunteer or against a non–University individual, including the employee of a contractor at, a visitor to, or a patron of the University.

This policy also establishes the procedures to be followed in the event of allegations of discrimination against a student or student organization based upon sex or sexual orientation, including allegations of sexual harassment, sexual violence or misconduct, relationship violence, or stalking.

Murray State University is committed to investigating, in a prompt, reliable, and equitable manner, allegations and claims of discrimination in the operation and administration of its programs, services and employment practices.

This policy supersedes any other grievance mechanism with respect to issues of discrimination and affirmative action, except as the question of discrimination and affirmative action 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 provided by this policy.

III. Reporting Allegations of Discrimination and Where to report violations

A. Where to report allegations that *you* have been discriminated against

Any member of the University community, including students, staff, faculty, patrons, visitors, employees of a contractor, and applicants for employment and admission, who believes he or she may have been subjected to discrimination by a University employee, student, or volunteer or non-University individual is encouraged to report it as provided below.

- 1. Allegations against University employees, volunteers, and non-University individuals.*

Allegations under this policy against University employees, volunteers and non-University individuals should be made with the Executive Director of the Office of Institutional Diversity, Equity, and Access (IDEA)/Title IX Coordinator. This includes allegations of discrimination based on sex or sexual orientation, including allegations of sexual harassment, and sexual violence and misconduct, relationship violence, and stalking.

Contact information for the Executive Director of IDEA/Title IX Coordinator is: Ms. Camisha Duffy, Murray State University, 103 Wells Hall, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: cduffy@murraystate.edu; msu.titleix@murraystate.edu.

If the allegations are against an employee in IDEA, including the Executive Director/Title IX Coordinator, the allegations should be made to the President of the University. The President is obligated to contact the Murray State University Police Department immediately upon receipt of a report of a crime. If the victim requests anonymity or that law enforcement authorities not be notified, the President will immediately report the matter to the Murray State University Police Department without personally identifying information unless otherwise required by law.

2. Allegations of discrimination against a student

Allegations of discrimination based on sex or sexual orientation, including sexual harassment, sexual violence and misconduct, relationship violence, and stalking against a student or student organization should be made to the Executive Director of the Office of Institutional Diversity, Equity, and Access (IDEA)/Title IX Coordinator. All other allegations of discrimination against a student or student organization should be made to the Coordinator of Student Conduct and Special Projects for Student Affairs, where they will be addressed under different procedures.

Contact information for the Executive Director of IDEA/Title IX Coordinator is: Ms. Camisha Duffy, Murray State University, 103 Wells Hall, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: cduffy@murraystate.edu; msu.titleix@murraystate.edu.

Contact information for the Coordinator of Student Conduct and Special Projects of Student Affairs is: Ms. Jennifer Caldwell, Murray State University, 425 Wells Hall, Murray, KY 42071; telephone: (270) 809-6833; facsimile: (270) 809-4176; Email: jcaldwell@murraystate.edu.

3. Notifying the Murray State University Police Department/ Other Resources

Murray State University Police. Murray State University Police Department and the other law enforcement agencies listed in Appendix II are available to provide assistance for individuals who believe they have been the victim of a crime or are otherwise in need of assistance, are

concerned for their safety, or if a victim wishes to report an act of discrimination which occurs outside of normal University office hours. Offices listed in Appendix II can assist in contacting law enforcement.

Reports of matters related to discrimination, including discrimination based on sex or sexual orientation and including allegations of sexual harassment and sexual violence and misconduct, relationship violence, and stalking, made to the Murray State University Police Department will automatically be referred to the Executive Director of IDEA/Title IX Coordinator with personally identifying information regardless if the victim chooses to pursue criminal charges or requests confidentiality. If the matter cannot be immediately reported to the Executive Director/Title IX Coordinator, the matter must be reported as soon as possible.

Contact information for the Murray State University Police Department is: Murray State University, 101 Public Safety Building, Murray, KY 42071; telephone: (270) 809-2222.

Campus Security Authorities. Individuals may seek the assistance of University employees who have been designated as “Campus Security Authorities.” A listing of such employees is found here

<http://www.murraystate.edu/HeaderMenu/Offices/PublicSafetyAndEmergencyManagement/PoliceDepartment/CampusSecurityAuthorities.aspx>. Campus Security Authorities must report crimes to the Murray State University Police Department.

Other Resources. In addition, individuals may seek assistance, such as counseling and support and medical services, from the resources listed in Appendix II.

4. Confidential Reporting/Requests for Confidentiality or that an Investigation not be Pursued

Individuals are encouraged to report under this policy allegations that they have been discriminated against even if they request confidentiality or do not wish to participate in an investigation.

a. Matters reported to IDEA/Title IX Coordinator.

The Executive Director of IDEA/Title IX Coordinator is obligated to contact the Murray State University Police Department immediately upon receipt of a report of a crime. If the victim requests anonymity or that law enforcement authorities not be notified, IDEA/Title IX Coordinator will immediately report the matter to the Murray State University Police Department without personally identifying information unless otherwise required by law.

