

Section 2
The University

2.0 SUBJECT: MURRAY STATE UNIVERSITY MISSION STATEMENT

Date Adopted: February 14, 1975

Date Amended: May 12, 1990; February 29, 2008; August 25, 2011; February 24, 2017;
December 4, 2020

Murray State University places our highest priority on student learning and excellent teaching, blending the range of educational opportunities often experienced at research institutions with the nurturing student-teacher interactions usually found at smaller universities.

Mission Statement Review Policy and Procedures

The Board of Regents is responsible for periodically evaluating the University's progress in implementing its mission, goals, and objectives in accordance with and for the purposes stated in KRS 164.350(2). To further that process and in order for the mission of the University to continue to be articulated in an effective and relevant manner, and consistent with the requirement of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) that universities have and follow a documented procedure for a systematic review of their mission statement, the Board of Regents establishes the Mission Statement Review Policy and Procedures for Murray State University. The University Mission Statement review process will be initiated by the President, after consultation with the Chair of the Board of Regents, and completed within the three-year cycle provided herein. The campus community will be advised that the review has been initiated and of the procedures to be followed.

The recurring, systematic review process, with possible subsequent revision of the statement, will commence in August following the second fiscal year after the approval of or revisions to the University Mission Statement. A team comprised of the Director of Institutional Effectiveness, faculty, staff, students and other appropriate constituents organized by the President will convene to discuss the current Mission Statement and provide their initial assessment report to the President. Specifically, this team will review the Mission Statement considering the referenced statute and to determine whether it clearly and completely describes what the University does; identifies the University's qualities, characteristics, and values; and describes the scope of the University's focus on teaching, learning, scholarship, and service. This team will also review this policy and the accompanying procedures. This Mission Statement Review Committee evaluation will be completed by the end of November following initiation of the review process.

The Board of Regents, via discussion of information from the President at its next regular meeting subsequent to the completion of the initial Mission Statement evaluation, will review the Mission Statement consistent with the considerations and criteria stated in the previous paragraph. If the Board determines that revisions are to be made, they will charge the aforementioned committee to commence work to revise the Mission Statement. If the Board determines that the Mission Statement is effective and meets the considerations and criteria

in the preceding paragraph, then the Board will approve the current Mission Statement at any meeting before the conclusion of the three-year cycle.

Process if revision of the Mission Statement is requested by the Board:

The Mission Statement Review Committee will follow the process as follows:

- Identify issues and, if needed, request information to assist with the concepts
- Involve constituency groups in review of the Mission Statement
- Develop a revised Mission Statement to be submitted to the President for review
- Provide a period for the University community for their review and comment
- Review all the comments and provide any revised version to the University community for a short period to allow for further comments
- Revise the Mission Statement, if needed, and provide a finalized version as a recommendation to the President for review and revision as deemed prudent

The Mission Statement Review Committee will also present to the President any recommendations regarding amendments to this policy and its procedures.

The President will then present the Mission Statement to the Board for their review, consistent with the considerations and criteria stated above, and approval within the three-year cycle along with a description of how the procedures were followed. Subsequent to the completion of the review process, either through the Board's approval of the then current Mission Statement or its approval of revisions thereto, the President will provide the Board with any suggested revisions to this policy and/or its procedures.

The Director of Institutional Effectiveness is the person designated to ensure this policy is followed. The Director of Institutional Effectiveness and the Senior Presidential Advisor for Strategic Initiatives will keep the President informed of the need for the review and the timeframe in which it is to be completed; the Director for Institutional Effectiveness will document that this process has been followed; and the Director for Institutional Effectiveness and Senior Executive Coordinator for the President, Coordinator for Board Relations and Secretary to the Board will maintain documentation either in hard copy or via electronic format noting the Board of Regents approval dates. Board approval will occur within a three-year cycle from the end of the fiscal year in which the Mission Statement is approved and revised.

2.1 SUBJECT: EXECUTIVE RESPONSIBILITIES OF THE PRESIDENT

Date Adopted: August 20, 1978

Date Amended: February 29, 2008

Date Amended: March 2, 2012

Reference: Minute Book: 21 Page: 226

The President of Murray State University is designated as the University's Chief Executive Officer of and is delegated the authority and duty to supervise and direct the day-to-day operations of the University including the authority and duty to implement the policies of the Board of Regents by rules and regulations not inconsistent therewith. The President shall also have oversight of Intercollegiate Athletics and institutional fundraising. In addition, the President has such additional authority and duties as the Board of Regents has delegated pursuant to the provisions of KRS 164A.550 et seq.

The President shall, in all matters pertaining to policy not yet established by the Board of Regents, consult with the Chair of the Board of Regents (or the authorized representative of the Chair when the Chair is not available) before taking any action. Nothing herein shall be construed so as to give to the President of the University power or authority to act contrary to a policy established by the Board of Regents and/or in excess of authority permitted by law, or so as to constitute the exercise of authority not capable of being delegated.

The President shall make recommendations to the Board of Regents as to both policy and administrative matters, and shall report to the Board of Regents as required by law, as the Board deems necessary, or as is necessary to keep the Board apprised of pertinent matters.

The Board of Regents shall directly act on permanent appointments of employment at the Dean level and above.

2.2 SUBJECT: RECOGNITION OF RIGHTS

Date Adopted: March 1, 1969

Date Amended: June 6, 1970

Date Amended: February 29, 2008

Date Amended: December 13, 2019

References: Minute Book: 13 Page: 141

Minute Book: 15 Page: 300

Murray State University recognizes the rights of all members of the University community – students, administration, faculty, staff and Regents – in matters of speech, inquiry and association. Any limitations, restrictions or disciplinary action related to the exercise of such rights will be consistent with established law.

- A. In furtherance of the recognition of rights stated herein and consistent with Kentucky Revised Statute (KRS) 164.348, the following policies apply to speech and expression on campus:
1. Members of the campus community – as described above – may engage in free speech and/or expression as described in this policy in the outdoor areas of campus provided the area has not been reserved by another campus person or group.
 2. Pursuant to the University’s commitment to the free exchange of ideas in a peaceful and orderly environment, academic discussions or discussions that occur in or are related to the classroom are guided by the freedom of speech principles in the *Faculty Handbook*.
 3. Campus individuals and groups are encouraged to obtain a permit to reserve their desired location for speech and/or expression but such permits are not required for members of the campus community.
 4. The University administration is authorized to implement reasonable time, place and manner procedures to facilitate speech and expression by one or more individuals or groups and to ensure that normal academic and business operations of campus are not unreasonably impeded. Such procedures shall be narrowly tailored and shall be unrelated to the content of speech or expression.
 5. Non-University groups or individuals who have not been invited to campus by a member of the campus community are referred to *Board Policy 2.15.1*.

2.3 Subject: CAPITALIZATION

Date Adopted: September 11, 1987
Date Amended: February 29, 2008
Date Amended: February 28, 2020

Reference: Minute Book: 39 Page: 8

This administrative policy applies to all fixed assets owned by Murray State University and all revisions herein are effective July 1, 2019. Expenditures for assets owned by the University should be capitalized and recorded in the financial records in accordance with this policy. Asset classifications include:

- Land
- Buildings
- Construction in Progress
- Equipment
- Infrastructure
- Non-Building Improvements
- Livestock
- Library Holdings
- Museum and Collections
- Software

The purpose of this policy is to ensure the compliance with generally accepted accounting principles and prudent financial management in regard to financial reporting, asset valuation and capitalization, inventory control, budget preparation and general stewardship functions.

University property controls will be accomplished in accordance with this policy.

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m. Intellectual Property

I. RESPONSIBILITIES

The Vice President for Finance and Administrative Services is responsible for the overall implementation of this policy. Within the Finance and Administrative Services area, the Inventory Control section of Procurement Services is responsible for tagging, inventorying and maintaining the University's fixed assets control records, which document equipment, land and buildings. It is the responsibility of the Accounting and Financial Services department to ensure the implementation of these policies in the financial records. Additionally, each University department/office has a fiduciary responsibility to maintain the institution's assets entrusted to their care.

It is the responsibility of all individuals involved in the acquisition of fixed assets to be aware of and to comply with this policy.

II. DONATED ASSETS

Donated assets will be recorded at the fair market value at the date of the gift. Gifts with a fair market value over \$5,000 require an independent appraisal to be obtained by the donor. The University's Board of Regents must specifically accept all donated buildings and other assets with fair market values over \$5,000.

Other guidelines related to donated assets are defined by the University's policy on Acceptance and Acknowledgement of In-Kind Gifts. The Office of Development Executive Director is specifically responsible for acknowledging all donations. The department receiving the donated asset is responsible for notifying the Office of Development of the gift for acknowledgement purposes. The valuations of such donations will be the responsibility of the Vice President in whose area the asset will be maintained.

III. DEPRECIATION

All depreciable asset classes will be depreciated by a straight-line method over their useful lives, with a full year of depreciation expensed in the year of acquisition. No depreciable asset will be determined to have a salvage value after being fully depreciated, except for library holdings. Depreciable lives are established for each class of asset under the specific groupings within this policy.

IV. ASSET CLASSIFICATIONS

A. Land

Land is non-expendable, real property whose title is held by Murray State University. All land acquisitions, regardless of cost, will be capitalized at the cost at time of purchase or fair market value at the time of acquisition, including all ancillary costs. Ancillary costs shall include purchase price, legal and title fees, surveying fees, appraisal, negotiation fees, demolition of unwanted structures and other expenditures incurred to prepare the land for use.

If land and building are acquired as a single parcel, the value of each should be determined and the appropriate amount recorded separately as land and building. If the transfer document does not show the allocation, other sources of information may be used such as expert appraisals or real estate tax assessment records.

B. Buildings

This includes all buildings and permanent roofed structures and all fixtures, machinery and other appurtenances that cannot be readily removed without disrupting the basic guiding structure or services to the building.

All building structures will be capitalized as single units and component units within the original structure will be capitalized in the original cost of the structure, when total costs exceed \$10,000. Costs will be determined from the purchase price or the total expenditures applicable to the construction of the structure. Capitalized costs shall include all professional fees for architects, attorneys, appraisers or financial advisors and other expenditures necessary to put a building or structure into its intended state of operation. Debt interest incurred during the construction phase shall be capitalized as part of the building cost.

The useful life used for depreciating all buildings will be 40 years, with the exception of single-purpose agricultural or horticultural structures which will be depreciated over 15 years. Other structures may be evaluated and depreciated over 15 years.

All fixed equipment determined to be part of the original construction of the structure will be capitalized as part of the historical building costs, regardless of amount.

Replacement/renovation of building components will be capitalized individually when total costs exceed 15 percent of the original recorded value, plus any prior capitalized renovations, of the structure and the replacement/renovation is determined to extend the useful life of the building by more than five (5) years. Costs not meeting these limits will be expensed in the financial records. The Facilities Management department determines if the replacement/renovation extends the useful life by more than five (5) years. Useful life limits will be based on the schedule from Facilities Management.

Cost estimates must be calculated by the Facilities Management department for any portion of the building that is removed as a result of an alteration or renovation, for which the costs exceed the greater than 15 percent of original cost threshold. This amount will be adjusted for accumulated depreciation and the balance removed from the portion of depreciation remaining. This process will not be necessary on fully-depreciated buildings.

C. Construction in Progress

Construction in Progress includes all costs associated with building, building improvement or land improvement construction projects that are not complete at the end of a fiscal year. All of these costs, based upon the capitalization limits within each asset class, will be capitalized as Construction in Progress until completed. Construction in Progress assets

will not be subject to depreciation until completed and transferred to the appropriate permanent asset class.

D. Equipment

Equipment is defined as a movable or fixed unit, complete in itself, having a useful life in excess of one year. A unit is defined as a piece of equipment that, when assembled, functions as a stand-alone unit. Unit costs shall include all delivery, freight and labor costs to place the unit in operation. All equipment with unit costs of \$500 or more will be inventoried for insurance purposes; however, only equipment with a unit cost of at least \$5,000 will be capitalized. Equipment will be depreciated according to the following useful life limits:

Type	Life
Ag/Dairy	15
Audio/Visual	7
Appliances/Kitchen	10
Computer Equipment	5
Furniture	15
General	10
Machinery	10
Maintenance/Janitorial	10
Medical Equip	10
Musical	7
Office Machines	10
Recreation	10
Scientific	15
Vehicles/Boats	5

A longer useful life may be used for specific pieces of large equipment that is not defined in the above categories. For such pieces of equipment, the Accounting and Financial Services department will consult with the appropriate individuals to assist in determining the useful life.

E. Leased Property

Leased property, to include real and personal property, is capitalized based on the provisions of current authoritative accounting guidance for leases.

F. Infrastructure

Infrastructure is defined by Governmental Accounting Standards Board (GASB) Statement 34 as a long-lived asset that is normally stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. These types of assets will typically be permanent non-building additions that service the entire campus.

Infrastructure assets will not be depreciated. The modified approach for accounting for infrastructure assets as defined by GASB Statement 34, paragraphs 23 and 24, shall be

used. The modified approach requires that an asset management system be established and maintained that documents all eligible infrastructure assets are being preserved approximately at (or above) a condition level established and disclose this information. The Facilities Management department is responsible for maintaining this system. Information as to the status of these assets should be disclosed to the administration on an annual basis.

All costs incurred for additions or improvements to assets meeting the requirements of the modified approach will be expensed in the year incurred.

The minimum capitalization limit for infrastructure assets will be \$100,000.

G. Non-Building

Non-building assets are defined as those improvements that are not identifiable with specific buildings. Examples of such assets are parking lots, sidewalks, lighting and security systems, fencing and campus networking.

The minimum capitalization limit for non-building assets will be \$100,000 for original capitalization and will be depreciated over a 20-year useful life. Modifications to non-building improvements that exceed 15 percent of the original cost of the asset, plus any prior capital renovations, will be capitalized and depreciated over a ten-year useful life if it is deemed that the improvement extends the useful life of the asset.

H. Livestock

Livestock shall be considered an asset if it meets the criteria defined in Internal Revenue System publication 225. Essentially, livestock shall be capitalized if it is acquired for breeding, dairy and draft livestock. Livestock acquired for sale or slaughter will be recorded as inventory in the financial records at the end of a fiscal year.

All livestock will be capitalized when the cost or the appraised value at the date of the gift exceeds \$5,000.

These assets will be depreciated over a 12-year period.

I. Library Holdings

Library holdings include all books, periodicals, microfilms, microfiche, electronic media and other library items as approved by the Dean of University Libraries.

All library acquisitions will be capitalized at cost, or in the case of donated collections, at the appraised value at the date of the gift. Library holdings will be depreciated over a ten-year life, with a salvage value of 5 percent. All library deletions will be made at a rate determined by the Dean of University Libraries.

J. Museum and Collections

Assets in this class are defined as such if the collection is (1) held for public exhibition,

education or research in furtherance of public service rather than financial gain and (2) protected, kept unencumbered, cared for and preserved. Collections of fine arts, historical treasures and written works shall be capitalized at their appraised value upon acquisition. Adjustments will be made to these values only upon the completion of new appraisals or termination of the ownership of the asset.

Collections may be capitalized by recording one asset record for the appraised value of the entire collection or by the appraised value of each item of the collection. The Accounting and Financial Services department will determine how the collections will be capitalized upon recording the asset, based on the information available at the time of appraisal.

Museum and collections will not be subject to depreciation.

K. Software

Software is defined as that which is developed or obtained for internal use. Criteria established by the American Institute of Certified Public Accountants (AICPA) Statement of Position (SOP) 98-1 will be used to determine if software is for internal use and what costs shall be capitalized. Software meeting the following two characteristics will be determined internal-use software:

- The software is acquired, internally developed or modified solely to meet the entity's internal needs.
- During the software's development or modification, no substantive plan exists or is being developed to market the software externally.

All costs incurred during the application/development stage of software development shall be capitalized. This stage includes design, configuration, interfaces, coding, installation and testing. These costs include the direct purchase of materials, services and software; internal expenditures for payroll and payroll-related expenditures for employees directly associated with the software project and interest costs incurred during the project. Costs incurred during the preliminary stage of development and evaluation and during the post-implementation/operation stage are not capitalized, but expensed as incurred.

Software will be capitalized if the original development costs exceed \$400,000. Upgrades and enhancements shall be capitalized if project costs exceed \$400,000. Upgrades and enhancements are only capitalized if identified by a specific project, meaning that management has explicitly authorized and committed funding to the project and the project will be completed and the software modifications used to perform the function intended. Costs of under agreements for maintenance and unspecified upgrades and enhancements shall be expensed when incurred.

All capitalized software will have a useful life of eight (8) years.

L. Intellectual Property

Intellectual Property, to include patents, trademarks, copyrights and other items, will be capitalized based on the provisions of current authoritative accounting guidance for intellectual property.

2.4 SUBJECT: COPYRIGHT

Date Adopted: May 8, 1976

Date Amended: February 29, 2008

Reference: Minute Book: 19 Page: 364

Murray State University recognizes the utility of a copyright policy in order to protect and promote the traditional academic freedom of the University faculty, staff and students in matters of publication; to balance fairly and reasonably the equitable rights of authors, sponsors, and the University; and to ensure that any copyrightable material in which the University has an interest is utilized in a manner consistent with the public interest. The copyright policy of the University may be found in the most current edition of the *Faculty Handbook* and in the 'Information Technology: Acceptable Use' policy.

