



Student Disciplinary Rules and Procedures

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murraystate.edu

Student Conduct Policies and Procedures

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

These policies, rules and procedures are subject to change at any time. The most current version is found at murraystate.edu/studenthandbook

I. General Student Conduct Regulations

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

II. Conduct Rules

Any of the following actions, or the attempting, aiding, abetting, inciting, or encouraging of any of the following actions constitutes an offense for which students may be subject to disciplinary action ranging from warning to expulsion. (See Student Disciplinary Proceedings below.) In all cases, students shall have the right to appeal actions taken against them. Under some circumstances, a student may also be subject to action by law enforcement authorities; however, such action by law enforcement authorities will not necessarily delay disciplinary action by the University.

a. Bomb Threats, False Fire Reports, and Tampering with Fire Safety Equipment –

Reporting the false presence of an explosive or incendiary device, intentionally reporting the existence of a non-existent fire, and tampering with fire alarms, smoke detectors, fire extinguishers, and any other fire safety equipment are prohibited.

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

c. Conduct Endangering Safety and Welfare – Any conduct which endangers the safety and welfare of other individuals such as hazing (see definition in section titled “Hazing”), assault,

battery, abuse or threat of abuse on University owned or controlled property or at University functions is prohibited

d. Commission of a Serious Crime – If a student is arrested and charged with a serious or violent crime, a hearing may be held as soon as possible before the University Judicial Board to determine if his continued presence on campus presents a possible threat of danger to members of the University community.

e. Counterfeiting, Forgery and Altering – It is impermissible to counterfeit, tamper with, or alter in any way, manner, shape, or form, any record, document or identification form used or maintained by the University.

f. Criminal Conduct – Any conduct on campus or at University functions which constitutes a violation of the criminal codes of the City of Murray, the Commonwealth of Kentucky, or the United States may be grounds for campus disciplinary action.

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

h. Disruptive Activities (see policy on Disruptive Activities) – Disruptive activities are prohibited on campus. Activities are “disruptive” if they entail substantial disruption or material or significant interference with the educational, administrative, or operational activities of the University, including pedestrian and vehicular traffic. Such activities include, but are not limited to:

- i. Unauthorized occupancy of University facilities or buildings.
- ii. Substantial Interference with the rights of students or faculty to gain access to any college facility for the purpose of attending classes, participating in interviews and conferences or for other authorized purposes.
- iii. Destruction of property or substantial interference with the orderly operations of the University by noise or other forms of disturbance.
- iv. Substantial interference with University pedestrian or vehicular traffic.

i. False Information – Anyone who knowingly makes a false oral or written statement to any University committee, judicial body, office, or to any member of the faculty, administration, staff, or student body with the intent to deceive may be disciplined accordingly.

j. Illegal Drugs – The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited at Murray State University.

k. Misuse of Keys – A student may not possess a key or any device allowing access to any University facility without proper authorization.

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

m. Off Campus Conduct - Any off-campus conduct or behavior, which would be subject to discipline if it occurred on campus, will be subject to disciplinary proceedings if it adversely affects or raises reasonable concerns for the safety or well-being of any person or property on campus, or if it is detrimental to the objectives or purposes of the University or any of the University's programs or operations.

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

o. Residential College Regulations – Students living in or visiting in residential colleges must abide by all regulations of the halls which may be promulgated from time to time.

p. Response to Official Requests – Students must comply promptly with the legitimate and reasonable directions and requests of University officials or law enforcement officers in the performance of their duties.

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

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

s. Weapons and Dangerous Materials - 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.

i. For purposes of this policy, “weapons” is defined as:

1. 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
2. Any knife, other than an ordinary pocket knife with a blade less than 4 inches long, or sword
3. Billy, nightstick, or club
4. Blackjack or slapjack
5. Nunchaku karate sticks
6. Shuriken or death star
7. Artificial knuckles made from metal, plastic, or other similar hard material
8. Any bow and arrow

ii. For purposes of this policy, “dangerous materials” is defined as:

1. any explosive device
2. fireworks including sparklers and smoke devices
3. incendiary device
4. toxic or poisonous chemicals or disease organisms
5. bomb
6. grenade
7. mine
8. rocket
9. any similar device or material and includes the unassembled components from which such a device or any of the preceding can be made

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.
7. 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.

t. Sexual Harassment, Sexual Violence, Sexual Misconduct, Relationship Violence, or Stalking. As prescribed by Board of Regents policies 2.21 and 2.21.1, any behavior which violates these policies is prohibited.