In the event an individual reporting discrimination to the Executive Director/Title IX Coordinator requests confidentiality or does not wish to participate in an investigation, the Executive Director/Title IX Coordinator, or his or her designee, will still take all reasonable steps to investigate and respond to the allegations consistent with the request for confidentiality or request not to pursue an investigation. In such instances, the ability to review the allegations may be limited.

Depending upon the applicable facts and circumstances, including the nature of the allegations, as determined by the Executive Director/Title IX Coordinator, or his or her designee, it may not be possible to honor a request for confidentiality.

b. Murray State University Police Department.

If you are a victim of a crime you are not obligated to report it to the police. If you are the victim of a crime and do not want to pursue action within the University system or criminal justice system, you may still want to consider making a confidential report. Unless otherwise required by law, the Chief of the Murray State University Police Department, or his designee, can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential. Reports filed in this manner are included in campus crime statistics.

Anonymous crime reports may be sent to Murray State University Police Department, 101 Public Safety Building, Murray, KY 42071.

c. Campus Security Authorities.

If the victim contacts a Campus Security Authority and requests anonymity or that law enforcement authorities not be notified of a crime, the Campus Security Authority must immediately report the matter to the Murray State University Police Department without personally identifying information. Campus Security Authorities must also immediately report matters related to discrimination, including discrimination based on sex or sexual orientation and including allegations of sexual harassment and sexual violence and misconduct, relationship violence, and stalking, to the Executive Director/Title IX Coordinator with personally identifying information regardless of any request for confidentiality. If the matter cannot be immediately reported to the Executive Director/Title IX Coordinator, the matter must be reported as soon as possible.

d. Available Confidential Reporting.

Professionally licensed mental health care providers, including professionals in training working under the supervision of a professional licensed mental health care provider, who provide

mental-health counseling, are generally not required to report any information about an incident to campus officials without a victim's permission. On campus, these offices provide professional counseling services:

Murray State University Women's Center, C103 Oakley Applied Science Building
Murray, KY 42071, Telephone: (270) 809-3140,
Email: msu.womenscenter@murraystate.edu

Psychological Center, Murray State University, 401 Wells Hall, Murray, KY 42071
Telephone: (270) 809-2504 Fax: (270) 809-2992

University Counseling Services, Murray State University, C104 Oakley Applied Science Building, Murray, KY 42071 Telephone: (270) 809-6851 Email: msu.counselingcenter@murraystate.edu

Counseling and Assessment Center, Murray State University, Alexander Hall, 3rd Floor, Murray KY, 42071 Telephone: (270) 809-6466; (270) 809-3822

A victim who speaks to a professional counselor must understand that if the victim wants to maintain confidentiality Murray State will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these counselors will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to law enforcement, and thus have the incident fully investigated. These counselors will provide the victim with assistance if the victim wishes to do so.

e. Limits on Confidential Reporting.

In addition to provisions above regarding limits related to confidentiality, all employees, including professional counselors, have reporting and other obligations under state law in certain particular circumstances. Such circumstances include: a) the duty to report to law enforcement or other offices designated at KRS 620.030 that an individual under 18 is abused or neglected, as defined under law, by a parent, guardian, person in a position of authority or special trust, or other person exercising custodial control or supervision of the individual; and b) the duty to report to the Kentucky Cabinet for Health and Family Services that an adult has experienced abuse or neglect inflicted or caused by a spouse.

In addition, if Murray State determines that the matter reported represents a threat to students and employees, it will as required by law provide a report to the campus community. Such a report will withhold as confidential the name and other identifying information of the victim.

f. Protection from retaliation.

Individuals requesting confidentiality or not to participate in an investigation are protected against retaliation, which is discussed at Section VI below.

B. Reporting allegations that another employee or a student has been subjected to discrimination

Any employee who is aware another employee or a student may have been subjected to discrimination must, unless exempted by law, immediately, report that to the Executive Director/Title IX Coordinator. This report must be made even if the individual who has been subjected to discrimination requests confidentiality or does not wish to pursue an investigation. If it is not possible to report the matter immediately to the Executive Director/Title IX Coordinator, and unless the victim does not want the police notified, the employee must report the matter immediately to the Murray State University Police Department. If the matter cannot be reported immediately to the Executive Director/Title IX Coordinator, and the victim does not want the matter reported to the police, the employee will notify the Executive Director/Title IX Coordinator as soon as possible.

This reporting requirement is in addition to the reporting requirements of “Campus Security Authorities.” A list of Campus Security Authorities may be found at <http://www.murraystate.edu/HeaderMenu/Offices/PublicSafetyAndEmergencyManagement/PoliceDepartment/CampusSecurityAuthorities.aspx>

C. Assistance with whom to contact

If there is doubt about where the allegations should be made, or if assistance is otherwise needed, the Executive Director of IDEA/Title IX Coordinator should be contacted.

Contact information for the Executive Director of IDEA/Title IX Coordinator is: Ms. Camisha Duffy, Murray State University, 103 Wells Hall, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: cduffy@murraystate.edu; msu.titleix@murraystate.edu.