2.5 SUBJECT: ACCOUNTS PAYABLE DISTRIBUTION

Date Adopted: June 22, 1987
Date Amended: February 29, 2008

Reference: Minute Book: 38 Page: 18

Accounts payable checks are for payment of the University's obligations to vendors and others. Generally these payments are authorized through the use of purchase confirmations and travel expense vouchers.

The purpose of this policy is to delineate the responsibility for distribution of accounts payable checks, to outline the significant controls needed to ensure accurate and timely delivery of these checks, and to promote good accounting practice through sound internal controls.

The responsibility for the accurate and timely delivery of these checks is that of the Accounting and Financial Services Department. This department is also responsible for developing and initiating procedures to efficiently discharge this responsibility.

Sound internal control requires that to the fullest extent possible, checks be released or mailed to payees only. Checks will be distributed as follows:

1. By mail:
 - a. Through U. S. Postal Service
2. In person in the Accounting and Financial Services Department:
 - a. Any exceptions to this policy must be approved in advance by the Director of Accounting and Financial Services or his designee.
 - b. It is the responsibility of all individuals authorizing payments to be aware of and to comply with these policies and the related procedures.

2.6 **SUBJECT: FEE ESTABLISHMENT**

Date Adopted: June 22, 1987
Date Amended: February 29, 2008
Date Amended: February 26, 2021 (First Reading: December 4, 2020)

This policy deals with establishing fees, charges and deposits assessed or collected by or for Murray State University. It is the responsibility of all those involved in establishing, assessing or collecting these fees to be aware of and to comply with this policy and the related procedures.

I. Authority for Approval**A.** Board of Regents

Certain fees and charges assessed by the University require approval by the Board of Regents:

1. Tuition
2. Room Board
3. Registration fees
4. Residence Hall activity fees
5. Student activity fees
6. Miscellaneous course fees
7. All other mandatory fees required for attendance at the University

B. President

All fees not listed above, including charges, deposits, fines, rents, admission fees, Breathitt Veterinary Center diagnostic fees or any other charges or fees of any nature and however defined which are assessed or collected by or for the University after review by the Vice President for Finance and Administrative Services, require formal approval by the President of the University.

C. Exceptions

Proposals for any fees may be submitted for Board of Regents' approval, at the discretion of the President.

II. Miscellaneous Course Fees**A.** Eligibility

Course fees will be assessed only for courses which result in extraordinary expense being incurred by the University. Extraordinary expenses include but are not limited to:

1. Consumable classroom supplies
2. Depreciation and maintenance of laboratory facilities
3. Other unique expenses related to specialized courses
4. Instructional personnel costs related to the course, but not to include regular salaries and benefits

B. Course Fee Increases

On December 12, 1997, the MSU Board of Regents approved the annual increase of existing course fees based upon the Consumer Price Index. The fee increase will be implemented only when the cumulative increase equals at least fifty cents. The source for the Consumer Price Index is the Bureau of Labor Statistics of the United States Department of Labor.

C. Refunds

Course fees will be refunded to students who drop a course based on the normal University tuition refund policy.

D. Review of Fees

Course fees should be periodically reviewed by the Provost and Vice President for Academic Affairs to determine whether continued justification exists.

E. Expenditure of Fee Income

Income from course fees may be distributed to the University's educational and general fund or departmental expenditure budgets, as needed. When a specific department's expenditure budget does not meet its instructional needs, the department may request (through normal University procedures) a budget revision equal to the amount generated by course fees.

2.7 SUBJECT: ACCOUNTING POLICIES AND PROCEDURES

Date Adopted: June 22, 1987
Date Amended: February 29, 2008

Reference: Minute Book: 38 Page: 15

It is the policy of the Board of Regents that financial management and the accounting system at Murray State University shall be in compliance with generally accepted accounting principles for colleges and universities; standards established by the Governmental Accounting Standards Board (GASB), the Financial Accounting Standards Board (FASB), the American Institute for Certified Public Accounts (AICPA), and the National Association of College and University Business Officers (NACUBO); accounting and reporting directives of the Commonwealth of Kentucky; and accountability standards of the Office of Management and Budget and related Federal agencies. The purpose of this policy is to assure an appropriate degree of accountability and to protect individual faculty, staff, and Board of Regents members from undue risk of financial or legal liability.

The Murray State University Board of Regents has elected to perform the financial management functions set forth in KRS 164A.560(2), related to the receipt, deposit, collection, retention, investment, disbursement, and accounting of all funds; and KRS 164A.565 related to the installation of an accrual basis accounting system, other records and annual reports.

The Murray State University Board of Regents has elected to comply with KRS 164A.560 (2)(b) to limit disbursements to the amounts and for the purposes for which the state appropriations have been made, or other monies have been received through the enacting resolution of the institution's annual operating budget.

The Murray State University Board of Regents shall use an accrual basis accounting system and fund structure that conforms with generally accepted accounting principles and procedures established for colleges and universities by the National Association of College and University Business Officers and the American Institute of Certified Public Accountants, and shall act to ensure further compliance with Sections (2), (3), (6), (7), and (8) of KRS 164A.565.

2.8 SUBJECT: FINANCIAL MANAGEMENT

Date Adopted: June 18, 1983
Date Amended: June 4, 1998
Date Amended: February 29, 2008

Reference: Minute Book: 29 Page: 199

Murray State University has elected to perform financial management functions of HB 622, KRS 164A.550 et seq. Administrative Regulations, pursuant to this election, have been promulgated and may be found at 772 KAR 010, et seq.

2.9 SUBJECT: INVESTMENT POLICIES AND AGREEMENT

Date Adopted: November 13, 1982
Date Amended: February 29, 2008

Reference: Minute Book: 28 Page: 129

The majority of funds available for investment by Murray State University are included in the Commonwealth of Kentucky's investment pool. The only state held funds allowed by Kentucky state law to be invested by the University are the current funds contained in the Consolidated Educational fund and the Housing and Dining fund. These funds may only be invested in the state investment pool.

A designated staff person of the University reviews the cash needs and determines the amount to be invested from each of the aforementioned funds. The staff also determines the length of time the monies are to be invested. The Vice President for Finance and Administrative Services approves the recommended investments. The state investment office in Frankfort, Kentucky, then chooses the best type of security and purchases the security in the name of the Commonwealth of Kentucky for the University.

When the security has been purchased, a confirmation is mailed to the University. The purchase is recorded in the University's accounting system per the confirmation. When the security matures, a pay-in-voucher increases the cash balance in the appropriate fund from which the investment was made for the amount of the investment and the interest earned.

The investment earnings of the Consolidated Educational fund are transferred at the end of the fiscal year to Consolidated Educational Renewal and Replacement. These earnings are used on projects approved by the Board of Regents of Murray State University. The investment earnings of the Housing and Dining fund are pro-rated to the applicable auxiliary accounts in accordance with the percentage contribution to the overall net income of the auxiliary departments. The percentage is updated each fiscal year based on the previous year's contribution to net income.

The endowment funds held by the University are invested totally at the discretion of the University. These funds are invested following the policies stated below:

1. Cash funds available for investment shall, whenever possible, be pooled into amounts of \$100,000 or more.
2. Cash funds shall be invested generally in non-speculative financial institutions or government securities.
3. Above the \$100,000 insured by FDIC and FSLIC, investments in financial institutions must be secured (collateralized) with appropriate government securities.
4. A maximum investment of \$250,000 - \$300,000 shall be held in any institution at a given time.
5. No investment shall be placed with any institution on the basis of political favor, friendship, or influence by any official, alumnus or friend of the University.
6. The purchase of investments shall be authorized by the Director of Financial Management and Planning who reports directly to the Treasurer of Murray State University.

Scope

This investment policy applies to activities of the University with regard to investing the financial assets of all funds, including those maintained by:

- I. the Commonwealth of Kentucky's treasury,
- II. local depositories, and
- III. external trustees and investment managers.

Written procedures will indicate which funds are covered under each of the previously mentioned investment structures.

Goals

Consistent with state statutes and administrative regulations, the goals of the University's investment program are:

1. preservation and maintenance of the real purchasing power of the principal in the portfolios,
2. maintenance of sufficient liquidity to meet normal and foreseeable expenditures, and
3. attainment of the greatest possible dollar return to the University while observing statutory and policy constraints.

Investment Objective

The investment objective is to produce a yield that, when compared to the current marketplace, would be described as competitive by investment managers.

Strategy

The University's investment strategy is designed to match the life of the asset with the date liability occurs.

Delegation of Authority**General:**

The Treasurer is responsible for investment decisions and activities, under the direction of the Board of Regents. The Treasurer shall develop and maintain written administrative procedures for the operation of the investment program, consistent with these policies. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person shall engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate investment personnel.

Bond Funds:

With regard to bond funds, the investment/reinvestment (in instruments authorized by the bond indenture and resolutions) by the trustee(s) shall be directed from time to time by the Treasurer.

Minimal Non-Cash Investment Transactions:

In order to correct stock transfer errors or dispose of small non-cash investments, the Treasurer is authorized to sell, transfer, or otherwise dispose of items less than \$25,000.

Reporting

The Treasurer and the Vice President for Finance and Administrative Services shall submit quarterly investment reports to the President and Board of Regents. These reports will include investment data for investment securities held at the end of the reporting period.

INVESTMENT PROCEDURES

I. Investments with State Treasury

A. Current Funds

The majority of funds available for investment by Murray State University are included in the Commonwealth of Kentucky's investment pool. State regulations allow the Current Funds contained in the Consolidated Educational (ConEd) Fund and the Housing and Dining (H&D) Fund to be invested at the discretion of the University. These funds may only be invested in the state investment pool.

A designated staff person of the University reviews the cash needs and determines the amount to be invested from each of the aforementioned funds. The staff also determines the length of time the monies are to be invested. The Vice President for Finance and Administrative Services approves the recommended investments. The state investment office in Frankfort, Kentucky, reviews the amount and the term, and based on other investments made that day for their pool, determines the best type of security and purchases it in the name of the Commonwealth of Kentucky for the University.

When the security has been purchased, a confirmation is mailed to the University. The purchase is recorded in the University's accounting system per the confirmation. When the security matures, the cash balance in the appropriate fund is increased for the amount of the investment and the interest earned.

Within the University accounting system, the investment earnings of the Consolidated Educational fund are transferred at the end of the fiscal year to Consolidated Educational Renewal and Replacement (CERR) Fund within the University's Plant Funds. These earnings are used on projects approved by the Board of Regents of Murray State University.

The investment earnings of the Housing and Dining fund are pro-rated to the applicable auxiliary accounts in accordance with the percentage contribution to the overall net income of the auxiliary departments. The percentage is updated each fiscal year based on the previous year's contribution to net income.

B. Plant Funds

In addition to the Current Funds listed in item #I.A) above, the University may invest unexpended bond proceeds from bonds issued directly the University. Unexpended

proceeds from pooled state bond issues are not invested by the University.

C. Investments with Local Depositories

D. Local Receipts (excluding Endowments)

All local receipts, except for appropriations and private contributions, are temporarily deposited (up to 30 days following the end of the month of deposit) with local depositories before transfer to the State treasury.

While temporarily residing in the local depository, these funds earn interest based on the University's local bank contract which provides for interest earnings based on a percentage of the federal overnight funds rate. Available funds may also be invested in short term, usually 20 day, repurchase agreements. The bank transfers interest earnings to the University's accounts on a monthly basis. The interest earnings are retained within Current Funds, except for an allocation to Federal Loan Funds.

E. Endowment Funds Invested by the University:

The endowment funds held by the University are invested totally at the discretion of the University. These funds are invested following the policies stated below:

1. Cash funds available for investment shall, whenever possible, be pooled into amounts of \$100,000 or more.
2. Cash funds shall be invested generally in non-speculative financial institutions or government securities.
3. Above the \$100,000 insured by FDIC and FSLIC, investments in financial institutions must be secured (collateralized) with appropriate government securities.
4. A maximum investment of \$250,000 - \$300,000 shall be held in any institution at a given time.
5. No investment shall be placed with any institution on the basis of political favor, friendship, or influence by any official, alumnus or friend of the University.
6. The purchase of investments shall be authorized by the Treasurer of Murray State University.

II. Investments with Trustee or External Investment Manager

This section concerns those fund investments managed by parties outside the University. Currently, external managers are used only for two areas—those funds invested with the MSU Foundation and those funds related to bond issues.

A. Endowment Funds Invested by the MSU Foundation

The Murray State University Foundation holds and invests a majority of the University's Endowment Funds. For University funds held by the MSU Foundation, the University accepts the Foundation policies and procedures. The MSU Foundation's policies and procedures are quoted below and are incorporated into these University procedures as follows:

“Investments made by MSU Foundation are to be managed in such a way that

maximizes the Foundation's ability to contribute to the goals of the University. The investment policies and procedures for the investment of monies and securities owned or under the custodial care of the Murray State University Foundation are established by a Joint Investments Committee. The Joint Investments Committee is comprised of three trustees of the MSU Foundation, two members of the Board of Regents, and two members of the Murray State University Alumni Council.

The Joint Investments Committee meets twice a year just prior to the regular Board meetings of the MSU Foundation, and at such other times as deemed necessary. A report of invested funds is prepared by the MSU Foundation staff and distributed to members of the Joint Investments Committee and the Treasurer at quarterly intervals and to the full Board of Trustees at semi-annual meetings. Periodic reports are made to the Board of Regents by the Chair of the Regents Investments Committee. In addition, quarterly earnings reports are given to the Alumni Association and any other entities having substantial investments in the Foundation.

B. Definitions

1. UNIVERSITY funds are those funds received from any source that are intended by the donors, transferors, or grantors to become the property of the UNIVERSITY.
2. FOUNDATION funds are those funds received from any source that are intended by the donors, transferors, or grantors to become the property of the FOUNDATION.

C. Future Determination of Foundation and University Funds:

1. There are certain funds received by the UNIVERSITY that are intended by the donors, transferors, or grantors to become the property of the FOUNDATION.
2. Likewise, there are funds received by the FOUNDATION that are intended by the donors, transferors, or grantors to become the property of the UNIVERSITY.
3. The parties desire to formulate policies whereby the officers, agents, and representatives of each party may distinguish between those funds and the following guidelines are adopted by the parties for the purpose of making the necessary distinction.
 - a) The person designated to receive funds for each party will ascertain the intention of the donor, transferor, or grantor of the sum received. Any of the following are permissible sources for a determination of intent:
 - (1) The writing on the check or other gift instrument.
 - (2) Consultation with the donor, transferor, or grantor.
 - (3) Documentation associated with or accompanying the gift.
 - b) In the event the intention of the donor, transferor, or grantor cannot be ascertained by the above or if such is impractical, then sums received and intended for a scholarship, loan, research or professional development, or outreach activities fund or any other program fund which (by reason of its establishment, sponsorship or promotion) is clearly the fund of one of the parties shall become the property of that party.

c) The guidelines in C3 a. and b. above shall be applied to all gifts and donations to the UNIVERSITY which have recently been deposited to a suspense account of the UNIVERSITY pending determination of the intent of the donor, transferor, or grantor.

d) When a party shall receive funds in the future which are obviously intended to be the property of the other party, the receiving party will make a diligent effort to reimburse the other for all funds from gifts, donations, and transfers which have been received by them and should be transferee to the other; the goal of each being to make said transfer within thirty (30) days of the funds receipt.

D. Existing Funds

1. It is recognized that there are certain UNIVERSITY funds held by the FOUNDATION. The FOUNDATION agrees to remit to the UNIVERSITY any funds for which documentation exists substantiating that the UNIVERSITY should have been the depository of said funds.
2. It is understood that the FOUNDATION may retain UNIVERSITY funds which the UNIVERSITY chooses by this agreement to be managed by the FOUNDATION.

E. Foundation Obligations-Management of University Funds by Murray State University Foundation:

The FOUNDATION promises and agrees:

1. To develop and implement FOUNDATION policies and procedures for gifts and donations received by the UNIVERSITY from private donors and transferred by the UNIVERSITY to the FOUNDATION for management purposes. These policies and procedures shall deal with the receipt, acknowledgement, deposit, and management of gifts and donations.
2. To revise FOUNDATION policies and procedures as stated in D. I hereinabove from time to time as may be necessary so as to work in concurrence with UNIVERSITY policies and procedures.
3. To provide the UNIVERSITY with quarterly and annual financial reports on UNIVERSITY funds held by it in a format to be described in jointly developed policies and procedures.

F. UNIVERSITY OBLIGATIONS-MANAGEMENT OF UNIVERSITY FUNDS BY MURRAY STATE UNIVERSITY FOUNDATION:

The UNIVERSITY promises and agrees:

1. To develop and implement UNIVERSITY policies and procedures for the receipt, acknowledgement, deposit and expenditure of gifts and donations received by the UNIVERSITY. The cooperation of the FOUNDATION shall be solicited in the development of these policies and procedures.
2. To develop and implement UNIVERSITY policies and procedures whereby the services of the FOUNDATION may be most effectively utilized in the management of UNIVERSITY funds which the UNIVERSITY has received

from private gifts and donations and subsequently transferred to the FOUNDATION for management purposes.