III. Alcohol Policy and Other Drug Policy

a. Federal Drug Free Schools and Communities Amendment Act. As a requirement of the Federal Drug Free Schools and Communities Amendment Act of 1989, Murray State University is responsible for compiling and ensuring the distribution and receipt of the University's policies,

sanctions, and resources regarding alcohol and other drug (AOD) use to all students on a yearly basis.

b. Legal Sanctions - Alcohol and Other Drugs

Murray State University encourages responsible practices and behaviors in accordance with the laws of the Commonwealth of Kentucky, the city of Murray and the Murray State University Student Life Policies, Rules and Procedures. The legal drinking age in Kentucky is twenty-one (21) years of age. Individuals should be aware of the legal consequences for violation of the under-age possession or consumption, use of false identification, driving under the influence and the use, sale or distribution of illicit drugs. The University prohibits the possession or use of illegal drugs and the abuse of alcohol or other drugs. Violation(s) of Murray State University policies, rules and procedures or federal, state and local laws may result in potential disciplinary action from both Murray State University and the legal system.

c. Health Risks of Commonly Abused Substances

- i. Definitions - Drug is defined as a medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body. This includes but is not limited to, heroin, cocaine, crack, synthetic drugs, tobacco, hallucinogens, amphetamines, marijuana, alcohol, inhalants, and prescription drugs.
- ii. Drug abuse is defined as the habitual taking of addictive or illegal drugs.
- iii. Addiction is defined as a chronic, relapsing brain disease that is characterized by compulsive drug seeking and use despite harmful consequences. It is considered a brain disease because drugs change the brain—they change its structure and how it works. These brain changes can be long-lasting, and can lead to the harmful behaviors seen in people who abuse drugs.
- iv. See webpage for additional information:
murraystate.edu/headermenu/administration/StudentAffairs/alcoholdruginfo.aspx

d. Health Impact - The scope and impact of health risks from alcohol and drug abuse are both alarming and well- documented, ranging from mood-altering to life-threatening. Consumption and use of drugs may alter behavior, distort perception, impair thinking, hinder judgment, and lead to physical or psychological dependence. Alcohol and/or drugs and/or drug abuse may lead to health conditions including but not limited to fatigue, nausea, personal injury, organ damage, heart attack, respiratory depression, convulsions, coma, and even death. Alcohol and drug use/abuse can also result in the deterioration of mental health by causing or contributing to

various conditions such as increased aggression, hallucinations, depression, disorientation, and psychosis. In addition, there may be both short-term and long-term effects on cognition, memory, retention, information processing, coordination, athletic performance, academic performance, and the exercise of judgment. All drugs, whether legal, illegal, or prescribed, alter the chemical balance of the body. The use/abuse of drugs may lead to addiction and even death. See webpage for additional information:

murraystate.edu/headermenu/administration/StudentAffairs/alcoholdruginfo.aspx

e. Alcohol

Inappropriate use and abuse of alcohol is often associated with lower academic performance and failures, sexually transmitted diseases and unplanned pregnancies, vandalism, aggressive behaviors including sexual assault and rape, injuries, death, and prosecution for crimes related to the consumption of alcohol. Even low doses significantly impair the judgment and coordination required to safely operate a motor vehicle, increasing the likelihood that a driver will be involved in an accident.