IV. Review of Allegations

A. Role of Institutional Diversity, Equity, and Access

Allegations of discrimination under this policy, including allegations of discrimination related to sex discrimination under Title IX and sexual violence and misconduct, relationship violence, and stalking, will be reviewed by IDEA.

IDEA will, if possible, meet with the individual who alleges discrimination or who is reported to have been subjected to discrimination.

Available Assistance. IDEA will provide written information to individuals involved in allegations of discrimination, in an attempt to assist them, of measures which may be immediately available and which are appropriate under the circumstances. Examples include counseling and modifying academic, living, transportation, and working situations, a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. An individual who allegedly engaged in prohibited behavior may be removed or banned from University property or certain portions of campus to the extent consistent with law. IDEA will facilitate the implementation of such measures if requested and if they are reasonably available in consultation where necessary with the appropriate Vice President, or designee, and other offices. These measures may remain available regardless of the outcome of any complaint process.

B. Complaint Process

If the individual making allegations that he or she has been discriminated against wishes to pursue a formal complaint, the following procedures will be followed.

Time limit. A formal complaint of discrimination against a University employee or volunteer or non-University individual should be filed with the Executive Director of IDEA/Title IX Coordinator within 180 days of the last event about which a complaint is made.

1. *Initial Review*

a. Submitting a complaint

Complaints against University employees or volunteers, or non-University individuals. An individual wishing to pursue allegations against a University employee or volunteer or non-University individual for discrimination must state his/her complaint in writing with the Executive Director of IDEA/Title IX Coordinator. The complaint shall state the nature of the discrimination, the facts upon which the complaint is based, and the relief demanded.

Complaints against students or student organizations. An individual wishing to pursue allegations of discrimination against a student or student organization based upon sex or sexual orientation, including sexual harassment, sexual violence and misconduct, relationship violence, and stalking must state his/her complaint in writing with the Executive Director of IDEA/Title IX Coordinator.

All other complaints of discrimination against a student or student organization should be made to the Coordinator of Student Conduct and Special Projects for Student Affairs, where they will be addressed under different procedures.

Processing the complaint. The individual wishing to pursue a complaint should attempt to meet with the Executive Director/Title IX Coordinator, or his or her designee, before submitting a complaint. A complaint may be based upon reports previously completed by the individual, but additional information may be required.

Complaints are to be delivered to the Executive Director/Title IX Coordinator in person or by way of postal delivery and must not be sent electronically by, for example, e-mail.

Under this process, the individual making the complaint is referred to as the “Complainant” and the individual against whom allegations are made is referred to as the “Respondent.”

If review of the complaint by IDEA reveals that the complaint even if true demonstrates no discrimination, the Complainant will be so advised and given an opportunity to provide additional information. IDEA will notify the Respondent and provide an opportunity to respond. If IDEA still believes the complaint states no claim of discrimination, a recommendation will be made to the Vice President of the area in which the Respondent is employed or to the Coordinator of Student Conduct and Special Projects for Student Affairs with respect to complaints against a student or student organization, that the complaint should be dismissed. A copy of the recommendation will be provided to the Complainant and Respondent. If the Vice President/Coordinator of Student Conduct and Special Projects for Student Affairs agrees, the complaint will be dismissed and the remaining procedures related to Initial Review will be inapplicable. A written final decision will be provided by the Vice President/Coordinator of Student Conduct and Special Projects for Student Affairs to the Complainant and Respondent. A copy of the final decision will also be provided to the Executive Director/Title IX Coordinator. The Vice President/Coordinator of Student Conduct and Special Projects may refer the Complainant to another University office if the allegations appear to relate to other University policies. The Complainant may seek further review of the decision of the Vice President as provided below under “Further Review” as provided below. Further review of a decision by the Coordinator of Student Conduct and Special Projects of Student Affairs with respect to a claim against a student or student organization may be initiated by giving written notice to the Coordinator of Student Conduct and Special Projects of Student Affairs, Murray State University, 425 Wells Hall, Murray, KY 42071 no later than 5 working days after the date of the decision; additional procedures are discussed under “Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings” found in the **Student Life Policies, Rules, and Procedures**.

The Office of General Counsel will be kept informed of all proceedings.

Any complaint against a student which could result in suspension or expulsion will be forwarded immediately to the Office of Student Affairs for handling pursuant to procedures related to the University Judicial Board found in the **Student Life Policies, Rules, and Procedures**.

b. Notifying the Respondent

IDEA will immediately forward a copy of the complaint to the Respondent. The president and/or faculty advisor of the student organization will be notified on behalf of a student organization. The Respondent may submit a written response within 7 days from the time the complaint is hand delivered or 10 days from the date the complaint is mailed to the Respondent. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E). Any response is to be delivered to IDEA in person or by way of postal delivery and must not be sent electronically by, for example, e-mail. The response will be deemed timely if it is postmarked within the stated time frame.

A copy of any response from the Respondent will be provided to the Complainant.