3. To provide monthly reports to the FOUNDATION for all gift and donation funds received by the UNIVERSITY.

G. MUTUAL OBLIGATIONS:

It is mutually understood and agreed:

1. That gifts and donations hereinafter made to the UNIVERSITY from private donors shall remain the property of the UNIVERSITY and the transfer from the UNIVERSITY to the FOUNDATION of such funds shall be for management purposes consistent with this agreement.
2. That no gift or donation made to the UNIVERSITY from private donors shall be transferred to the FOUNDATION for management purposes if the terms of the gift or donation specifically prohibit such transfer.
3. That gifts and donations heretofore made to the UNIVERSITY by private donors and subsequently turned over to the FOUNDATION shall remain with the FOUNDATION for management purposes consistent with this agreement.
4. That nothing in this agreement shall be construed so as to cause either party to give its funds and property to another legal entity; nor shall it be construed so as to require the violation of any statute, law or regulation of the Commonwealth of Kentucky.
5. That this agreement shall not supersede or void other agreements between UNIVERSITY and FOUNDATION unless specifically stated herein.
6. That the parties agree to conduct a semiannual review of this agreement and all FOUNDATION and UNIVERSITY policies relating hereto.

That the term of this agreement shall be for one (1) year from the date hereon; but will be automatically extended for successive one (1) year terms unless either party objects to extension in writing within thirty (30) days prior to the annual termination date. In the event of that objection, the agreement shall terminate.

7. This OPERATING AGREEMENT, signed the 17th day of November, 1987, shall become effective immediately and each of the parties signing states that he/she has authority to act for and on behalf of the organization which he/she represents.
8. Funds originally transferred by the University to the Foundation for management purposes under the November 17, 1987 operating agreement will remain segregated as "University" funds in the records of the Murray State University Foundation.
9. Funds, other than donations, received by the Foundation which are obviously intended to be the property of the University will be endorsed over or reimbursed to the University. Reimbursement will be made within 30 days, if practicable.
10. The criteria for ownership in the 1987 operating agreement will be applied to all donations issued to the order of "Murray State University" or "Murray State University Foundation". Separate accounts will be established according to the determination of the ownership of the funds.
11. The University will be notified of all donations for which a determination of ownership could not be made. Determination of ownership of these funds will be

by joint effort of the Executive Director of the Foundation and the Treasurer of Murray State University.

2.10 SUBJECT: DEVELOPMENT

Date Adopted: March 27, 1982
Date Amended: February 29, 2008

Reference: Minute Book: 27 Page: 17

The Murray State University Board of Regents, in recognition of the need to secure additional funding from the private sector, authorizes a unified development program at the University. The Regents call upon the Development Office and the Murray State University Foundation to operate a development program providing for both annual and deferred giving, as well as corporate and foundation solicitation, to support University operations, to expand student educational and scholarship opportunities, to achieve academic distinction, to enhance the physical plant, and to attain excellence in all University programs

The Regents of the University pledge their support to the development program both through the provision of leadership and energy to insure success and through personal gifts. The President of the University and the Vice President for Institutional Advancement pledge their time and resources to the program.

The Trustees of the Murray State University Foundation extend their full support to the development program and pledge their cooperation, assistance, and personal gifts.

The Regents of the University, in cooperation and the MSU Foundation, authorize the establishment of an Office of Development reporting to the Vice President for Institutional Advancement and the President, and hereby create a Development Committee of the Board. Recommendations of the Joint Committee of the Foundation, Alumni Association, and the Board shall be approved and implemented.

2.11 SUBJECT: VENDING FUNDS

Date Adopted: November 16, 1985

Date Amended: February 29, 2008

Reference: Minute Book: 35 Page: 21

1. All vending commissions are considered as auxiliary funds and handled in accordance with proper guidelines for this type funds.
2. That the disposition of these funds be as follows:
 - a. President
 - b. Vice President for Academic Affairs
 - c. Vice President for Student Affairs
 - d. Vice President for Institutional Advancement
 - e. Vice President for Finance and Administrative Services
3. The President and the Vice Presidents may budget these funds to their respective departments. Carry-over balances will remain in the respective departments as auxiliary funds.
4. Expenditures from funds earned on vending commissions should be expended for the following: scholarships, student recruitment activities, professional development activities, to supplement operating budgets of the department for non-recurring expenses and social activities which benefit the entire department. Expenditures from funds earned on vending commissions in the Housing and Dining area can be expended for the following additional items: recreational activities for dorm occupants, expenses related to extracurricular social activities and any other legal expenditure.
5. A report of expenditures will be made available to the Administrative Council at the end of the fiscal year.
6. Interest income from investment of vending commissions will be transferred to the unrestricted E & G account to offset expenses incurred in the operation of vending machines.

2.12 **SUBJECT: PATENT**

Date Adopted: May 14, 1977

Date Amended: February 29, 2008

Reference: Minute Book: 20 Page: 73

Murray State University recognizes the utility of a patent policy. The patent policy of the University may be found in the most current edition of the *Faculty Handbook*.

2.13 SUBJECT: CREDIT UNION

Date Adopted: December 17, 1977
Date Amended: February 29, 2008

Reference: Minute Book: Page:

The Board of Regents endorses the establishment of a Murray State University Credit Union, University financial and physical support and authorizes payroll deductions for any personnel for the credit union and/or the banking/savings institutions in the State of Kentucky.

2.14 SUBJECT: NAMING OF CAMPUS FACILITIES, PROGRAMS AND ACTIVITIES

Date Adopted: May 12, 1979
Date Amended: May 12, 1990, June 18, 1999
Date Amended: February 29, 2008

References: Minute Book: 22 Page: 311
 Minute Book: 45 Page: 12

The naming of buildings and other facilities as well as programs and activities at Murray State University is a manner in which the University can: honor individuals important to the institution such as deceased faculty, administrators and public officials; give prominent recognition for eminence in intellectual, artistic and other endeavors associated with the mission of the University; or show its appreciation for a substantial gift benefiting the University. Each naming proposal should take into account established criteria and other guidelines.

The naming of facilities, programs and activities will be done by the University's Board Regents on the recommendation of the President who shall be advised by the University Committee on Naming of Facilities, Programs and Activities following guidelines listed below:

Persons so honored will have made major contributions to the University in one or more of the following ways:

1. by providing distinguished scholarly efforts and service to the University;
2. by giving substantial support to the University's building program, such as gifts covering the major portion of the cost of a given construction; or
3. by bringing honor to the University through outstanding service to the community, state and nation.

To give recognition to those who have made significant contributions to the University, but on a scale of less magnitude than indicated above, spaces and physical features, such as auditoriums, reading rooms, laboratories, observatories, theatres, conference rooms, gardens, plazas, and similar distinguishable interior and exterior spaces may be named for the honoree(s).

THE COMMITTEE

The University Committee on Naming of Facilities, Programs and Activities shall receive nominations for naming university buildings, rooms, sites, programs or other facilities or areas.

The Committee shall be comprised of one representative each recommended by the Faculty Senate, the Staff Congress, the Student Government Association and the MSU Alumni Association. These members shall be nominated by their respective organizations and appointed by the President of the University to a term of one year.

One or more of the following, as deemed appropriate by the President:

- The Vice President for Academic Affairs (or designated representative)
- The Vice President for Student Affairs (or designated representative)
- The Vice President for Institutional Advancement (or designated representative) who will serve ex officio as chairman of the Committee.

- The Vice President for Finance and Administrative Services (or designated representative)
- The Director of Development (or designated representative)
- The Executive Director of the MSU Foundation (or designated representative)
- A representative of the Athletics Department

The Chair of the Committee will be responsible for forwarding the recommendation of the Committee to the President.

CATEGORIES OF DESIGNATION

The Committee on Naming of Facilities and Programs will consider nominations for naming several different categories of academic or university-related activities, facilities, or holdings. These include but are not limited to:

1. Geographical sites or centers such as Hancock Biological Station
2. Exterior Facilities such as buildings, ways, special-use land areas, or sites outside buildings, such as Sparks Hall, Gilbert Graves Drive, Stewart Stadium, and other such currently designated and undesignated facilities
3. Internal facilities such as lecture halls, lounges, laboratories, seminar rooms, or special areas within buildings such as Johnson Theatre, Lovett Auditorium, and Farrell Recital Hall
4. Academic programs, institutes, centers, colleges, endowed or special chairs or professorships or programs

PROCEDURES

Nominations may be submitted by anyone from the University community or from the community at large. Nominations should contain explanation of the significance of the proposed designation, and should be addressed to the chair of the Committee on Naming of Facilities, Programs and Activities.

When nominations are received by the committee, the expressed desires of those most closely related to the specific category or item shall be taken into consideration. This shall include the personnel the unit, as well as other considerations which may come to the attention of the committee.

Nominations approved by the committee shall be forwarded to the University President for consideration and possible recommendation to the Board of Regents, who will make the final determination of the matter.

OTHER CONSIDERATIONS

1. The designation shall include a functional description such as Eagle Gallery, Waterfield Governmental Studies Program, etc.
2. To facilitate exterior lettering, listing in directories, mailing addresses, class schedules, etc., the naming of a building in honor of any individual should use the surname only, such as "Wells Hall," "Stewart Stadium," and "Waterfield Library." A suitable plaque should be located in the lobby or other appropriate inside location, giving the full name and brief biography of the person honored. To the extent feasible, a uniform system of marking facilities should be adopted.
3. The naming of facilities, programs and activities in honor of campus administrative officials, faculty, staff or elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.

4. The credentials, character and reputation of each individual for whom the naming of a program or facility is being considered shall be carefully evaluated. In the interest of all concerned, discretion of the highest magnitude should be exercised in such deliberations. Recommendations submitted from the committee for consideration and action must be accompanied by appropriate supporting documentation.
5. The name should advance the reputation of the University as well as increase the understanding and public support for its programs.
6. The name should not confuse the public about location or function of the designated building or facility but rather should enhance a visitor's ability to identify, locate and use it.
7. Sub-units of a new or existing facility may be named separately to recognize an outstanding individual or donor wishing to contribute the cost of a portion of a building, a room in a building, a major equipment item, a major area feature, etc. in these instances, an appropriate plaque may be installed to acknowledge the contribution. The committee will ensure involvement by personnel at the college or departmental level and still assure university-wide standards are met in terms of aesthetics, qualitative standards and optimum donor support.
8. Donors wishing to furnish a lounge, office, conference room, etc. will be honored by an appropriate plaque on the door or some other appropriate inside location.
9. Awards, prizes, lecture series, endowed funds, scholarships or fellowships, such as the Breazeale Fellowships, the Hutson Scholarship and the Max Carmen Award for Excellence in Teaching are routinely named in honor of donors, and need not be considered by the committee.
10. In some unique situations, it will be deemed necessary to change the name of an already-designated facility. It must be realized that such a process is apt to be a matter requiring diplomacy and delicacy; such actions will be the domain of the Committee on Naming Facilities Programs and Activities, which must act with discretion and a due sense of consideration for the parties involved.
11. There will be occasions on which a previously designated facility will cease to exist; this may come as the result of new construction, natural phenomena or changes in the physical composition of the university. When this occurs, it shall be the responsibility of the Committee on Naming Facilities, Programs and Activities to:
 - a. give the name of the previous facility to another appropriate facility OR
 - b. establish some other permanent memorial on the site of the former facility OR
 - c. establish a permanent display to memorialize the former facility through the Wrather West Kentucky Museum OR
 - d. take other appropriate measures.
12. In all such cases, the committee should act with discretion and a due sense of consideration for the parties involved.
13. The University Committee on Naming of Facilities, Programs and Activities will not be charged with planning or coordinating dedication ceremonies.
14. In all instances where the word "person," "individual," or "donor" is used in this policy, the same shall be deemed to include corporations, foundations or other appropriate legal entities.
15. In unique circumstances, exceptions to this policy must be approved by the MSU Board of Regents.

OPERATIONAL CONSIDERATIONS

(To be updated periodically, as the need arises)

Capital construction of new facilities or facility renovation requires a "substantial gift" which is subject to negotiation between the donor(s) and university official. Typical guidelines would suggest

that the donor(s) contribute 50% of the cost up to the first one million dollars (\$1,000,000) and 25% of the cost exceeding one million dollars (\$1,000,000). For example:

- A project costs \$800,000 x 50% = \$400,000 contribution required
- A project costs \$3,000,000 = (\$1,000,000 x 50% = \$500,000) + (\$2,000,000 x 25% = \$500,000) = a total contribution of \$1,000,000

For an existing facility or program a “substantial gift” is subject to negotiation between the donor(s) and university officials.

For other naming opportunities, see Addendum 1, *List of Named, Endowed Donor Opportunities*, and Addendum 2, *Description of Naming Opportunities*.

A financial gift of the amount mentioned above or in the addenda does not automatically result in the naming of a facility or program for an individual.

Addendum 1
 LIST OF NAMED, ENDOWED DONOR OPPORTUNITIES

Murray State University NAMED ENDOWED FUND TYPE		MINIMUM*
Facility <i>Capital construction of new facility or renovation of existing facility: 50% of the cost up to the first one million dollars (\$1,000,000) and 25% of the cost exceeding one million dollars.</i>		Consultation required
Named Academic Discipline, Program, Institute, Center, or College		Consultation required
Chair <i>Includes full or substantial portion of salary and related expenses</i>		\$1,000,000
Professorship <i>Includes salary supplement and research support</i>		\$250,000
Scholarship <i>Student financial aid may include tuition, books, and other educational expenses. "Full-ride" includes room and board, as well.</i>	Out of State, Full Ride	\$200,000
	In-State, Full Ride	\$125,000
	Full Tuition	\$ 54,000
	Minimum	\$ 20,000
Faculty Fellowship <i>Includes research and other support for faculty</i>		\$100,000
Series <i>Provides funds to bring artists, cultural events and distinguished guests to campus</i>		\$100,000
Lectureship <i>Includes travel and honoraria for speakers and publication/media costs of lectures</i>		\$75,000
Graduate Fellowship <i>Includes tuition, books, research and may include living expense</i>		\$50,000
General Endowment <i>For unrestricted or discretionary purposes only</i>		\$20,000
Library <i>May include collections, acquisitions, operations, preservation or technology</i>		\$20,000 Consultation required
Other		Consultation required

For consultation, please contact the MSU Development Office.

**Addendum 2
 DESCRIPTIONS OF NAMING OPPORTUNITIES**

Buildings and Facilities

Typical guidelines for capital construction of new facilities or facility renovation would suggest that the donor(s) contribute 50% of the cost up to the first one million dollars (\$1,000,000) and 25% of the cost exceeding one million dollars (\$1,000,000). For an existing facility or program, a “substantial gift” is required.

Consultation is required as a “substantial gift” is subject to negotiation between the donor(s) and university officials.		
Up to the first \$1,000		50% of cost
In excess of \$1,000,000		25% of cost
Areas within buildings		\$350,000
Classrooms		\$100,000

Academic Discipline, Program, Institute, Center or College*

Academic disciplines, programs, institutes, centers or colleges at Murray State University may be named in recognition of a gift sufficient to have a significant and lasting impact

College	\$15,000,000
Department	5,000,000
Institute/Program/Center	2,500,000
Endowed Fund in support	100,000
Endowed Athletic Team Fund	100,000
<i>*Consultation with donor is required.</i>	

Endowed Chairs

The endowed chair position provides an eminent scholar with a salary as well as additional sums to fund graduate assistant salaries, secretarial help, course development and traveling expenses. An endowed chair is key in attracting and retaining acknowledged leaders in their fields.

Regents Chair	\$2,000,000
Presidential Chair	1,500,000
Distinguished University Chair	1,000,000

Endowed Professorships

An endowed professorship allows the University to attract top faculty, by supplementing the departmental support. Funds are used to provide salary supplements, graduate assistant stipends, clerical support and travel expenses. As with named chairs, this kind of support can influence the caliber of faculty the University is able to recruit, as well as the quality of teaching a department is able to provide.

Regents Professorship	\$1,000,000
Presidential Professorship	500,000
Distinguished University Professorship	250,000

Endowed Cultural or Lecture Fund Series

Funds are used to bring artists, cultural events and distinguished guests to campus. These enliven the academic environment and provide learning opportunities beyond the traditional classroom setting.