IDEA will provide written information to the Respondent about these procedures and about resources and interim assistance which may be available.

c. Investigation by IDEA/Decision

i. Attempt at informal resolution

IDEA will inquire of the Complainant as to whether there is the possibility the allegations might be resolved through an informal resolution process without the need for investigation. Inquiry will also be made of the Respondent at the time he/she is notified of the complaint. The informal resolution process will be pursued only if all parties agree.

The informal resolution process will not be used with allegations of sexual violence and misconduct, relationship violence, and stalking.

If the informal resolution process is used, proper procedures will be implemented where appropriate. For example, in connection with allegations of sexual harassment, procedures may be used to prevent the parties from having unnecessary contact with each other. Any party may, at any time, terminate the informal process and continue with the investigation described below or, with respect to complaints against students or student organizations, the matter will be forwarded to the Office of Student Affairs for further handling.

In the event the parties are able to resolve the complaint, the parties' agreement will be reduced to writing for their signature. There will be no further investigation of the complaint. Any informal resolution must include measures to stop any discrimination, prevent any recurrence, correct any discriminatory effects, and protect other members of the University community from discrimination.

Any complaints against students or student organizations which are filed with IDEA but for which there is no agreement to attempt informal resolution or are not resolved informally or relate to matters not subject to informal resolution, will be forwarded to the Office of Student Affairs and will proceed under procedures related to the University Judicial Board found in the **Student Life Policies, Rules, and Procedures**.

ii. Investigation by IDEA/Recommendations/Decision

It is intended that an initial decision with respect to complaints will be made within 60 days of the initial filing of the complaint.

IDEA should complete any investigation within 35 days from the filing of any response or from the expiration of the time to file a response. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E).

In the event the informal resolution process is not used or is unsuccessful, IDEA will proceed with the investigation of the complaint.

IDEA will meet separately with the Complainant and the Respondent to gather additional facts and information about the allegations in the complaint and any response, including the identities of individuals who may have information.

IDEA will conduct such investigation as is believed is warranted. University employees and students are expected to cooperate with investigations by IDEA. All relevant files not privileged will be available to IDEA. The parties will be kept informed in writing as to the progress of the investigation.

Once the investigation is finished, a report will be prepared by IDEA. The report will review the allegations in the complaint and any response; the factual findings from the investigation; and IDEA's conclusions as to whether any discrimination occurred. The report will be based upon assertions and allegations to which the parties have had the opportunity to respond. If IDEA concludes there was discrimination, the report will include recommended sanctions and corrective action regarding the Respondent if appropriate.

The report will be submitted by IDEA to the Vice President of the area in which the Respondent is employed and simultaneously to the parties for consideration of the conclusions regarding discrimination and any recommended sanctions and corrective action. The parties will have 7 days from the date the report is mailed to submit written comments to the Vice President, who will provide copies of the comments to each of the parties and IDEA. The Vice President will have 5 days, after receipt of all comments or expiration of the time for submitting comments, in which to review the report and any comments and to issue the final written decision. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E).

A final written decision as to whether discrimination occurred and any sanctions and corrective action will be made by the Vice President after considering the report and recommendations from IDEA and any comments from the parties. The final decision will state the rationale for the Vice President's conclusions as to whether discrimination occurred. If there is a finding of discrimination, sanctions and corrective action imposed will include measures to stop the discrimination, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from discrimination. The rationale for any sanctions will be stated.

The final decision may provide that any sanctions and corrective action, including disciplinary action, are to be effective immediately and are to remain effective during any Further Review.

A copy of the final decision will be provided by the Vice President simultaneously in writing by mail to the Complainant and the Respondent, along with the procedures for further review, and to the Executive Director/Title IX Coordinator.

In the event the Respondent is employed in an area which is not overseen by a Vice President and with respect to non-University individuals, the President will appoint an individual who will perform the duties and functions of a Vice President with respect to the complaint.

d. Time for Completing Initial Review Process

It is the intent of this policy that the Initial Review process should typically be completed within 60 days of the filing of the complaint. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E).

It is the responsibility of each party to ensure that IDEA has the proper address to which all documents may be mailed to that party. Each party is responsible for arranging to monitor his/her mail regularly while any matter is pending so that mail may be received and proper action in response to any notice or decision may be taken in a timely fashion.

In addition, each party should provide IDEA with other current contact information, such as cell phone number, so that the party can be reached on short notice.

e. Role of Advisors in the Initial Review Process

The parties may have an advisor, including an attorney, during the Initial Review process. Advisors may accompany a party to any meeting with the party, but will not participate in any investigations or meetings.

V. Further Review

Any party shall have the right to request Further Review of the final decision. The request for Further Review may relate to the determination as to whether discrimination occurred and/or the sanctions and corrective action imposed.

A. Filing a Request for Further Review and Submitting a Response

A party has 10 days from the date the final decision is mailed to file a request for Further Review with the Executive Director/Title IX Coordinator. A request for Further Review is to be delivered to the Executive Director/Title IX Coordinator in person or by way of postal delivery and must not be sent electronically by, for example, e-mail. The request for Further Review will be deemed timely if it is postmarked within the stated time frame. The President may extend the time for good cause. “Good cause” is defined below at Section VII (E).

If a request for Further Review is not made within the stated time frame, there will be no additional review of the final decision.

The request for Further Review shall set forth the grounds for review in writing. A copy of the request for Further Review will be provided by the Executive Director/Title IX Coordinator, or designee, to the other party/parties. The Executive Director/Title IX Coordinator, or designee, will notify the President and any Vice President involved in the Initial Review of the request for Further Review.

The individual requesting Further Review is designated the “Petitioner.” The other party is designated the “Answering Party.”

B. Submitting a Response to the Request for Further Review

The Answering Party may submit to the Executive Director/Title IX Coordinator a written response to the request for Further Review within 7 days from the time the request for review is hand delivered or 10 days from the date it is mailed. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E).

Any response is to be delivered to the Executive Director/Title IX Coordinator in person or by way of postal delivery and must not be sent electronically by, for example, e-mail. The response will be deemed timely if it is postmarked within the stated time frame.

The Executive Director/Title IX Coordinator, or designee, will provide a copy of any response to the Petitioner.

C. Procedures for Further Review

Further Review will be conducted by a Review Committee composed of 3 employees of the University appointed by the President. The chair of the Review Committee shall be designated by the President. The President shall appoint the Review Committee within 10 days after receipt of the request for Further Review from the Executive Director/Title IX Coordinator or designee. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E).

Except as otherwise provided here, the Review Committee's review will be by way of a hearing. It shall develop its rules of procedure which will include the following:

- a. A de novo hearing.
- b. The right to be represented by counsel.
- c. The right to produce witnesses and to cross-examine witnesses presented against a party.
- d. As a general practice, the Review Committee will not be obligated to conform to technical rules of evidence.
- e. Timely and equal access to the parties and appropriate officials to any information that will be used during the hearing;
- f. The burden of proof shall be on the Petitioner.

- g. A record of the proceedings shall be retained by electronic and/or stenographic recording.

All procedures shall be applied in a manner which is consistent with due process under the circumstances of the case.

If consideration of the request for Further Review by the Review Committee reveals that if true the request provides no basis for review, it will so advise the parties and request simultaneous statements in support of their respective positions. If the Review Committee still believes the request provides no basis for review, it will recommend to the President that the request for Further Review be dismissed without a hearing.

In an appeal from a dismissal of a Complaint by a Vice President under Section IV(B)(1)(a), the Appeals Board will review any materials presented to IDEA and the Vice President, and the decision of the Vice President. The Appeals Board will advise the Petitioner and Answering Party that he/she may provide a written statement in support of his/her position, copies of which will be provided to the parties. If the Appeals Board believes that the Complaint states a claim it will make its recommendation to the President that the matter be returned to IDEA for further proceedings. Otherwise, it will recommend that the decision of the Vice President be upheld.

D. Recommendation of the Review Committee

The decision of the Review Committee shall be in the form of a recommendation to the President of the University and shall include the question presented, its findings of fact based upon evidence presented at the hearing, and the conclusion, rationale, and recommendation of the Review Committee. A copy of the recommendation will be provided in writing simultaneously by mail to the parties. In the event discrimination is found to have occurred, sanctions and corrective action will be recommended which will include measures to stop the discrimination, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from discrimination. The rationale for any sanctions will be stated.

The Review Committee should complete its review and preparation of its recommendations as expeditiously as possible, and typically within 30 days of appointment. The President may extend the time for good cause. "Good cause" is defined below at Section VII (E).

The President shall act upon the recommendation within 10 days of receipt and will state the basis for his or her decision in writing. The President may extend the time for good cause showing. "Good cause" is defined below at Section VII (E).

The decision of the President shall be made a part of the record. The President may request additional information in whatever form the President seeks to adopt. The parties will be advised

of such requests for additional information and will be provided with a copy of any response along with the opportunity to provide a written reply.

The written decision of the President will be provided to the parties simultaneously, the pertinent Vice President, and the Executive Director/Title IX Coordinator. The decision of the President shall be final save and except as an appeal to the Board of Regents may be mandated by law.

VI. Retaliation Prohibited

There will be no retaliation against any individual because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing.

Allegations that a student has retaliated should be reported to the Coordinator of Student Conduct and Special Projects for Student Affairs. Allegations that a Murray State employee or volunteer, or a non-University individual has retaliated should be reported to the Executive Director of IDEA/Title IX Coordinator. Such allegations will be investigated consistent with the procedures provided in this policy.

VII. Additional Information

A. Burden of Proof

The burden of proof is on the Complainant, in the Initial Review, and the Petitioner, in proceedings for Further Review, to prove his/her allegations by a preponderance of the evidence. A “preponderance of the evidence” means a matter is more likely than not.

B. Calculation of Time

In calculating any period of time under this policy, the last day of the period so computed is to be included unless it is a Saturday, 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.

As used in this policy, “days” refers to calendar days.

C. Confidentiality

Murray State University will, to the extent possible under law and except as provided under this policy, keep confidential allegations, complaints, responses, investigative materials, and other matters under this policy. Individuals may be provided with documents or information when

necessary, if there is a need to know, and if allowed by law. Murray State will protect the confidentiality of victims to the extent permissible by law by (i) completing publicly available recordkeeping without inclusion of personally identifiable information about the victim and (ii) maintaining as confidential any accommodation or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair Murray State's ability to provide the accommodation or protective measures.