Regents Series	\$ 500,000
Presidential Series	250,000
Distinguished University Series	100,000

Endowed Faculty Fellowships

Faculty fellowships allow the university to provide extra funds to outstanding faculty members. These funds help those who receive them further their work in teaching, research and public service. Endowment income goes toward paying graduate assistants, clerical support and travel expenses.	Regents Fellowship	\$ 300,000
	Presidential Fellowship	200,000
	Distinguished University Fellowship	100,000

Endowed Lectureship

Funds are used to bring to campus distinguished lecturers with expertise and experience relevant to the special interests of a particular college or department. Earnings from the endowed fund will provide for honoraria, travel expenses, publication of lectures and other costs associated with presenting such speakers.	Regents Lectureship	\$ 300,000
	Presidential Lectureship	150,000
	Distinguished University Lectureship	75,000

Endowed Graduate Fellowships

Funds are used to attract talented and highly motivated graduate students. These funds reward graduate students in keeping with their respective needs, responsibilities and stages of academic development	Regents Fellowship	\$ 300,000
	Presidential Fellowship	100,000
	Distinguished University Fellowship	50,000

Endowed Scholarships

Student financial aid may include tuition, books and other educational expenses. Full ride includes room and board, as well.	Regents (Out of state, full ride)	\$ 200,000
	Presidential (In state, full ride)	125,000
	Distinguished University (full tuition)	54,000
	Minimum	20,000

Endowed Library Support

Funds provide flexible support for future library operations. Income from the endowment is used for increasing book acquisitions, maintaining the collection, updating computer research methods and upgrading library services for students, faculty, alumni and the community.	Periodicals, book or media acquisition	\$ 20,000
	Collections*	20,000

**Consultation with donor is required.*

General Endowment

Funds are used for unrestricted or discretionary purposes.	Endowment (minimum)	\$100,000
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Other

Teaching Award

\$50,000

2.15 SUBJECT: USE OF UNIVERSITY FACILITIES

Date Adopted: See Note
Date Amended: February 29, 2008

References:	Minute Book:	18	Page:	145
	Minute Book:	19	Page:	335
	Minute Book:	20	Page:	95, 117
	Minute Book:	24	Page:	63-65
	Minute Book:	32	Page:	63

Murray State University is committed to both the practice and the philosophy of equal opportunity. The Board authorizes the President to establish and enforce guidelines for use of university facilities without regard to and in a nondiscriminatory manner is to race, religion, and/or political affiliation.

The guidelines shall also be applicable to all faculty, staff, students, and non-university persons or groups. In addition, persons who are not students or employees of the University are expected, while on University property, to adhere to the standards of usage and conduct applicable to faculty, staff, and, students.

The facilities of the University shall mean building and structures, land, equipment, utilities, walks, streets, and recreational areas.

2.15.1 SUBJECT USE OF OUTSIDE AREAS BY NON-UNIVERSITY GROUPS AND INDIVIDUALS

Date Adopted: November 30, 2007

Murray State University has the duty and responsibility to maintain a safe and orderly environment conducive to its principal mission of education. Accordingly, the University adopts this policy for the purpose of establishing reasonable time, place, and manner regulations regarding use of outside areas on its property by non-University groups and individuals.

A. Use of outside areas on MSU property by non-University groups and individuals

1. Sponsorship

- a. Need for sponsorship. Except as provided below, any non-University group or individual wishing to use an outside area on Murray State University property for an organized event, public speaking, demonstrating, performing, distributing literature or materials, engaging in activities which propose "commercial transactions" (such as offering to buy, sell, or rent any goods or services including the distribution of related information), or any similar activity must be sponsored by a registered MSU student organization, University academic department, or University administrative office.
- b. Exceptions to Sponsorship Requirement
 - i. The grassy area immediately to the south of the Curris Center, to the north of Carr Health, and to the east of the main sidewalk (the "Free Speech Zone") may be used without sponsorship.
 - (aa) No "commercial transactions" will be allowed in the Free Speech Zone.
 - (bb) The Free Speech Zone will be available for use 10:00 a.m. - 7 p.m. seven days a week while University classes are in session.
 - ii. Any non-University group or individual who has contracted to use any University facility (e.g., the Expo Center, Racer Arena, Curris Center meeting room) may distribute materials advertising such a "contracted event" in an outside area without sponsorship. The area to be used must be reserved pursuant to this Policy.

2. Special Events

- a. Non-University groups or individuals occasionally request use of outside areas for events which raise considerations beyond those addressed here. These types of "special events" include events which may be promoted and attract a large crowd including individuals from outside the University; that have special needs regarding set up; or that involve activities that raise issues relating to risk of personal injury or property damage that go beyond those which arise simply from the presence of a non-University group or individual on campus.
- b. For "special events," and in addition to the sponsorship and reservation requirements of this Policy, the non-University group or individual may be required to contract with Murray State University and/or provide assurances regarding matters such as insurance, indemnity, and specific allocations of risks and responsibilities.
- c. The University may not allow a "special event" due to reasonable concerns over issues, unrelated to the content of any speech, posed by the planned activity such as risk of injury or damage to person or property. Any such decision will be final.

B. Reservation process

1. **Need for Reservation.** Use of any outdoor area under this policy requires reservation at least three business days in advance of the proposed use.
2. **With whom reservation requests are made.**
 - a. Except as otherwise provided, reservation requests for use of an outside area by a non-University group or individual will be submitted to the following:
 - i. Use of areas around residential colleges or College Courts requires reservation with the Director of Housing.
 - ii. Use of areas around the Curris Center, use of the Free Speech Zone, or use of an area in connection with a "contracted event" requires reservation with the Director of the Curris Center.
 - iii. Use of areas around athletic events requires reservation with the MSU Director of Athletics.
 - iv. Use of areas south of the Curris Center, or of areas not addressed here, requires reservation with the Office of the President.
 - b. Requests for use of an area in connection with a "special event" must be made to the Vice President for Finance and Administrative Services.
3. **Content of Reservation Requests**
 - a. The sponsoring group, or the non-University group or individual if the request is for the Free Speech Zone or is in connection with a "contracted event", will complete a reservation form which includes:
 - i. the area requested;
 - ii. the date(s) for which the request is made;
 - iii. the nature of the use;
 - iv. the estimated attendance;
 - v. the name, address (including e-mail address) and telephone number (including cell phone) of a representative of the sponsor;
 - vi. the name, address (including e-mail address) and telephone number (including cell phone) of the person or a representative of the group wishing to reserve an area;
 - vii. equipment to be utilized (such as chairs, tables, and platforms) and set-up and clean-up procedures. Use of equipment must be coordinated with Facilities Management.
 - b. A request for reservation of a particular area may be made for no more than two days at a time. Any part of a calendar day will be considered a day for purposes of determining the two day period. Each non-University group or individual may engage in "commercial transactions" under this policy for a total of three days per semester.
4. **Processing of Reservation Requests**
 - a. Reservation requests for an area will be processed on a first come/first served basis. The review and notification under subparts a and b are to be completed in a timely manner so as not to interfere with the scheduled date of the proposed event.

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- b. Upon receipt of a properly completed request form, the individual identified in Section B(2) will send notice of the request to the Chief Facilities Officer, the Director of Public Safety, the General Counsel, and any person (e.g., building coordinator) who may have interest in the area requested. They will review the request only for purposes of ensuring that it is consistent with this Policy. No review will be made of the content of any speech. They will respond to the individual identified in Section B(2) who forwarded the request and who will give final approval or disapproval.
 - c. The individual identified in Section B(2) approving the reservation request will provide a copy of the approved request to the requesting group or individual and to Public Safety for informational purposes only.
 - d. In the event a request is denied, the person or group submitting the request will be promptly notified and given a reason. The requesting person or group may seek review of the denial by submitting a written statement in support of the request to the Vice President for Student Affairs within two business days of the denial. The Vice President for Student Affairs will promptly decide the matter and that decision will be final.
 - e. Anything herein to the contrary notwithstanding and in all instances and in all outside areas, members of the Murray State University community, including academic departments, administrative offices, students, faculty, and staff, will be given use priority over non-University groups and individuals.
- C. Principles applicable to any use of outside areas
1. No use may substantially disrupt or materially or significantly interfere with the educational, administrative, or operational activities of the University.
 2. The University will not restrict the content of any speech under this Policy. However, the University may terminate speech in instances where restriction is consistent with the United States Constitution such as use of abusive language which when addressed to the ordinary listener is as a matter of common knowledge inherently likely to provoke a violent reaction; advocacy of the use of force or law violation directed to inciting or producing imminent lawless action and which is likely to produce such action; statements meant to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals; or matters which are obscene under current law. In addition, commercial speech must concern lawful activity and not be misleading.
 3. Uses in violation of local, state or federal law or published policies of the University are prohibited.
 4. There will be no use of outside areas under this policy by non-University individuals or groups during Great Beginnings or Summer Orientation. All use by non-University groups or individuals may be prohibited during other recognized University events (such as Commencement) upon notice from the Office of the President if such use would significantly interfere with the educational, administrative, or operational activities of the University.
 5. No group or individual may provide free merchandise, such as caps or t-shirts, in connection with "commercial transactions".
 6. General rules regarding care of the area used.
 - a. Vehicles are not allowed on sidewalks, in fire lanes, or on grassy areas except with prior permission.
 - b. Sidewalks should be kept clear to ensure accessibility.
 - c. The use of any stakes or tents should be coordinated with Facilities Management so as to avoid any underground utilities.

- d. The area used is to be cleaned of any debris after the event.
 - e. The use of any tables, chairs, tents, or trash containers must be coordinated with Facilities Management.
 - f. No cooking equipment will be used except with prior permission.
 - g. No signs, placards, banners, or other items may be attached to, and no writing, chalking, or marking of any type will be allowed on, trees, bushes, benches, any portion of any building, sidewalks, fixtures, light poles, or signs.
 - h. Additional or different considerations may apply depending upon the nature of the proposed event.
7. The failure of a non-University group or individual to abide by this Policy may result in revocation of the reservation request and removal from campus.

D. Administration

1. The President of the University is authorized to supplement this Policy with additional consistent provisions. For instance, experience gathered through implementation may reveal the need to make changes in the individuals identified in sections B(2) or B(4)(b). Any such changes will be presented to the Board of Regents as an informational item at the next regular meeting prior to implementation.
2. This policy replaces any current policy which addresses use of outdoor areas on University property by non-University groups or individuals.

2.16 SUBJECT: EXTENDED EDUCATION

Date Adopted: February 7, 1987
Date Amended: February 29, 2008

Reference: Minute Book: 37 Page: 6

Murray State University Board of Regents is committed to extend educational opportunities to the citizens in its West Kentucky region assigned by the Council on Postsecondary Education.

2.17 SUBJECT: INTERNATIONAL EDUCATION

Date Adopted: September 7, 1985
Date Amended: February 29, 2008

Reference: Minute Book: 35 Page: 10

The increasing interdependence of cultures and countries requires that universities prepare their students to function as citizens of the world. More than ever before, students need to acquire the knowledge, skills and attitudes that will equip them for living in a global environment. In recognition of this need, Murray State University affirms its commitment to international education as an integral dimension of the University experience. Through a number of programs, the University supports and encourages the development of international content across the curriculum, the provision of opportunities for international experience for both students and faculty, the active and continual exploration of international issues on campus and the meaningful involvement in the life of the University of international scholars and students.

2.18 SUBJECT: CENTERS OF EXCELLENCE AND ENDOWED CHAIRS

Date Adopted: April 25, 1987
Date Amended: February 29, 2008

Reference: Minute Book: 37 Page: 19

The Board of Regents recognizes the critical roles of the Council on Postsecondary Education, the State Legislature, and the Governor in establishing the Centers of Excellence and Endowed Chairs for the Commonwealth of Kentucky and pledges its unconditional commitment to the necessary programmatic support and fiscal resources to maintain and enhance Centers of Excellence and companion Endowed Chairs.

2.19 **SUBJECT: DEBTS: COLLECTION/WRITE-OFF**

Date Adopted: May 11, 1988
Date Amended: February 29, 2008; June 6, 2014

Reference: Minute Book: 41 Page: 12
 Minute Book: Page:

Accounts and loans receivable consist of balances due from students, general receivables, institutionally funded loans and federally funded loans.

The following policy is designed to facilitate operational procedure. It does not create contractual rights on behalf of one who owes the University. Further, no debts will be compromised save and except as permitted by Kentucky law.

The University may contract with outside collection agencies and/or the Kentucky Department of Revenue (DOR) for the collection of delinquent accounts.

The Assistant Bursar and Associate Bursar each have responsibilities to see that all policies and procedures related to accounts receivable and loans receivable are performed.

I. Accounts Receivable

This includes all general accounts receivable, and MSU Payment Plan. As a minimum, the following collection steps will be performed:

- A. Billing statements will be sent to all debtors on or about the 15th of each month.
- B. A "financial hold" will be placed on the student debtor's records, thus withdrawing the privilege to receive grades and transcripts, or to re-enroll until the account is paid in full or other satisfactory arrangements have been made.
- C. Receivables with an outstanding balance are transferred to internal collection twice a year (October and April). Monthly billing statements are generated containing information on the status of the account.
 1. The first billing statement gives the debtor the opportunity to pay in full to avoid the internal collection fee (15% of outstanding debt).
 2. After the third billing statement, if no response or payment has been received, the account will be referred to an outside collection agency or DOR.
- D. An account may be returned by the collection agency for one or more of the following reasons:
 1. Unemployment
 2. No assets
 3. Non-attachable income
 4. Small balance/legal action unadvised
 5. Skip/unable to locate
 6. Any other reason not enumerated herein above

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- E. A compromise of an account may be accepted at any time if it is determined to be in the best interest of the University. Compromises of \$1,000 or less will be approved by the Director of Accounting and Financial Services. The Vice President for Finance and Administrative Services will approve compromises greater than \$1,000.
 - F. For all accounts over two (2) years old and all accounts returned from a collection agency, the Associate Bursar will determine whether to make further collection efforts or to recommend the account for write-off.
- II.** Institutionally Funded Loans (Notes)
As a minimum, the following collection steps will be performed.
- A. Billing statements will be sent to all debtors each month.
 - B. Contact with the debtor via letter, email and/or telephone will be made on delinquent loans, if possible.
 - C. A "financial hold" will be placed on the student's records. (See 1.B.)
 - D. Institutional loans that become delinquent are sent the following notices:
 - 1. At least sixty (60) days delinquent, a final demand notice will be sent.
 - 2. At five (5) months delinquent, a pre-accelerated notice will be sent. The internal collection fee of 15% is added at this time.
 - 3. At six (6) months delinquent the account is referred to a collection agency or DOR.
 - E. A compromise of an account may be accepted at any time if it is determined to be in the best interest of the University. Compromises of \$1,000 or less will be approved by the Director of Accounting and Financial Services. The Vice President for Finance and Administrative Services will approve compromises greater than \$1,000.
 - F. For all accounts over two (2) years old and all accounts returned from a collection agency, the Associate Bursar will determine whether to make further collection efforts or to recommend the account for write-off.
- III.** Write-Off of Bad Debts
The following steps will be implemented once the collection process has been performed and the account or loan is determined to be uncollectible.
- A. At least annually, the Bursar's Office staff will prepare two lists (bad debts \$1,000 or less and bad debts greater than \$1,000) for review by the Associate Bursar and Bursar.
 - B. The Director of Accounting and Financial Services will review and approve the bad debt lists of account receivable accounts and institutional loans \$1,000 or less to ensure adequate collection efforts have been made.
 - C. The Vice President for Finance and Administrative Services will review and approve bad debt lists of account receivable accounts and institutional loans greater than

\$1,000.

- D. The write-off of a debt is a matter of accounting procedure and does not constitute a discharge of the obligation. Records will be maintained on all bad debt accounts and loans written-off and the "financial hold" will remain in force. An account or loan will be reactivated if the individual requests a transcript, enrollment, or if recovery becomes apparent or possible.
 - E. If a loan is reactivated, interest will be accrued at the rate stated in the original loan.
 - F. A compromise of a reactivated account or loan may be accepted if it is determined to be in the best interest of the University. (See 1.E.)
- IV. Federally Funded Loans (Notes)**
Currently included in these programs are Perkins Student Loans (formerly National Direct Student Loans) and Nursing Student Loans.
- A. As a minimum, Murray State University will perform all "due diligence" procedures as specified in the federal program requirements.
 - B. The Associate Bursar will review all loans to ensure compliance with all due diligence requirements and determine if additional collection efforts are needed.
 - C. After all due diligence requirements have been met and the Associate Bursar has determined that additional collection efforts would not be effective, these loans will be recommended for write-off or assignment to the federal government as appropriate. These write-off/assignment requests will be reviewed by the Director of Accounting and Financial Services, the Vice President for Finance and Administrative Services, and approved by the President. The federal government will ultimately determine if a loan is to be written-off or assigned.
 - D. Any write-off or assignment requiring the University to purchase the loan from the federally funded program will require the same review as institutionally funded loans.

2.20 SUBJECT: AFFIRMATIVE ACTION

Date Adopted: May 11, 1985
Date Amended: February 17, 1990
February 2, 1991
May 8, 1993
February 29, 2008
November 14, 2008
June 8, 2018

References: Minute Book: 34 Page: 6
Minute Book: 45 Page: 18
Minute Book: 47 Page: 36
Minute Book: 55 Page: 12
Minute Book: Page:

I. POLICY STATEMENT

Murray State University formally declares its commitment to all laws mandating affirmative action and equal opportunity regulations, together with all valid state and federal regulation enacted pursuant thereto. The policy of Murray State University is to guarantee freedom from discrimination in its operation and administration of its programs, services, and employment practices; in its relationships with students, faculty, and staff; and in its interactions with the community which it-serves.

The following statement shall serve as the official nondiscrimination statement of Murray State University for its *Affirmative Action Plan* and for all other purposes. This statement supersedes and replaces all others that may have previously existed in any other form or by any other title in University policies, governance and other documents, internal and external communications, correspondence, and all other official materials:

University Nondiscrimination Statement

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.

The policy of Affirmative Action is an on-going commitment. The policy of affirmative action is limited, in that the achievement of its objective removes the necessity of its existence. Murray State University is committed to achieving the goals that have been established and published in the Murray State University Affirmative Action Plan. It should also be known that this Affirmative Action Plan is an official policy of Murray State University.

Functions in connection with the evaluation and monitoring of the Affirmative Action Program of Murray State University have been assigned to the Affirmative Action Committee by the President of the University. To this end, the Committee should have access to all records and on-going processes necessary to effectuate its responsibility. A description of the composition and specific duties of the Affirmative Action Committee is found in the University Governance System policy.

Persons who wish to inspect the MSU Affirmative Action Plan or who seek other information concerning the Affirmative Action Program of Murray State University should contact the Director of Institutional Diversity, Equity and Access (IDEA), Murray State University, Murray, KY 42071.

II. LAWS, GUIDELINES, AND ORDERS APPLICABLE TO MURRAY STATE UNIVERSITY

Many constitutional provisions, as well as federal and state statutory requirements, prohibit Murray State University from discriminating against an individual on the basis of race, sex, color, age, religion, national origin, handicap, or status as a veteran.

Murray State University commits itself to affirmative action to the extent mandated by constitutional provisions, applicable statutes, administrative regulations or judicial decisions pertaining thereto. The basic legislative enactments and administrative regulations include, but are not necessarily limited to the following:

Executive Order 11246

The purpose of this Order, as amended by Executive Order 11375, is to prohibit discrimination in employment (hiring, promotion, salary determination, fringe benefits, and other employment conditions) on the basis of race, color, religion, national origin, or sex by institutions receiving federal contracts over \$50,000. The premise of the affirmative action concept of Executive Order 11246 is that unless continuous, positive action exercised to overcome the effects of conscious and unconscious systematic institutional forms of discrimination, a "status quo ante" will indefinitely exist.

Equal Pay Act of 1963

The purpose of this Act, as amended by the Education Amendments of the Higher Education Act in 1972, is to prohibit discrimination on the basis of sex in determining salary levels and fringe benefits.

Title VI of the Civil Rights Act of 1964

The purpose of this Act is to assure that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program activity receiving federal financial assistance from the Department of Education.

Title VII of the Civil Rights Act of 1964

The purpose of this Act, as amended by the Equal Employment Act of 1972, is to prohibit discrimination in employment. Employment includes hiring procedures, promotion

procedures, salary determination, fringe benefits, and any other conditions employment.

Age Discrimination in Employment Act of 1967

The purpose of this Act, as amended in 1972, is to prohibit discrimination in hiring persons between forty (40) years and seventy (70) years on the basis of age.

Title IX of the Education Amendments of 1972

The purpose of this Act, the Higher Education Act, is to prohibit sex discrimination against students or others participating in education programs and activities.

Title IX states: "No person ... shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving federal financial assistance."

Section 504 of the Rehabilitation Act of 1973

The purpose of this Act is to prohibit discrimination against any otherwise qualified person due to his/her handicap. It applies to an institution, program, or activity receiving federal financial assistance.

Based on the legal definition, a handicapped applicant, as with all job seekers, must possess the work capacity to match the job duties and requirements.

In terms of employment, selection, and promotion, a qualified handicapped individual must be capable of performing within reason to his/her deficiency.

The legal definition of a handicapped individual is as follows:

Any person who:

- A. has a physical or mental impairment(s) which substantially limits one or more of such person's major life activities (communication, ambulation, self-care, socialization, education, vocational training, employment, transportation, housing);
- B. has a record of having such impairment(s) (meaning that an individual may be completely recovered from a previous physical or mental impairment(s)); or
- C. has reflected such impairment(s). (Refers to those individuals who, because of attitudes or any other reason, are regarded as handicapped by employers.)

Vietnam Era Veterans Readjustment Assistance Act of 1974

The purpose of this Act is to require federal contractors to take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam Era.

Guidelines on Discrimination Because of Citizenship

Any alien lawfully in the United States and legally employable under the Immigration and Naturalization Service regulations is protected in the same manner as a United States citizen is from discrimination in employment and equal opportunity to programs.

Applicable State Laws

Chapter 334, KRS 207.130 to 207.240, in the Kentucky Revised Statutes makes Murray State University subject to the public policy of the Commonwealth of Kentucky where the

objective is to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, or handicapped status.

III. AFFIRMATIVE ACTION PLAN APPLICABILITY

This plan is the official policy of Murray State University and, therefore, applies to all administrative officers, faculty, staff, students, and all persons seeking employment at Murray State University, to the extent indicated.

IV. DISSEMINATION OF THE PLAN

Internal

Information concerning Murray State University's Affirmative Action Plan is available at any time to all University employees or applicants for employment. Information can be obtained in the following offices:

- A. The Office of the President
- B. The Institutional Diversity, Equity and Access (IDEA) Office
- C. Human Resources

The official Murray State University Policy Statement on Affirmative Action will be disseminated to all University employee and student organizations by the Affirmative Action Office.

A copy of the Affirmative Action Plan is provided to all Vice Presidents, Deans, Department Chairs, Directors, and other pertinent supervisors. It is the responsibility of these administrators to disseminate information concerning affirmative action to their subordinates.

A statement on affirmative action is printed in the following publications and is readily available to all employees and students.

- A. Faculty Handbook
- B. Personnel Policy and Procedure Manual
- C. Undergraduate and Graduate Catalogs
- D. Schedules of Classes

Murray State University has several newspapers and newsletters that publish information on affirmative action. The Murray State News, Faculty Senate Newsletter, and Staff Congress Newsletter are published weekly and monthly respectively and periodically inform readers on affirmative action.

The University's employment policies are explained during new faculty and staff orientations. A representative from the Office of Institutional Diversity, Equity and Access meets during orientation sessions for new employees explaining the hiring policies and procedures.

Also, a copy of Murray State University's Affirmative Action Plan is submitted to the campus library for display.

External

All Murray State University advertisements for employment and other promotional forms for programs explicitly state that Murray State University exercises affirmative action and equal employer opportunity.

All Murray State University contractors, subcontractors, vendors, manpower organizations, and other servicers to Murray State University are promptly informed of the University's obligation to affirmative action and equal employment opportunity.

Murray State University, for purposes of external dissemination, will send copies of the Affirmative Action Plan to the City of Murray and appropriate Calloway County government officials. Also, copies are sent to the Kentucky Council on Higher Education and to local manpower services.

All recruiting services for minority faculty, administrator! and students will be advised of Murray State University's Affirmative Action Policy through the Affirmative Action Officer (i.e., Southern Regional Education Board Minority Faculty Data Base, Iota] and regional chapters of National Association for the Advancement of Colored People and Urban League, and area churches, etc.).

The Minority Admissions Counselor, the Director of Minority Student Affairs, and other staff actively participate in high school career and job orientations in the area.

All of the above external dissemination measures will be monitored by the Affirmative Action Officer.

V. RESPONSIBILITY FOR IMPLEMENTING THE PLAN

It is understood that the President of the University has the ultimate responsibility for forging a viable institutional policy on equal opportunity and assuring progress toward the realization of affirmative action goals. Beyond setting policy, however, the President alone cannot supervise the daily routines of campus life and college business which must be addressed in order to effectively eliminate discrimination and take into account affirmative action.

The Affirmative Action Officer, answering directly to the President and working in conjunction with the Affirmative Action Committee commits 75 percent of his/her time coordinating and monitoring all employment practices of the Vice Presidents, Deans, Department Chairs, and Directors and coordinates efforts with the Director of Human Resources.

VI. AFFIRMATIVE ACTION OFFICER - DUTIES AND RESPONSIBILITIES

- A. The Affirmative Action Officer (AAO) supports the ideas of affirmative action and equal employment opportunity throughout the University;
- B. the AAO supports the academic and non-academic administrators of the University in collecting and analyzing employment data, identifying problem areas, and the setting of goals and timetables. He/she also advises in the development of specific remedial programs to achieve a particular unit's goals;
- C. the AAO is responsible for designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where

- progress has been made and where further action is needed. He/she executes this responsibility in consultation with the Director of Personnel Services and reports to the President quarterly on the University's progress toward its goals;
- D. the AAO is responsible for monitoring the advertisement of vacancies, interview request forms, and employment summaries as well as recording the documentation on recruitment and selection procedures;
 - E. the AAO conducts regular affirmative action meetings with an established Affirmative Action Committee;
 - F. the AAO supports and provides leadership with reference to the affirmative action concept as it applies to faculty, staff, and students in implementing this Affirmative Action Plan;
 - G. the AAO serves as the person, required by legislation cited in the Education Amendments of 1972, who investigates any complaint communicated to the University alleging its non-compliance with that legislation, and, in addition, will investigate complaints alleging its non-compliance with all other pertinent civil rights legislation;
 - H. the AAO assists in the establishment and subsequent publication and operation, as required by legislation cited in the Education Amendments of 1972, of grievance procedures providing for the resolution of student, employee, and student or employee applicant complaints alleging any action by the University which would be prohibited by that legislation or any other;
 - I. the AAO periodically evaluates all current policies and practices of the University, and the effects thereof, concerning the admission of students, treatment of students, and employment of both academic and nonacademic personnel. As a result of this study, the AAO recommends the modification of any policies and practices which do not meet the requirement of Title IX, or any other appropriate legislation, and recommends appropriate remedial steps to eliminate the effects of any discrimination which resulted from adherence to these policies and practices. Should modifications of the Affirmative Action Plan be required, a revised report containing those modifications shall be published, and the original plan placed on file for reference purposes;
 - J. the AAO shall serve as the liaison person between Murray State University and governmental regulatory agencies in Washington, Atlanta, and Frankfort; minority and women's organizations on campus, in Murray, Calloway County, and the University's region; and other interested community groups;
 - K. it shall be the responsibility of the AAO to keep the President and other responsible officials of the University informed about developments locally and nationally in the area of equal opportunity and of the most current legal information affecting the University's Affirmative Action Program;
 - L. the AAO shall serve as the University Contract Compliance Officer in accordance with the requirements of implementing regulations for Executive Order 11246 as amended and other legislation as cited in the Equal Opportunity Policy;
 - M. the AAO assures that academic vacancies are advertised in appropriate media within the University labor area and any areas within the University that are underutilized are advertised in the appropriate minority journals;
 - N. the AAO will make known to all current employees of the University, through the "Weekly Job Openings" report, the availability of positions;
 - O. the AAO shall maintain records of personnel decisions and actions for the life of the Plan or until a respective unit has attained its goals, whichever is the lesser.

- P. the AAO shall maintain applicant flow data records showing minority status of applicants for each Administrative/Executive, Faculty, and Professional Non-Faculty position filled by the University. A separate card file indicating minority status of each applicant shall be maintained for this purpose.

VII. THE AFFIRMATIVE ACTION COMMITTEE - DUTIES AND RESPONSIBILITIES

The Murray State University Affirmative Action Committee is standing committee of the University representing a cross section of the University community. Its membership includes three (3) members of the faculty, three (3) members of the staff, two (2) students, and a representative of the Office of Public Safety. These members, who serve staggered three-year terms, are appointed by the President. Meetings of the Committee will be called by the President or the Affirmative Action Officer.

The responsibilities of this committee are as follows:

- A. Serve as a sounding board for individuals or groups with concerns that fall within the interests protected by equal opportunity/affirmative action law;
- B. review and survey those aspects of university life which involve affirmative action;
- C. ensure that the University will comply with the Higher Education Guidelines for Executive Order 11246 (or succeeding relevant guidelines) as published by the Department of Education;
- D. evaluate and monitor existing affirmative action goals and timetables
- E. survey and investigate past discrimination resulting from overt acts or from unconscious, systematic exclusion of minorities and women;
- F. recommend to the President new policies and procedures which will aid the University in meeting its affirmative action responsibilities; and
- G. serve as Affirmative Action Compliance officers on search committees organized to fill vacant and/or new positions on which they may serve.

VIII. VICE-PRESIDENTS, DEANS, DEPARTMENT CHAIRS, AND DIRECTORS—DUTIES AND RESPONSIBILITIES

The responsibilities of each vice-president, collegiate department chairs, and administrative directors under this policy and plan include, but are not limited to:

- A. The identification of problem areas;
- B. the maintenance of contact with local minority organizations, women's organizations, community action groups and community service programs as appropriate for the positive progress toward goals of the University;
- C. responsibility for establishing and maintaining records, documenting academic and non-academic personnel actions within their colleges and units. Every personnel action shall be fully documented. In the case of filling any existing or new position, the file shall contain a complete description of the position to be filled, including academic and experience requirements for candidates for the position, and responsibilities which must be executed by the person filling the position; the names and vitae of all applicants; the name of the applicant selected; and in the event that a woman or member of a minority group was an applicant and not chosen, specific written reasons for this decision:

- D. periodic audit of training programs, hiring, and promotion patterns as requested by the Affirmative Action Officer;
- E. periodic review of their functional areas of responsibility to ensure that each unit is in compliance with the program to include that posters are properly displayed; facilities are equally available to all persons entitled to their use; and that minority and female employees and students are afforded equal opportunity to participate in all University-sponsored education, training, recreational, and social activities,
- F. regular discussions with academic and non-academic administrators, supervisors, and employees within their colleges and units to be certain that the University's attitude toward Affirmative Action is understood by all and that the University's Equal Opportunity Policy and Affirmative Action Plan are known and being followed;
- G. annual review of the qualifications of all employees in their colleges and units to ensure that minorities and women are given full opportunities for transfers and promotions;
- H. preventing the harassment of employees placed in their respective colleges or units through appropriate efforts.

IX. DIRECTOR OF HUMAN RESOURCES - DUTIES AND RESPONSIBILITIES

The responsibilities of the Director of Human Resources under this policy and plan include, but are not limited to:

- A. Regular discussions with administrators, supervisors and employees to be certain that the University's attitude toward Affirmative Action is understood by all and that the University's Equal Opportunity Policy and Affirmative Action Plan are known and being followed;
- B. the identification of appropriate non-academic units for which goals and timetables may be established, the identification of problem areas, and the establishment of appropriate goals and timetables for these units;
- C. periodic review of each unit to ensure that it is in compliance with the program -- that posters are properly displayed; facilities are equally available to all persons entitled to their use; and that minority and female employees and students are afforded equal opportunity to participate in all University-sponsored educational, training, recreational and social activities;
- D. periodic audit of training programs, hiring, and promotion patterns as requested by the Affirmative Action Officer;
- E. preventing the harassment of employees placed through affirmative action efforts;
- F. maintaining a permanent record for each individual employee containing records of all actions affecting conditions of his or her employment;
- G. conducting continuing assessments of personnel for the purpose of determining whether a minority or female person has, through the passage of time, become qualified for a position with greater responsibilities;
- H. maintaining applicant flow data records showing minority status of applicants for each Secretarial/Clerical, Technical/Paraprofessional, Skilled Craft, or Service Maintenance position filled by the University during the life of the Plan. A separate card file indicating minority status of each applicant shall be maintained for this purpose; and
- I. developing and maintaining an active minority applicant pool.

X. AFFIRMATIVE ACTION PROCEDURES

Procedures for Administrative/Executive, Faculty, and Professional Non-Faculty

The following is a description of the required affirmative action forms that are to be completed in each search for Administrative/Executive, Faculty, and Professional Non-Faculty positions. A copy of these procedures, along with all necessary affirmative action forms, will be sent to each committee chair u the Affirmative Action Office's notification of position vacancies in the above listed categories. In addition, a summary of the Affirmative Action Cards, denoting minorities and women in the pool, as received in the Affirmative Action Office, will be forwarded to the appropriate Dean or Director. All other positions will follow procedures through Human Resources.

- A. The Position/Advertisement Request Form - When a posit is vacated or created, the department chair or search chair must complete, sign, and route this form through the appropriate channels (Dean, Vice President, Affirmative Action Officer and President). The Position/Advertisement Request Form constitutes a recruitment plan for the identified position. This step must be completed prior to official announcement of a vacancy.

This form serves a dual role in meeting affirmative action, as well as internal requirements. For example, final approval of the Position/Advertisement Request signals the Office of Institutional Diversity, Equity and Access (IDEA) to include the position in the Weekly Job Openings Report, which is distributed on campus as well as to affirmative action officers at other institutions of higher education in Kentucky.

- B. The Affirmative Action Card - An Affirmative Action Card should be submitted along with the letter of acknowledgment to each applicant who applies for a position. Applicants will be specifically asked to return these cards, which are postage-paid and self-addressed to the Affirmative Action Office.
- C. The Interview Request Form - After the search committee has reviewed applications and tentatively selected individuals to interview, the department or search chair should complete this form. The Interview Request Form must be filled out and approved by search chairperson, dean or director, and Affirmative Action Officer prior to the extending of interview invitation. Upon receipt of an Interview Request Form, the Affirmative Action Officer may elect to review the Affirmative Action Cards and, subsequently, the interview process.
- D. The Employment Summary Form - When the Interview Request Form has been approved, the final affirmative action documentation consists of the Employment Summary Form. It is very important to document with care a situation in which a minority or female applicant was interviewed but not offered the position. A separate sheet should be attached to the Employment Summary Form, carefully detailing the reasons for that decision. The Employment Summary Form is also the place to describe any noteworthy circumstances encountered during the search.