D. Conflicts of Interest/Fairness of Proceedings

If any employee in IDEA or a Vice President is the person complained against, the President of the University will designate an individual to perform the functions of that position or office under this policy. If the complaint is against the President, the Chair of the Board of Regents will designate an individual to perform the functions of the President.

The proceedings will provide a prompt, fair, and impartial investigation and resolution by individuals who receive annual training on issues related to discrimination, including domestic violence, dating violence, sexual assault, and stalking and how to conduct investigations, reviews, and hearings that promote the safety of victims and accountability. Individuals involved in receiving and investigating allegations and complaints and in deciding any matters under this policy must not have any actual or perceived conflicts of interest or bias for or against any party. Any conflict will be disclosed to the parties. Any party who believes any of the preceding individuals may have a conflict of interest or bias will immediately notify the Executive Director/Title IX Coordinator.

E. Determining Good Cause/Notification of Extension of Time

"Good cause" as used in this policy shall include but not be limited to matters such as illness, death within the family, absence from the University, and any other circumstances which will constitute undue hardship upon that person who may want to respond or who is required to respond or take action. "Good cause" may also arise from the circumstances surrounding a particular matter such as the number of parties involved, the number of issues involved, the unavailability of the parties and witnesses, or the number of witnesses or the amount of evidence involved.

All parties will be notified in writing when an extension of time is allowed and will be informed of the reason for the extension of time.

F. Matters to Proceed Expediently

It is the express intent of this policy that all allegations and complaints be investigated and resolved in an expeditious manner and without unnecessary delay.

G. Other Action by Individuals Alleging Discrimination

An individual alleging discrimination has the right to pursue action with other agencies, including the right to pursue criminal charges if a crime has occurred. The University's response to allegations under this policy will, to the extent possible, not be delayed pending the outcome of any such other action.

H. Responsibility of the President

The President, or his or her delegee, will ensure that information in this policy is kept current and will provide for current and accurate references to policies, laws, offices, methods of reporting, and links. Updated information will be provided as needed. The President is authorized, without additional approval, to make any amendment to these policies and procedures as may be deemed necessary. The only exception to the preceding is that the Board of Regents must approve any amendment which changes the person or entity who formally adjudicates a complaint.

I. Sanctions and Corrective Action

Any sanctions and corrective action taken in the event of a finding of discrimination will include measures to stop the discrimination, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from discrimination. Under certain circumstances, training may be required for an individual or a larger group.

Employees or volunteers who are found to have discriminated are subject to disciplinary action including counseling/training, written warning, suspension, termination, ban from campus, and counseling/training.

A non-University individual, found to have engaged in prohibited behavior after any required hearing, is subject to disciplinary action including written warning, ban from campus, or ban from certain areas.

The imposition of sanctions and corrective action under this policy does not prevent any other entity from imposing penalties.

APPENDIX I

Affirmative Action Plan:

The *Affirmative Action Plan for Minorities and Females* and *Affirmative Action Plan for Veterans and Individuals with Disabilities* can be accessed under the link for Affirmative Action, Sexual Harassment, and Grievances on the website of Office of Institutional Diversity, Equity and Access which can be found by searching the Murray State homepage.

Affirmative Action Policy Statement:

The statement can be accessed under the link for Affirmative Action, Sexual Harassment, and Grievances on the website of Office of Institutional Diversity, Equity and Access which can be found by searching the Murray State homepage.

Policy Prohibiting Discrimination Based on Disability:

See Section 2.23 of the *Policies of the Board of Regents* which can be accessed under the link for the Board of Regents Policy Manual on the website of the Board of Regents which can be found by searching the Murray State homepage.

The policy can also be accessed under the link for Policies and Procedures on the website of Office of Institutional Diversity, Equity, and Access which can be found by searching the Murray State homepage.

Non-Discrimination Statement:

The statement can be accessed under the link for Affirmative Action, Sexual Harassment, and Grievances on the website of Office of Institutional Diversity, Equity, and Access which can be found by searching the Murray State homepage.

Policy Condemning Sexual Violence and Misconduct, Relationship Violence and Stalking:

See Section 2.24 of the *Policies of the Board of Regents* which can be accessed under the link for the Board of Regents Policy Manual on the website of the Board of Regents which can be found by searching the Murray State homepage.

The policy can also be accessed under the link for MSU Policy Against Sexual Violence and Misconduct, Relationship Violence and Stalking on the website of Office of Institutional Diversity, Equity, and Access which can be found by searching the Murray State homepage.

Policy Prohibiting Sexual Harassment:

See Section 2.21 of the *Policies of the Board of Regents* which can be accessed under the link for the Board of Regents Policy Manual on the website of the Board of Regents which can be found by searching the Murray State homepage.

The policy can also be accessed under the link for Affirmative Action, Sexual Harassment, and Grievances on the website of Office of Institutional Diversity, Equity, and Access which can be found by searching the Murray State homepage.