The 1984-85 Affirmative Action Committee has adopted in principle policies to be used in the University's search procedures. Specifically, the Committee has suggested the following when conducting University searches:

- A. It is the consensus of the Committee that when a minority or a woman candidate is represented among the qualified candidates they should be interviewed on campus.
- B. The Southern Regional Education Board (SREB) Minority Faculty Data Base should be used in all faculty position searches.
- C. It is the belief of the Committee that position search should be started early enough to give adequate time to attract "better" candidates.
- D. Administrators, search committee members, and Affirmative Action Committee members should contact search committee chairs if they know of potential minority or women candidates.
- E. Position advertisements should not be intimidating in appearance; they need only provide a realistic job description.
- F. Several times a year, a listing of vacancies should be published in one or more of the more commonly-read minority journals, if appropriate.

Procedures for Secretarial/Clerical, Technical/Paraprofessional, Skilled Craft, and Service Maintenance

The following is a description of the required affirmative action procedures to be completed by the Office of Human Resources in a search for Secretarial/Clerical, Technical/Paraprofessional, Skilled Craft, and Service Maintenance positions:

- A. Assure that each full-time and part-time permanent nonacademic staff position enumerated in the University staffing table be accompanied by a job description which specifies the qualifications, duties, and responsibilities demanded of the individual filling the position. These job descriptions shall be kept in an appropriate file in the Human Resources Office and shall be available for examination by any person who might desire to do so. These descriptions shall be included in any advertisement for that position;
- B. establishment and dissemination of job classifications, descriptions and requirements for transfer or promotion within same. This information shall be available to employees at the time of employment and upon request anytime thereafter;
- C. the annual review of the qualifications of all nonacademic employees to ensure that minorities and women are given full opportunities for transfer and promotions;
- D. establishment and maintenance of records documenting personnel actions in non-academic classifications. Every personnel action shall be fully documented. In the case of filling any existing or new position, the file shall contain a complete description of the position to be filled, including academic and experience requirements for candidates for the position, and responsibilities which must be executed by the person filling the position; the names and vitae of all applicants; the name of the applicant selected; and in the event that a woman or a member of a minority group is an applicant and not chosen, specific written reasons for this decision signed by the person or persons making the decision;
- E. assure that non-academic staff vacancies shall be advertised in appropriate media within the University's labor area. In addition, where economically feasible, appropriate to the needs of the University's affirmative action recruitment effort, and/or relating to positions where the University's work force analysis has shown underutilization of minorities, the University shall advertise position vacancies in appropriate minority oriented media and through special job availability dissemination to be specified by the Director of Human Resources and the

Affirmative Action Officer. The Human Resources Office shall maintain lists of specific media which must be utilized to advertise staff positions, according to EEO-6 categories. Records will be maintained regarding specific affirmation action efforts to attract female and minority applicants for position, to include a list of media used to advertise the position and a record of all schools, minority and women's groups, professional organizations, and community groups notified of the position;

- F. the availability of a position shall be made known to current employees of the University through an announcement bulletin published by the Office of Personnel Services and posted throughout the campus;
- G. maintenance of files of all minority and female applicants who applied for earlier position openings but were not hired. These candidates will be contacted first when new openings occur;
- H. maintenance of records of personnel decisions and active for the life of the Plan or until the respective unit attained its goals, whichever is the lesser. Applications of individuals who have been offered a position who have declined an offer shall have their file so marked and placed in an inactive file for the life of the Plan.

It is recognized that the implementation of a successful Affirmative Action Plan mandates attention to varied factual situations. Consequently, additional procedures may be developed by the Affirmative Action Officer as needed. In no event shall such procedures be permitted to frustrate the basic purposes of Murray State University's Affirmative Action Plan.

XI. PROMOTION CRITERIA - FACULTY AND NON-FACULTY

In no circumstance can an employee's promotion be denied based solely on his/her race, color, age, religion, gender, sexual orientation, national origin, handicap, or veteran's status.

XII. FRINGE BENEFITS

It is the policy of Murray State University to extend fringe benefits to its employees without regard to race, sex, color, national origin, age, handicap, or veteran's status.

XIII. EQUAL EDUCATION OPPORTUNITY

Murray State University attempts to provide equal opportunity in all areas of student admissions, financial aid, employment, and placement. Murray State University is also committed to increasing minority student population in specific disciplines of study, not only within the University but also to assure their representation in future labor markets.

Admissions

Murray State University, through special efforts, actively recruits minorities. Murray State University practices affirmative action recruitment for minority classes through such measures as staffing a Minority Admissions Counselor and maintaining an Office of Minority Student Affairs. It is the intention of these office to recruit and retain minorities.

The University's Affirmative Action Policy is printed in all student information and student publications sent from the Office of Admissions.

Student Employment

Murray State University recognizes and affirms a commitment to the principle of nondiscrimination in student employment.

Students are entitled to the same affirmative action policy protections as other employees similarly situated.

Financial Assistance

All Murray State University financial aid (i.e., grants, loans, scholarships, intern programs, work-study programs, etc.) is awarded without discrimination on the basis of race, color, gender, national origin, religion, sexual orientation, age, handicap, or veteran's status.

Support Services

All Murray State University faculty, staff, and students are continuously encouraged to be supportive to minorities. Support services include but are not limited to: advising, tutoring, and working to improve minority life at Murray State University.

XIV. 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 Institutional Diversity, Equity and Access (IDEA) within one hundred eighty (180) calendar days after the alleged act(s).

A copy of the complaint shall promptly be sent to the charged party(ies).

3. The charged party(ies) may submit a written statement addressing the complaint to the Office of Institutional Diversity, Equity and Access (IDEA) within twenty (20) calendar days.* Three (3) days shall be added to the twenty (20) days if the complaint is mailed. Affirmative Action Officer may extend the time for good cause showing."

If a written statement answering the charge is submitted, the Affirmative Action Officer shall promptly send a copy of the aggrieved party.

4. The University's General Counsel Office will be promptly apprised of copies of documents pursuant to steps 1. through 3. above.
5. The Affirmative Action Officer will promptly meet with the aggrieved party to gather investigatory information;
6. The Affirmative Action Officer will promptly meet with the charged party(ies) to gather investigatory information.
7. The investigation will continue. The Office of Institutional Diversity, Equity and Access (IDEA) 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 Affirmative Action Officer.
8. A meeting will be held with both parties in an attempt to resolve the complaint in an informal manner.
9. If the complaint was not resolved in the meeting, the Affirmative Action Officer will make a formal, written decision within thirty (30) calendar days.* The president may extend the time for good cause showing." The formal decision may include corrective action which the Affirmative Action Officer 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 Affirmative Action Officer shall have the right to an appeal. The appeal shall be filed with the Affirmative Action Office. 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 novo.
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 Affirmative Action Officer mails the decision. The president may extend the time for good cause showing." If the person adversely affected by the Affirmative Action

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

3. The person charged shall submit a written response to I Office of Institutional Diversity, Equity and Access (IDEA) 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 Affirmative Action Officer. These examples are not intended to be all inclusive.

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 affirmative 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.

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

2.21 **SUBJECT: SEXUAL HARASSMENT POLICY**

Date Adopted: May 12, 1990
Date Amended: February 29, 2008
Date Amended: December 4, 2020

A. Commitment.

Murray State University is committed to maintaining an environment free from unlawful discrimination. Accordingly, sexual harassment will not be tolerated at Murray State University. The University will continue to educate the campus with respect to sexual harassment and will continue to provide avenues for redress when issues arise. However, it is the responsibility of all students, faculty, staff and Regents to avoid sexually harassing behaviors.

B. Definitions.

Sexual harassment is a form of gender discrimination which violates state and federal law and University policy. Students and employees can be the victims, or perpetrators, of sexual harassment. Whether actions constitute sexual harassment depends upon the particular facts surrounding, and law applicable to, the situation in question.

However, in general, sexual harassment means inappropriate conduct on the basis of sex, including unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's receipt of aid, benefits, service, employment, participation or performance in any course, program or activity;
2. submission to or rejection of such conduct by an individual is used as a basis for making decisions with respect to the individual's employment, participation or performance in any course, program or activity;
3. such conduct when committed by a student is so severe, pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with a student's work performance or participation or performance in a course, program or activity or creates an intimidating, hostile or offensive environment for work or any course, program or activity;
4. such conduct in the workplace, or conduct committed by a non-student, is so severe or pervasive, and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's work or learning environment; or
5. such conduct constitutes sexual assault, dating violence, domestic violence or stalking as each is defined by University policy and applicable state or federal law.

Sexual harassment can occur in different relationships, including that of supervisor-employee, teacher-student and student-student. Purely voluntary personal or social relationships without any of the discriminatory effects noted above may not be sexually harassing behavior. However, Regents, administrators, faculty and staff are strongly urged to avoid relationships of an amorous or intimate nature with individuals, such as subordinates or students, whom they supervise, have an instructional responsibility for or have or may have the responsibility to evaluate. The existence of a power differential between the parties naturally raises the question whether the relationship is, in fact, voluntary.

Sexual harassment takes many forms. It can include sexual innuendo, suggestive or demeaning comments, insults, hostile remarks, humor and jokes about gender or gender-specific traits, requests or demands for sexual favors, threats or suggestive gestures. It can also include touching, pinching, brushing the body, assault or coerced or nonconsensual sexual intercourse.

C. Reporting Sexually Harassing Behavior.

Murray State University encourages every member of the University community who believes they have been the victim of sexual harassment to report the allegations as soon as possible. Time limitations apply to the reporting of claims and the chance for remedial action may be lost by delay.

The University has formal and informal processes for resolving claims of sexual harassment. Victims of sexual harassment are encouraged to report their allegations even if they do not wish to utilize these processes.

Claims of sexual harassment should be made to the following offices:

1. Claims by employees against other employees, including their supervisors, and claims by students, including student workers, against other students, faculty members or other employees should be made with the Title IX Coordinator located in the Office of Institutional Diversity, Equity and Access (IDEA), 103 Wells Hall, telephone number 270-809-3155.
2. If the Executive Director of the IDEA Office is the person against whom complaint is made, the report should be made to the President of the University.
3. If the complaint is against the President or a member of the Board of Regents, the report should be made to the Chair of the Board of Regents. If the complaint is against the Chair of the Board, the complaint should be made to the Vice Chair of the Board.
4. If there is doubt about which office the allegations should be made to or if assistance is needed with respect to a complaint, the Title IX Coordinator in the Office of Institutional Diversity, Equity and Access should be contacted for help.

In accordance with law, there will be no retaliation against an individual making a good faith claim of sexual harassment.

D. Sanctions.

Any individual charged with sexual harassment will be accorded due process in compliance with established University procedures. Sanctions for sexual harassment may range from written warning to termination (for an employee) or expulsion (for a student).

2.21.1 SUBJECT: SEXUAL VIOLENCE AND MISCONDUCT, RELATIONSHIP VIOLENCE AND STALKING

Date Adopted: August 28, 1993 (Sexual Assault Policy)
Date Amended: February 29, 2008
Date Adopted: August 28, 2014 (Sexual Violence and Misconduct, Relationship Violence and Stalking)
Date Amended: December 11, 2015
Date Amended: December 4, 2020

Murray State University promotes a safe environment for its students, faculty and staff.

I. Policy Against Sexual Assault, Sexual Violence and Sexual Misconduct, Relationship Violence and Stalking.

A. Murray State expressly condemns acts of sexual assault, sexual violence and sexual misconduct, relationship violence and stalking against its students, faculty and staff. These condemned acts include sexual assault, including rape, fondling, incest and statutory rape; domestic violence; dating violence; stalking and sexually exploitative behavior.

Behaviors prohibited under this Policy are defined in Appendix I.

B. Procedures for institutional disciplinary action in cases of alleged sexual harassment, including sexual assault, sexual violence and misconduct, relationship violence and stalking:

- (1) Shall:
 - (a) provide a prompt, fair and impartial process from the initial investigation to the final result and resolution; and
 - (b) be conducted by officials who, at a minimum, receive annual training on the issues related to sexual harassment, including sexual violence and misconduct, relationship violence and stalking, including domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of complainants and witnesses and promotes accountability. Officials conducting proceedings will not have a conflict of interest or bias for or against the complainant or the respondent. Training will include a review of the definition of sexual harassment, how to remain impartial and how to review relevant evidence; and
- (2) The complainant and the respondent are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any meeting or proceeding by an advisor of their choice. Murray State may establish restrictions to the extent

- permitted by state and federal law, which are equally applicable to all parties, regarding the extent to which an advisor may participate in proceedings;
- (3) There will be timely notice of meetings at which the complainant or respondent, or both, may be present;
 - (4) There will be timely and equal access to the complainant, the respondent and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
 - (5) Both the complainant and respondent shall be simultaneously informed, in writing, of:
 - (a) the result of any institutional disciplinary proceeding that arises from an allegation of sexual violence and misconduct, relationship violence and stalking;
 - (b) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;
 - (c) any change to the results that occurs prior to the time that such results become Final and
 - (d) when such results become final.
 - (6) Reports that a student or employee has been subjected to an act prohibited by this Policy may be made as provided in the "Reporting Allegations of Discrimination and Discrimination Grievance Procedures."

Proceedings involving an employee or student against a student alleged to have violated this Policy may be filed in the Office of Institutional Diversity, Equity and Access (IDEA) as provided in the "Reporting Allegations of Discrimination and Discrimination Grievance Procedures." Complaints which do not state a claim of sexual harassment will be forwarded to the Office of Student Affairs for resolution under the "Student Life Policies, Rules and Procedures."

Proceedings involving a student or employee against a University employee or volunteer or, where necessary, non-University individual alleged to have violated this Policy may be filed in IDEA as provided in the "Reporting Allegations of Discrimination and Discrimination Grievance Procedures."

These policies and procedures describe how to file a complaint and the steps, and anticipated timelines, for each type of proceeding. Proceedings will be consistent with these policies and will be transparent to the complainant and respondent. The preponderance of evidence standard will be followed in all proceedings. It is intended that an initial decision with respect to complaints will be made within 60 days of the initial filing of the complaint. Extensions of timeframes may be allowed for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay.

- C. Sanctions or protective measures that Murray State may impose following a final determination in an institutional disciplinary procedure regarding sexual harassment, including sexual violence and misconduct, relationship violence and stalking, will include measures to stop the behavior, prevent it from recurring, correct its effects and protect other members of the University community from such behavior. Under certain circumstances, training may be required for an individual or a larger group.

Employees or volunteers who are found to have engaged in prohibited behavior are subject to disciplinary action including written warning, suspension, removal, demotion, reassignment, 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 or activities.

A student found to have engaged in prohibited behavior is subject to disciplinary action including referral to alternative services/counseling, written warning, loss of privileges, probation, restitution, self-improvement and educational programs, program exclusion, suspension and expulsion.

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

- D. Protective measures Murray State may offer following an allegation or report of sexual harassment, including sexual violence or misconduct, relationship violence or stalking, include counseling, a University order of no contact, residence hall relocation, adjustment of course schedules and 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.

II. Educational Programs and Information

- A. It is the policy of Murray State University to provide programs to prevent sexual violence and misconduct, relationship violence and stalking, which includes domestic violence, dating violence, sexual assault, stalking and sexually exploitative behavior. Murray State has procedures that it will follow once a prohibited act has been reported and the preponderance of evidence standard will be used during any institutional conduct proceeding arising from such a report.
- B. Education programs will promote the awareness of sexual violence and misconduct, relationship violence and stalking and will include:
- (1) Primary prevention and awareness programs for all incoming students and new

employees. Primary prevention programs means programming, initiatives and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually-respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in healthy and safe directions. Awareness programs means community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration. These shall include:

- (a) a statement that Murray State prohibits sexual violence and misconduct, relationship violence and stalking including, in particular, the offenses of domestic violence, dating violence, sexual assault and stalking;
 - (b) definitions of offenses related to sexual violence and misconduct, relationship violence and stalking which are prohibited under Murray State policy. These definitions appear in Appendix I. Relevant definitions under Kentucky law will also be provided related to domestic violence, dating violence, sexual assault and stalking all of which defined offenses, as they may affect Murray State students and employees, are encompassed within and prohibited under this Murray State policy prohibiting sexual violence and misconduct, relationship violence and stalking although the Murray State policy and definitions are not limited to the conduct prohibited under Kentucky law. In accordance with 20 U.S.C. §1092(f), general definitions under Kentucky law of behaviors which are related to domestic violence, dating violence, sexual assault and stalking may be found in Kentucky Revised Statutes located at <https://legislature.ky.gov/Law/Statutes/Pages/default.aspx>.
 - (c) the definition of consent used in relation to Murray State policy and related to sexual activity under Kentucky law;
 - (d) safe and positive options for bystander intervention that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of sexual violence and misconduct, relationship violence or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene;
 - (e) information on options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence to recognize warning signs of abusive behavior and how to avoid potential attacks; and
 - (f) the information described in Section I and Section II(B)(1-7); and
- (2) Ongoing prevention and awareness campaigns for students, faculty and staff. This refers to programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing

- dating violence, domestic violence, sexual assault and stalking, using a range of strategies with audiences throughout the institution and including information described in items II(B)(1)(a-f) above.
- (3) Information in writing will be disseminated indicating procedures victims should follow if sexual violence and misconduct, relationship violence or stalking has occurred, including:
- (a) the importance of preserving evidence that may assist in proving the alleged sexual violence and misconduct, relationship violence and stalking including criminal domestic violence, dating violence, sexual assault or staking occurred or in obtaining a protection order;
 - (b) how and to whom the alleged offense should be reported. In addition to other sources, such information may be found in the “Student Life Handbook,” “Student Life Policies, Rules and Procedures” and in the “Reporting Allegations of Discrimination and Discrimination Grievance Procedures.”
 - (c) options regarding the involvement of law enforcement and campus authorities, including notification of the victim’s option to:
 - (i) notify proper law enforcement authorities, including on-campus and local police;
 - (ii) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (iii) decline to notify such authorities.
 - (d) the rights of victims and Murray State’s responsibilities regarding orders of protection, no contact orders, restraining orders or similar lawful orders issued by a court or by Murray State.
- (4) 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 record keeping 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.
- (5) Students and employees will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on campus and in the community.
- (6) Victims will be provided written notification about options for, available assistance in and how to request changes to academic, living, transportation and working situations or protective measures. Murray State will make such

accommodations if the victim requests them and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

- (7) A student or employee who reports that the student or employee has been a victim of sexual violence and misconduct, relationship violence and stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options, as described in Section I and Section II(B)(3-6).