STUDENT LIFE POLICIES

Non-Discrimination Statement:

The statement can be found in the *Student Life Policies* under the link for Policies and Handbook on the website of Student Affairs which can be found by searching the Murray State homepage.

Policy on Combating Sexual Harassment:

The policy can be found in the *Student Life Policies* under the link for Policies and Handbook on the website of Student Affairs which can be found by searching the Murray State homepage.

APPENDIX II

Murray State University Athletics
Matt Kelly, Senior Associate Athletic Director and Title IX Athletics Liaison
217 Stewart Stadium
Murray, KY 42071
Phone: (270) 809-4424
Email: mkelly@murraystate.edu

Murray State University Police Department
101 Public Safety Building
Murray, KY 42071
Telephone: (270) 809-2222
Email: msu.policedept@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
Camisha Duffy, Executive Director/Title IX Coordinator
103 Wells Hall
Murray, KY 42071
Telephone: (270) 809-3155
Fax: (270) 809-6887
TDD: (270) 809-3361
Email: cduffy@murraystate.edu; msu.titleix@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
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Office of Institutional Diversity, Equity, and Access (IDEA)

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Office of the President

218 Wells Hall

Murray, KY 42071

Telephone: (270) 809-3763

Office of Student Affairs

Jennifer Caldwell, Coordinator of Student Conduct and Special Projects

425 Wells Hall

Murray, KY 42071

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Email: jcaldwell@murraystate.edu

U.S. Department of Education

Office for Civil Rights

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: (215) 656-8541

Facsimile: (215) 656-8605

TDD: (800) 877-8339

Email: OCR.Philadelphia@ed.gov

U.S. Equal Employment Opportunity Commission

600 Dr. Martin Luther King, Jr. Place

Suite 268

Louisville, KY 40202

Telephone: (800) 669-4000

Fax: (502) 582-5895

TTY: (800) 669-6820

Other Helpful Contact Information:

MURRAY CAMPUS

POLICE DEPARTMENTS

Calloway County Sheriff
701 Olive Street
Murray, KY 42071
Telephone: (270) 753-3151

Crime Stoppers
Telephone: (270) 753-9500

Kentucky State Police
Post One
8366 State Route 45 North
Hickory, KY 42051
Telephone: (270) 856-3721

Murray Police Department
407 Poplar Street
Murray, KY 42071
Telephone: (270) 753-1621

Murray State University Police Department
101 Public Safety Building
Murray, KY 42071
Telephone: (270) 809-2222
Email: msu.policedept@murraystate.edu

MEDICAL CARE

Murray Calloway County Hospital
803 Poplar Street
Murray, KY 42071
Telephone: (270) 762-1100

SEXUAL ASSAULT COUNSELING

Counseling and Assessment Center
Alexander Hall, 3rd Floor
Murray, KY 42071

Telephone: (270) 809-6466 and (270) 809-3822

Four Rivers Behavioral Health
Lakes Center
1051 North 16th Street
Murray, KY 42071
Telephone: (270) 753-6622

Merryman House Domestic Violence Crisis
Center
Hotline: (800) 585-2686

Murray State University Women's Center
Abigail Cox
C103 Oakley Applied Science Building
Murray, KY 42071
Telephone: (270) 809-3140
Email: msu.womenscenter@murraystate.edu

Psychological Center
Murray State University
401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

Purchase Area Sexual Assault and Child
Advocacy Center
Telephone: (270) 753-5777
Helpline: (800) 928-7273

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu

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Housing and Residence Life
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206 Stewart Stadium
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Email: jwilson@murraystate.edu

Institute for International Studies
Dr. Guangming Zou, Assistant Provost for
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171 Woods Hall
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Email: gzou@murraystate.edu

LGBT Programming
243 Blackburn Science Building
Murray, KY 42071
Telephone: (270) 809-5040
Email:
msu.lgbtprogramming@murraystate.edu

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C103 Oakley Applied Science Building
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Office of Multicultural Affairs
S.G. Carthell, Executive Director
110A Curris Center
Murray, KY 42071
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Email: scarthell@murraystate.edu

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PADUCAH CAMPUS

POLICE DEPARTMENTS

Kentucky State Police
Post One
8366 State Route 45 North
Hickory, KY 42051
Telephone: (270) 856-3721

McCracken County Sheriff
301 South Sixth Street
Paducah, KY 42003
Telephone: (270) 444-4719

Paducah Police Department
1400 Broadway
Paducah, KY 42001
Telephone: (270) 444-8550

MEDICAL CARE

Baptist Health Paducah
2501 Kentucky Avenue
Paducah, KY 42003
Telephone: (270) 575-2100

Lourdes Hospital
1530 Lone Oak Road
Paducah, KY 42003
Telephone: (270) 444-2444

SEXUAL ASSAULT COUNSELING

Four Rivers Behavioral Health
Center for Adult Services
425 Broadway
Paducah, KY 42001
Telephone: (270) 442-7121

Merryman House Domestic Violence Crisis
Center
Hotline: (800) 585-2686

Psychological Center
Murray State University

401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992
Purchase Area Sexual Assault and Child
Advocacy Center
Telephone: (270) 534-4422
Helpline: (800) 928-7273

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu
Liaison: Dan Lavit; Telephone: (270) 809-
3282; Email: dlavit@murraystate.edu

SUPPORT SERVICES

Murray State University Women's Center
Abigail Cox
C103 Oakley Applied Science Building
Murray, KY 42071
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Email: msu.womenscenter@murraystate.edu

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**HOPKINSVILLE CAMPUS AND
BREATHITT VETERINARY CENTER**

POLICE DEPARTMENTS

Christian County Sheriff
216 West 7th Street
Hopkinsville, KY 42240
Telephone: (270) 887-4143

Hopkinsville Police Department
112 West First Street
Hopkinsville, KY 42240
Telephone: (270) 890-1500

MEDICAL CARE

Jennie Stuart Medical Center
320 W. 18th Street
Hopkinsville, KY 42240
Telephone: (800) 887-5762

SEXUAL ASSAULT COUNSELING

Psychological Center
Murray State University
401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

Sanctuary Inc. (Sexual Assault Advocacy)
210 East 9th Street
Hopkinsville, KY 42240
Telephone: (270) 885-4572
Hotline: (800) 766-0000

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu

Liaison: Slone Cansler; Telephone: (270)
707-1525; Email: scansler@murraystate.edu

SUPPORT SERVICES

Murray State University Women's Center
Abigail Cox
C103 Oakley Applied Science Building
Murray, KY 42071
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Email: jcaldwell@murraystate.edu

MADISONVILLE CAMPUS

POLICE DEPARTMENTS

Hopkins County Sheriff
56 North Main Street
Madisonville, KY 42431
Telephone: (270) 821-5661

Madisonville Police Department
99 East Center Street
Madisonville, KY 42431
Telephone: (270) 821-1720

MEDICAL CARE

Baptist Health Madisonville
900 Hospital Drive
Madisonville, KY 42431
Telephone: (270) 825-5100

SEXUAL ASSAULT COUNSELING

Psychological Center
Murray State University
401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

Sanctuary Inc. (Sexual Assault Advocacy)
100 S. Railroad Street
Madisonville, KY 42431
Telephone: (270) 825-9737
Hotline: (800) 766-0000

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu
Liaison: Heather Roy; Telephone: (270)
825-4379; Email: hroy@murraystate.edu

SUPPORT SERVICES

Murray State University Women's Center
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HENDERSON CAMPUS

POLICE DEPARTMENTS

Henderson County Sheriff
20 N. Main Street, Suite 112
Henderson, KY 42420
Telephone: (270) 826-2713

Henderson Police Department
1990 Barret Court
Henderson, KY 42420
Telephone: (270) 831-1295

MEDICAL CARE

Methodist Hospital
1305 North Elm Street
Henderson, KY 42420
Telephone: (270) 827-7700

SEXUAL ASSAULT COUNSELING

New Beginnings (Sexual Assault Advocacy)
437 First Street
Henderson, KY 42420
Telephone: (270) 826-7273
Hotline: (800) 226-7273

Psychological Center
Murray State University
401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

University Counseling Services
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Murray, KY 42071
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Email:
msu.counselingcenter@murraystate.edu
Liaison: Slone Cansler; Telephone: (270)
707-1525; Email: scansler@murraystate.edu

SUPPORT SERVICES

Murray State University Women's Center
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OTHER IMPORTANT CONTACTS

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FORT CAMPBELL CAMPUS

POLICE DEPARTMENTS

Fort Campbell Military Police
123 Forrest Avenue
Fort Campbell, KY 42223
Telephone: (270) 798-2677

MEDICAL CARE

Blanchfield Army Community Hospital
650 Joel Drive
Fort Campbell, KY 42223
Telephone: (270) 798-8400

SEXUAL ASSAULT COUNSELING

Psychological Center
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401 Wells Hall
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Hotline: (800) 766-0000

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University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu
Liaison: Lisa O'Neal; Telephone: (270) 809-2159; Email: loneall@murraystate.edu

SUPPORT SERVICES

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Updated 10-13-2016 – Updated to reflect staffing changes to Appendix II
Updated 05-15-2017 – Updated to reflect staffing changes to Appendix II
Updated 07-01-2017 – Updated to reflect staffing changes to Appendix II
Updated 08-16-2017 – Updated to reflect staffing changes to Appendix II
Updated 06-08-2018 - Updated to reflect addition of "gender identity" and replacing the term "gender" with "sex" in the non-discrimination statement and Staffing Change in Student Affairs
Updated 06-28-2018 – Updated Salutation in the procedures
Updated 07-09-2018 – Updated regional campus contact information and MSU PD email address
Updated 11-9-2018 – Updated to reflect staffing changes to Appendix II
Updated 7-6-2019 – Updated to reflect staffing changes to Appendix II
Updated 08-09-2019 – Updated to reflect staffing changes in Appendix II
Updated 08-30-2021 – Updated to reflect staffing changes in Appendix II