III. Compliance with 20 U.S.C. §1092(f)

It is an intent of this Policy to comply with the provisions of 20 U.S.C. §1092(f), including any implementing regulations and other law. It is the responsibility of the President, with the assistance of the Vice Presidents and other appropriate offices, to provide appropriate programs and processes in order to implement these Policy statements and ensure that information related to and described in this Policy is properly disseminated at all of Murray State's campuses in accordance with law. The President is authorized, without additional approval, to make any amendment to this policy 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. The Board of Regents will be advised of any such changes.

The President, or his or her delegee, will further 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.

IV. Off-Campus Conduct

Students, faculty and staff who believe they are victims of sexual violence and misconduct, relationship violence or stalking are encouraged to report prohibited actions regardless of whether any such act occurred off campus.

V. Retaliation Prohibited

No officer, employee or agent of Murray State University shall retaliate against, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising rights or responsibilities under this policy or 20 U.S.C. §1092(f).

APPENDIX I**Definitions Used by Murray State University**

Murray State University prohibits acts against its students, faculty and staff related to sexual violence and misconduct, relationship violence and stalking. The offenses defined below fall within this prohibition:

1. “Relationship violence” includes:
 - A. “Dating violence” which refers to violence committed by a person:
 - (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (2) where the existence of such a relationship shall be determined based on the reporting party’s statement and a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

- B. “Domestic violence” which means physical injury, serious physical injury, sexual abuse or assault or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse or assault or any felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws where the crime of violence occurred or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. “Sexual Violence and Misconduct” as used in this policy refers to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent and includes:
 - A. “Sexual Assault” – An offense that meets the definition of rape, fondling, incest or statutory rape.
 - (i) “Rape” – the penetration, no matter how slight, of the vagina or anus

with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- (ii) “Fondling” – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- (iii) “Incest” – Sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.
- (iv) “Statutory Rape” – Sexual intercourse with a person who is under the statutory age of consent.

- B. “Sexually Exploitative Behavior” which occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of sexually exploitative behavior include:

- (i) non-consensual video/audio-taping or photographing of sexual activity, or posting or distribution of materials involving the sexual activity of another person via the internet or other media. No consent will exist if the victim is under 18.
- (ii) observing without consent a person who is naked, in the process of undressing or engaging in sexual acts;
- (iii) exposing one’s genitals to another under conditions which are likely to cause alarm to the other;
- (iv) inducing incapacitation in another for the purpose of engaging in sexual conduct.
- (v) knowingly transmitting HIV or any sexually transmitted infection to another student or employee without that person’s understanding of risks.
- (vi) non-consensual touching of another person with one’s private body parts or making of another person to touch oneself on or themselves with any of these body parts (or the clothing covering these body parts).

- C. Regardless of the age of consent, “sexual violence and misconduct” may occur if the perpetrator is in a position of authority or position of special trust and the victim is under 18 and is someone with whom the perpetrator has come in contact as a result of that position.

3. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for the person’s safety or the safety of others; or

B. Suffer substantial emotional distress.

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

4. As used in this Murray State policy, “consent” is informed, freely given and mutual.
- A. If coercion, intimidation, threats or physical force are used there is no consent;
 - B. If a person is mentally or physically incapacitated, or impaired, so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol, drug consumption, being asleep or unconscious;
 - C. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim;
 - D. Silence does not necessarily constitute consent if consent is not otherwise clear;
 - E. Past consent to sexual activities does not imply ongoing future consent;
 - F. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. As an example, and without limiting factors to be taken into account, regardless of the age of consent “sexual violence and misconduct” may occur if the perpetrator is in a position of authority or position of special trust and the victim is under 18 and is someone with whom the perpetrator has come in contact as a result of that position.
 - G. No consent can exist if the victim is under 16 years of age.

2.22 SUBJECT: DRUG-FREE CAMPUS/DRUG-FREE WORKPLACE POLICY

Date Adopted: November 17, 1991
Date Amended: February 29, 2008

Reference: Minute Book: 47 Page: 21

It is the policy of Murray State University that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in buildings, facilities, grounds or property controlled by the University and/or while engaged in University business. It is also the policy of Murray State University to enforce Kentucky statutes concerning the possession, sale, or use of alcoholic beverages. In addition, Murray State University specifically prohibits the possession or use of alcohol in the residence halls. Any enrolled student or any employee of the University, including faculty, staff, and student employees, found to be illegally manufacturing, distributing, or dispensing, possessing or using controlled substances, or found to be in violation of Kentucky statutes or university policy regarding the possession, sale, or use of alcohol on university property, shall be subject to disciplinary action in accordance with applicable policies of Murray State University up to and including expulsion or termination. Satisfactory participation in certain drug abuse assistance or rehabilitation programs may be required in certain cases.

Students and employees are reminded that illegal manufacture, distribution, dispensing, possession or use of controlled substances, or illegal possession, sale, or use of alcohol, may also subject individuals to criminal prosecution. In appropriate cases, referrals will be made to outside law enforcement agencies. Murray State University reserves the right to pursue disciplinary action, however, independent of criminal disposition.

As a condition of employment, all employees of Murray State University shall abide by the terms of this policy statement and will notify Murray State University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Murray State University will, in turn, notify as appropriate, the applicable federal agency of the conviction within ten (10) days of its receipt of notification of the conviction. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere or an "Alford" plea). Appropriate personnel action, up to and including termination, will be taken against any employee with such a conviction. Alternatively, such employee may be required to participate in a proper drug abuse assistance or rehabilitation program.

All employees and students will annually receive written notice of this policy including sanctions under law for unlawful possession or distribution of illicit drugs; a description of the health risks associated with the use of illicit drugs and the abuse of alcohol; and a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.

2.22.1 SUBJECT: TOBACCO USAGE

Date Adopted: February 27, 2015

I. Tobacco Policy Statement

Murray State University (MSU) has a vital interest in maintaining a safe and healthy environment for our students, faculty, staff, and visitors. Research findings show that use of tobacco products in general constitutes a significant health hazard. In addition, tobacco use is a serious safety concern and has been specifically listed as a contributing factor in a number of university facility fires across the nation, many of which have resulted in fatalities or major facility damage.

Murray State University joins with the American College Health Association (ACHA) and other professional health associations in promoting tobacco-free environments. According to the ACHA-National College Health Assessment (ACHA-NCHA) conducted in spring 2012 on the Murray State campus, 82% of our college students described themselves as non-smokers (never smoked or have not smoked cigarettes in the last 30 days); 94% reported being non-smokers of hookah/water pipes (never used or have not used in the last 30 days); and 97% described themselves as non-users of smokeless tobacco (never used or have not used in the last 30 days).

The ACHA supports the health goals of the U.S. Department of Health and Human Services' Healthy People 2020 (<http://www.healthypeople.gov/>) initiative to reduce the proportion of adults who smoke to below 12% by the year 2020 and to positively influence America's college students to help them remain or become tobacco-free. Efforts to promote tobacco-free environments have led to a substantial reduction in the number of people who smoke, the amount of tobacco products consumed, and the number of people exposed to environmental tobacco hazards.

II. Definitions

- A. For the purpose of this policy, the Murray State University campus shall be defined as that which is contained within the legal property boundaries of all property owned, leased to, or managed by the University. A campus map can be found at <http://www.murraystate.edu/Info/CampusMap.aspx>.
- B. For the purpose of this policy, "tobacco" and "tobacco products" are defined by the Americans for Nonsmokers' Rights (see <http://no-smoke.org/pdf/modeluniversitypolicy.pdf>) as any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation. This does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.
- C. For the purpose of this policy, "Smoking" is defined by the Americans for Nonsmokers' Rights (see <http://no-smoke.org/pdf/modeluniversitypolicy.pdf>) as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and other products, whether natural or synthetic in manner or in any form. Smoking also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

- D. For the purpose of this policy, “members of the University community” include faculty, staff, and students.
- E. For the purpose of this policy, “visitors” are defined as volunteers, customers, contractors, and other individuals who come onto campus to, but not necessarily limited to, provide services, receive services, participate in an activity, purchase goods/services, or otherwise have a legitimate reason to have a presence on campus.

III. **Policy Principles**

- A. This regulation applies to all members of the University community, volunteers, customers, contractors, and visitors.
- B. The use of all tobacco products is prohibited on all property that is owned, operated, leased, occupied, or controlled by the University, except as otherwise provided below (see Section IV - Exceptions and Limitations). “Property” for purposes of this paragraph includes buildings and structures, grounds, bridges and walkways, sidewalks, parking lots, and vehicles, as well as personal vehicles that are within the property boundaries of Murray State University.
- C. Littering the campus with remains of disposable tobacco products is prohibited.
- D. Murray State will provide access to and promote cessation services for all members of the University community.
- E. This policy applies to all Murray State University campus locations—including, but not limited, to branch campus locations in Madisonville, Hopkinsville (including Fort Campbell), Paducah, and Henderson. This policy will not pre-empt local laws, rules, regulations, or policies that may provide additional restrictions. To view the MSU main campus boundaries: <http://www.murraystate.edu/Info/CampusMap.aspx>.

IV. **Exceptions and Limitations**

- A. Tobacco use may be permitted for controlled research with prior approval of the appropriate Vice President or his/her designee. Smoke, like any other laboratory air contaminant generated, shall be controlled locally in a chemical hood or other exhaust system that provides 100% exhaust to the outside.
- B. Tobacco use may be permitted for educational, clinical, or religious ceremonial purposes with prior approval of the appropriate Vice President or his/her designee.
- C. Tobacco products may be permitted for performers in theatrical and/or artistic performances with prior approval of the appropriate Vice President or his/her designee. This includes not only student and faculty productions but also outside organizations and performances/performers who contract with Murray State University. Proper notification will be provided in performance promotional materials.
- D. Visitors (including Murray State employees and students who are not working and/or part of a University-sanctioned activity) who are legally on property that is owned by the Murray State University Foundation are exempted from this policy as long as: the property is not contained within the immediate footprint of the main campus; they are not in an enclosed area; they are at least 25 feet away from any structure; they are not in an area where any type of instruction is occurring; and an official University event is not occurring.
- E. The President of Murray State may provide additional and limited exemptions for specific purposes and locations based on unique circumstances that are not contrary to the spirit of this Policy. Such exemptions will be reported to the Board of Regents.

V. **Effective Date: August 5, 2015**

VI. Policy Management

Employee violations of this policy shall be reported to the appropriate supervisor. Student violations of this policy should be reported to the Office of Student Affairs. Visitor violations should be reported to the appropriate Murray State employee who has the authority to handle the situation. This may include, for example, the building manager, Director of Facilities, the Director of a program, or a Public Safety Officer, etc.

There shall not be reprisals against anyone reporting violations of this policy. The success of this policy depends on the cooperation and consideration of members of the Murray State Community as all students, faculty, and staff share in the responsibility for adhering to and enforcing this policy.

This Tobacco Policy will be reviewed at the end of the 2015-16 academic year and, thereafter, will be reviewed at least once every two years.

VII. Compliance

Violation of this regulation may result in corrective action through the appropriate process that includes the *MSU Student Life Policies, Rules and Procedures*; *MSU Personnel Policies and Procedures Manual*; or other regulations and policies. Visitors refusing to comply with the Tobacco Policy may be asked to leave campus or may be cited for non-compliance with University policies.

2.23 SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA)

Date Adopted: May 8, 1993
Date Amended: February 29, 2008

Reference: Minute Book: 55 Page: 12

Murray State University formally declares its commitment to end discrimination against individuals with disabilities and to bring such persons into the economic and social mainstream of American life.

It is against Murray State University policy to discriminate against any individual because of any physical or mental disability. Furthermore, Murray State University expressly prohibits discrimination based on disability in any of the following: upgrading, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay and other forms of compensation, and selection of training including apprenticeship.

The policy of Murray State is to guarantee freedom from discrimination in the operation and administration of its programs, services, and activities; in its relationships with students, faculty, and staff; and in its interactions with the community which it serves.

Murray State University endorses the intent of all federal and state legislation enacted to prohibit discrimination. All actions of Murray State University will be carried out without discriminating on the basis of disability.

In its effort to ensure compliance with the ADA, Murray State University will develop an internal audit system. The system will maintain information on applicants, incumbents, accommodations made, hires, promotions, terminations, training, salary changes, transfers, etc.

The policy of non-discrimination is an on-going commitment. It extends to the provisions of any reasonable accommodations necessary to enable a person with a disability to perform the essential functions necessary for participation in the activities, programs, or services provided.

Finally, Murray State University has made this institution accessible to mobility impaired individuals. Reasonable accommodations are a part of continuing plans. Murray State University is committed to annually review and update its policies, procedures, and practices in order to ensure accessibility of its programs, services, and activities to persons with disabilities.

Murray State University will implement its existing grievance policy as set forth in the Affirmative Action Plan for allegations of violation of the ADA of 1991.

Persons who seek further information concerning the Americans with Disabilities Act should contact the Executive Director of Institutional Diversity, Equity and Access (IDEA), Murray State University, Murray, Kentucky 42071.

2.24 SUBJECT: MINORS ON CAMPUS**Date Adopted: February 26, 2021 (First Reading: December 4, 2020)**

The purpose of this policy is to ensure oversight and training for campus conferences, camps, programs and events involving minors operated by Murray State University (University) or hosted on the University's premises.

The University does not tolerate any behavior that places youth participants at risk. This policy applies to University employees, students, volunteers and contractors who have direct contact with minors during youth programs. Every individual who participates as an adult instructor or in any other capacity must pass a criminal background check prior to participating in a program that involves minors.

I. DEFINITIONS**A. Youth Programs**

These are all programs, events and activities offered by the University, student organizations, university grants and non-university organizations for academic, educational, experiential, artistic, recreational, athletic or other purposes for participants under the age of 18, including, but not limited to, the hosting of an individual minor by an individual faculty or staff member, subject to the exclusions detailed below in section II. Programs may be operating either:

1. on campus; or
2. off campus under the direction and authority of the University;
3. before, during or after business hours and overnight and
4. over a period of time or recurring.

B. University-Run Programs

Youth Programs involving minors (whether for academic, educational, pre-collegiate, experiential, athletic, artistic, recreational or other purposes) that are operated either on campus or off campus under the direction and authority of the University through students, faculty, staff or volunteers including grant funded programs.

The University recognizes three types of University-run programs:

1. University Sponsored Camp – a program that is planned, promoted and operated by a University department and/or University operated grant.
2. University Athletic Camp – a program planned, promoted and operated by MSU Athletics using University facilities and services.
3. Coach Camp – an athletic camp operated independently by coaches using University facilities and services.

C. Third-Party Programs

These are Youth Programs that involve minors and use university facilities and are not operated under the direction or authority of the University. These include camps, programs or planned events.

D. Program Director

This is the individual responsible for the oversight and operations of the program. This designated person has the responsibility for minors and/or other guests participating in the program. The Program Director is responsible for adhering to program procedures, University safety regulations, proper hiring and training of program staff, emergency communications and overall supervision and responsibility of the program and its participants. A Program Director may be a University faculty or staff member, temporarily hired individual or designated appointee of a third-party program.

E. Program Staff

These are administrators, faculty, staff, athletes, undergraduate and graduate students, postdoctoral fellows, researchers, volunteers, alumni, independent contractors and third-party operators who work directly with, supervise, chaperone or otherwise oversee minors in Youth Programs. This term does not include temporary program participants (such as guest speakers) who have no direct contact with minors other than short-term activities supervised by program staff.

F. University Facilities

All buildings, spaces and properties that are owned, operated, managed or controlled by the University. This includes facilities operated solely for the University.

G. Direct contact

Term for interacting with, supervising, chaperoning or otherwise overseeing minors in program activities or in recreational and/or residential facilities.

H. Minor

This is an individual under 18 years of age that participates in a youth program, subject to the exclusions detailed below in Section II.

I. Volunteer

This is an individual, regardless of age, who provides services to, or on behalf of, the University and has no legal duty to do so, has no personal interest or gain from the

activity and receives no compensation or consideration (except expense reimbursement) for the services provided.

J. Disability

Participating minors and/or program staff may present one or more disabilities that should be considered when participating in a covered program. Under the American with Disabilities Act (ADA), an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or is regarded as having such an impairment.

II. SCOPE OF POLICY AND EXCLUSIONS

This policy applies to all Youth Programs with the exception of the following minors and/or activities involving minors:

- a. single events on campus that are open to the general public;
- b. visitors in the workplace;
- c. private events, campus tours or visits attended by prospective students who are minors and under the supervision of a parent, legal guardian or chaperone; activities or programs that only involve minors who are matriculated university students.
- d. Dual Credit/Racer Academy students enrolled in off-campus courses through their secondary institution.

III. RESPONSIBILITIES

The President is authorized to delegate authority for oversight of camps, programs and events to one or more University employees as appropriate and the President is authorized to approve procedures established in furtherance of this policy.

The University's Center for Adult and Regional Education will be responsible for the administration of this policy.

IV. REGISTRATION AND APPROVAL

All Youth Programs must register with the University's Center for Adult and Regional Education. In addition, all MSU athletic campus/events for minors must register with the Office of the Athletic Director.

All University-run programs involving minors are to be reviewed and approved by the respective Dean/Director, Provost/Vice President and General Counsel. Regular/annual programs may not require this same level of approval for each offering.

All Third-Party programs involving minors may be reviewed and approved by the Vice President for Finance and Administrative Services, General Counsel and MSU Police.

V. BACKGROUND SCREENING

- A. The following criminal background screening requirements apply to those individuals who are anticipated to have direct contact with minors in the course of their involvement with a program.

All program staff, including but not limited to graduate/undergraduate student assistants, faculty, staff, volunteers and consultants or contractors, who in the course of their University-run or third-party youth program duties or assigned responsibilities will or may have direct contact with minors, are subject to national criminal background checks regardless of the supervision structure in place. Such screening will include, at a minimum, criminal history and sex offender registry searches. It is the responsibility of the Program Director to determine who meets the background check criteria and to ensure that staff and volunteers have background checks before beginning to work directly with minors in the program.

- B. The Department of Human Resources is responsible for conducting all necessary backgrounds checks and receiving reports for University-run youth programs, based on requests from one of the following:

1. Program Director
2. Department of Athletics, if program is considered to be University-run

- C. Criteria for determining who must be screened

1. University-Run Programs:
 - a. All new and former employees, including student workers, who have more than a 12-month break in service will need a background check. An additional background check will not be required for these individuals as long as a background check was a part of their initial hiring process. These background checks will remain on file with the Department for Human Resources.
 - b. In the case of students and volunteers, a background check is required before they can work with minors. This is required annually if work is repeated.
 - c. In the case of consultants or contractors, the background check requirements will be included in the contractual agreement between the University and the consultant or contractor.

2. Third-Party Programs:

These organizations must complete nationwide criminal background checks on their own at their expense and certify that these will be completed before any individual has direct contact with minors at a program on the University's campus. These screenings must include, at a minimum, criminal history and sex offender registry searches, as required in Section V. A. of this policy. For programs occurring annually, background checks should be repeated and certifications for the Program Director maintained.

3. Self-Disclosure:

After completion of an initial background check, all program staff are expected to disclose any new arrests or convictions to their program director or supervisor within 48 hours of the occurrence and to cooperate in providing information necessary to evaluate the circumstances of the arrest and/or conviction.

D. Notice and Authorization

University students, faculty, staff and volunteers are to be notified by the Program Director at the time they become subject to this policy's background check requirements according to the criteria stated herein.

In accordance with federal law, the University must secure a signed authorization which permits the University to obtain background check results from a third-party reporting agency. Such authorization must remain in effect for the duration of an individual's employment with the University.

VI. BEHAVIORAL EXPECTATIONS

The University requires all program staff, specifically those working directly with minors, to act in a manner that is beyond reproach. Prohibited behavior includes but is not limited to:

- a. Do not be alone with a minor unless there is a parental or guardianship relationship, unless the space and both individuals are in full view from the outside of the room when the door is closed. This includes situations with programs that involve private instruction, such as music or laboratory use.
- b. Do not be alone with a minor in a vehicle.
- c. Do not touch a minor in a manner that could reasonably be interpreted as inappropriate.
- d. Do not engage in the use of alcohol or illegal drugs while engaged as program staff.

- e. Do not communicate with minors via text, email or social media without another program staff member and parent/legal guardian included in the conversation.
- f. Do not undress in the presence of a minor and do not permit a minor to undress in the presence of any program staff.

VII. TRAINING

In recognition of the importance of protecting minors on campus, adults should be positive role models and act in a caring, honest, respectful and responsible manner that is consistent with the mission and guiding principles of the University. University-run programs and third party-run programs are required to ensure all program staff, including volunteers working with minors, be trained regarding policies and issues relating to interactions with minors. Program staff must receive training that will allow the University to comply with the applicable state and federal laws. University legal counsel will define the specific trainings that must be provided, as these may change over time. The Center for Adult and Regional Education will work with the appropriate units on campus to provide training for program staff involved with University-run programs. These trainings must be completed before participating in any program involving minors and should be reviewed as needed or at a minimum on an annual basis.

Program staff orientation must include discussions of the implications of these rules/guidelines specific to the operations of their program. Documentation of training completion and acknowledgement forms must be maintained by the Program Director for three years.

VIII. REPORTING

Pursuant to Kentucky Revised Statute 620.030, any person who is aware of abuse must make a report verbally or in writing to the Kentucky Cabinet for Health and Family Services, University/local law enforcement or the Kentucky State Police.

Reporting is required for the following:

- a. Suspicions or allegations of abuse
- b. Suspicions or allegations of inappropriate behavior
- c. Policy violations

Crimes, including sexual assault, must be reported pursuant to the Clery Act and the Minger Act. Reports should be made to the MSU Police Department or local law enforcement. All University employees who in the course of employment receive information related to physical or sexual abuse must immediately report such information in accordance with University Board of Regents Policy 2.21.1: Sexual Violence and Misconduct, Relationship Violence and Stalking.

IX. EMERGENCY PREPAREDNESS PROCEDURES

The Program Director must have an emergency/crisis procedure that will serve to contact guardians of minors in the event of an emergency or campus crisis. These plans should cover medical or behavioral problems, natural disasters or other significant program disruptions. Program staff as well as participants and their parents/legal guardians must be advised of this procedure in writing prior to the participation of the minors in the program.

X. SUPERVISION

The Program Director must ensure that appropriate supervision is provided in a ratio of youth participants to adults not to exceed the limits established by University procedures.

The Program Director must establish pick-up and drop-off times for youth participants and must establish a procedure to ensure that youth are not released to any person not designated by the participant's parent or guardian.

XI. HOUSING

The program must comply with all security measures and procedures specified by University Housing and MSU Police Department:

- a. Minors participating in a youth program are not permitted to sleep in the same room as an adult other than the minor's parents or guardians.
- b. A curfew time will be established which is age-appropriate for the participants.
- c. Guest participants (other than parent/legal guardian and other program participants) are restricted to visitation in the building lobby and only during hours established by the program director and University Housing.

XII. TRANSPORTATION**A. Transportation of Minors**

1. If transportation is provided as part of the program, program staff are not permitted to be alone in a vehicle with a minor participant.
2. All drivers must be at least 18 years of age or older and have a valid driver's license issued in the United States.
3. If University vehicles are used, operation of the vehicle is limited to University employees that have followed campus procedures regarding operation of a University vehicle.

- B. Although the use of private vehicles for transporting minors should be avoided, when private vehicles must be used, the vehicle must have automobile liability insurance in accordance with the regulations of the state for which the license is issued.
1. Minors must never be transported without written permission from a parent/guardian in the form of a release of liability associated with the program.
 2. Minors may not drive golf carts.

XIII. INSURANCE/LIABILITY

- A. University-run programs are covered under the University's auto and general liability insurance to include bodily injury, property damage, and molestation coverage.
- B. Third-Party programs, including student organizations, using University facilities are not covered under the University's insurance policies and must procure insurance at their own cost to cover the program. Evidence of insurance, including a Certificate of Insurance (COI), is required and must include the program name, program dates and must list Murray State University as additional insured on the general liability insurance policy.
1. Types of insurance required for all Youth Programs.
 - a. Bodily injury
 - b. Molestation
 - c. Property damage
 - d. Medical expense
 - e. Personal and advertising injury
 - f. Workers compensation
 2. Insurance limits will be defined in the procedures that administer this policy.

XIV. COMPLIANCE

Violations of this policy may result in disciplinary action for a volunteer, employee or college/unit/organization, up to and including probation, suspension and/or termination of employment/volunteer duties, reassignment of duties to prohibit interaction with minors or dissolution of any program involving minors.

XV. MINORS ON CAMPUS ADVISORY COMMITTEE

An administrative committee will be appointed by the President to monitor and provide guidance on the application of this policy to new and existing Youth Programs; to create operational procedures related to the registration, approval and appeals processes for Youth Programs and to provide timely reviews of this policy.

2.25 SUBJECT: MINGER ACT

Date Adopted: February 29, 2008

Murray State University has always been and continues to be committed to maintaining a safe, secure, and orderly environment for all members of the campus community.

In conformity with KRS 164.948 et seq. and 20 USC 1092 (f), crimes which occur on property owned, managed or controlled by the University, public property contiguous thereto, or on property owned or controlled by an officially recognized student organization should be reported to the Murray State University Department of Public Safety.

Campus security authorities, as defined by law and designated by Murray State University, which receive reports of such crimes will promptly forward them to the Department of Public Safety. The Department of Public Safety will, consistent with statute, maintain any required log and make timely reports to the campus community of such reported crimes determined to present a safety or security threat to students or employees.

The Department of Public Safety, under the direction of the Vice President for Finance and Administrative Services, with such assistance as they deem necessary, will maintain, revise, and disseminate procedures and the designation of employees as campus security authorities as required in furtherance of such legislation and this policy.

2.26 SUBJECT: UNIVERSITY EMPLOYEES INVOLVED IN LITIGATION

Date Adopted: February 29, 2008

There are occasions when Murray State University and/or its employees are defendants in litigation arising from or related to the business of MSU. In such instances, the question may arise as to whether a defense should be extended to University employees who are specifically named as defendants in litigation.

Any such question should be resolved by the President after due consultation with appropriate University officials. If the issue relates to the President, the matter should be directed to the Board of Regents.

Resolution of the question will entail a fact-specific inquiry and it is not possible to establish principles necessarily applicable in all situations. Consideration must be given to the best interests of Murray State University and its mission as a public institution of higher education.

Other pertinent factors may include:

1. Is insurance coverage available and, if so, will any self-insured retention be paid in connection with defense of Murray State University?
2. Are the allegations against the employee in an official or individual capacity?
3. Are the allegations suggestive of behavior outside the course and scope of employment, indicative of the genuine possibility of wrong-doing, or which may create a conflict of interest between the employee and Murray State University?
4. What is the degree of culpability alleged? Do the allegations relate to conduct which is purportedly negligent, grossly negligent or intentional in nature?
5. What is the benefit/cost to the University of extending a defense?

Any defense extended to an employee will be according to terms and conditions determined by Murray State University. Even if the University decides to provide a defense to an employee, considerations may subsequently arise which demonstrate that it is no longer in the University's best interests to extend a defense. Any decision to extend a defense is done with the understanding that the University may take later action to discontinue such a defense. Similarly, any decision by the University to extend a defense to an employee cannot be construed as the University's agreeing to pay any adverse judgment.

2.27 SUBJECT: E-MAIL COMMUNICATION POLICY

Date Adopted: September 25, 2009

Date Revised: December 4, 2009

All students, faculty, and staff at Murray State University are assigned an e-mail address. This address will be used by the University as an official means of communication with students, faculty and staff from the time it is assigned.

Students, faculty, and staff are responsible for information sent to them at their University e-mail address. Active students should regularly monitor their e-mail from MSU. Faculty and Staff should regularly monitor their e-mail throughout the periods of their contract, personnel action form, or letter of employment.

Individuals who choose to have e-mail forwarded from their official University e-mail address to another address do so at their own risk and the University is not responsible for successful delivery of e-mails to a forwarded address.

Individuals are not absolved from responsibility for the content of messages sent to their official University e-mail address due to errors or problems which occur in forwarding to another account; the return of messages for any reason such as an individual's mailbox is full, "user unknown", the filtering of any message by spam filter or otherwise; or the failure to read any message sent.

This policy designating e-mail as an official means of communication does not preclude the use of other methods of communicating with students, faculty, and staff in an official manner and does not relieve them from all obligations associated with the content of such other communications. E-mail will not be used as an official means of communication in connection with hiring notification, dismissal, non-renewal, disciplinary notification, matters of academic deficiency, or any established University hearing or appeals process.

The President of the University is authorized to supplement this Policy with additional consistent provisions. Any such changes will be presented to the Board of Regents as an informational item at the next regular meeting prior to implementation.

2.28 SUBJECT: POLICY ON WEAPONS AND DANGEROUS MATERIALS

Date Adopted: September 7, 2012

I. Definitions

1. For purposes of this policy, “weapons” means:
 - a. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged. This includes firearms, and ammunition for firearms, and BB and pellet guns;
 - b. Any knife, other than an ordinary pocket knife with a blade less than 4 inches long, or sword;
 - c. Billy, nightstick, or club;
 - d. Blackjack or slapjack;
 - e. Nunchaku karate sticks;
 - f. Shuriken or death star;
 - g. Artificial knuckles made from metal, plastic, or other similar hard material;
 - h. Any bow and arrow.

2. For purposes of this policy, “dangerous materials” means any explosive device; fireworks including sparklers and smoke devices; incendiary device; toxic or poisonous chemicals or disease organisms; bomb; grenade; mine; rocket; or similar device or materials and includes the unassembled components from which such a device or any of the preceding can be made.

II. Policy Statement

Weapons and dangerous materials are prohibited on all property owned or controlled by Murray State University. This prohibition encompasses, but is not limited to, outdoor areas, classrooms, laboratories, residential colleges and other living facilities, office buildings, performance halls and auditoria, museums, dining facilities, athletics and recreational facilities and arenas, farms, parking lots, and vehicles on property owned or controlled by Murray State.

III. Exceptions

1. The Policy Statement does not apply to the extent that any weapons or dangerous materials are owned, controlled, and/or used in conformance with law and applicable standards by Murray State University as part of its regular operations, including its education and academic programs, or by any public agency with authority in connection with its regular operations.

2. The possession or use of weapons in connection with recognized University activities such as ROTC, MSU Rifle Team, and law enforcement training is not prohibited under the Policy Statement.

3. The Policy Statement does not prohibit the possession of a firearm, whether or not loaded, ammunition or other weapon by a person licensed to carry a concealed deadly

weapon pursuant to KRS 237.110 if the weapon is contained in a private or University owned vehicle and is not removed from the vehicle

4. The Policy Statement does not prohibit the possession of a firearm, whether or not loaded, ammunition or other weapon with lawful authority if it is located in and not removed from a private or University owned vehicle and is kept in an enclosed container, compartment, or storage space installed as original equipment in the vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, and regardless of whether the container, compartment, or storage space is locked, unlocked, or does not have a locking mechanism.
5. The Policy Statement does not prohibit the possession by individuals listed in KRS 527.020 of weapons under the conditions referenced in that statute. Reference should be made to the statute for a complete listing of the individuals and applicable circumstances.
6. The Policy Statement does not apply to the extent that the presence or use of any weapons or dangerous materials is authorized by the President under terms and conditions that are consistent with law and any applicable standards and will protect the safety of persons and property at Murray State University. The President's authority may be delegated as he/she deems appropriate.

IV. Violations

1. A student in violation of this Policy is subject to the "Student Disciplinary Proceedings" found in the *Student Handbook* and is subject to disciplinary action, including expulsion from the University, and all other appropriate legal actions.
2. An employee in violation of this Policy is subject to disciplinary proceedings in accordance with law and existing University policies and practice and is subject to disciplinary action, including termination of employment, and all other appropriate legal actions.
3. Others in violation of this Policy are subject to immediate removal from the University's property and to all other appropriate legal actions.

V. Supplementation of this Policy

1. The reference in this Policy to particular weapons and dangerous materials is not intended to condone the presence of other devices, items, or materials which pose a risk of harm to persons and property at Murray State University.
2. The President is authorized to supplement this Policy in order to address other devices, items, or materials which may be hazardous to persons or property at Murray State University.
3. The President is authorized to amend or supplement this Policy if necessary to be consistent with law.

4. The President will provide appropriate notice of any supplementation or amendment. Violation of any such supplementation or amendment will subject the violator to the consequences provided under this Policy. The Board of Regents will be notified of any such supplementation or amendment as an informational item.