- i. All states in the United States have adopted 0.08% (80 mg/dL) as the legal limit for operating a motor vehicle for drivers aged 21 years or older. However, drivers younger than 21 are not allowed to operate a motor vehicle with any level of alcohol in their system. Note: Legal limits do not define a level below which it is safe to operate a vehicle or engage in some other activity. Impairment due to alcohol use begins to occur at levels well below the legal limit. A standard drink is equal to 14.0 grams (0.6 ounces) of pure alcohol. Generally, this amount of pure alcohol is found in: 12-ounces of beer (5% alcohol content), 8-ounces of malt liquor (7% alcohol content), 5-ounces of wine (12% alcohol content), and 1.5-ounces or a “shot” of 80-proof (40% alcohol content) distilled spirits or liquor (e.g., gin, rum, vodka, whiskey).
- ii. According to the National Institute on Alcohol Abuse and Alcoholism, binge drinking is defined as a pattern of alcohol consumption that brings the blood alcohol concentration (BAC) level to 0.08% or more. This pattern of drinking usually corresponds to 5 or more drinks on a single occasion for men or 4 or more drinks on a single occasion for women, generally within about 2 hours.
- iii. The Dietary Guidelines also recommend that if alcohol is consumed, it should be in moderation—up to one drink per day for women and up to two drinks per day for men—and only by adults of legal drinking age. However, the Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason. By following the Dietary Guidelines, you can reduce the risk of harm to yourself or others.

- iv. Low to moderate amounts of alcohol may also increase the incidence of a variety of aggressive acts, including domestic violence and child abuse.
- v. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information.
- vi. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, such as Valium or Xanax, much lower doses of alcohol will produce the effects just described.
- vii. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening.
- viii. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol spectrum disorder (FASD). These infants can have irreversible physical and mental abnormalities.

f. Counseling, Treatment, and Prevention Resources

- i. Counseling and Treatment - While specialized substance abuse counseling is not available on campus, there are treatment options in the local and regional community. These off-campus treatment options are listed below along with their contact information.
- ii. Prevention and Education - A number of offices have combined to make available prevention and education materials for alcohol and other drug use to Murray State students. In addition to the annual distribution of our policies regarding alcohol and other drugs, all new students under the age of 25 are required to complete an online alcohol education program during their first semester at Murray State. This mandatory training helps students evaluate their own attitudes and behaviors concerning alcohol use and puts students in a better position to make informed choices regarding alcohol use.
- iii. The Office of Student Affairs oversees the student discipline and sanctions process when a student violates these policies. The university Housing Office oversees student discipline in the case that these policies are violated within the residential hall unless sexual harassment or misconduct is alleged, or if possible sanctions include suspension or expulsion from the university or expulsion from university housing.
- iv. Student Sanctions – Alcohol and Other Drug Violations
 - 1. ***All sanctions are based on the severity of the situation and can vary situation to situation***
 - 2. Possible Sanctions for Possession and/or consumption:

- a) First Offense: E-checkup or current program used by the University, create and implement an awareness program in the residence halls, 6 months' probation, fine.
- b) Second Offense: E-checkup or current program used by the University, create and implement an awareness program in the residence halls, community service, 12 months' probation, fine, parental notification if student is under 21.
- c) Third Offense: If there is a violation while on probation the following could happen – deferred suspension, community service, moved residence halls, fine, and even possible suspension.

3. Fine System for Alcohol and Drug Policy Violations

a. Category A:

- i. Possession and/or consumption of alcohol by a person under 21
- ii. Intoxication in a public place
- iii. Collections of containers that contain or previously contained alcohol
- iv. Possession or use of alcohol-related paraphernalia
- v. Possession of drug-related paraphernalia
- vi. Misrepresentation of age or possession of false documentation of age

b. Category B:

- i. Acute intoxication defined by medical assessment
- ii. High-risk alcohol and other drug use (harm to self, other or property, intoxication requiring medical assessment and/or transportation to medical facility)
- iii. Providing alcohol to a clearly intoxicated person
- iv. Possession of marijuana

c. Category C:

- i. Hosting a gathering in the residence halls that involves alcohol (hosting is defined as having more persons than triple the room's occupancy present)
- ii. Possession of a keg in a residence hall or university apartment
- iii. Possession of a controlled substance, including but not limited to, methamphetamine, any narcotics, LSD (lysergic acid diethylamide), PCP (phencyclidine), GHB (gamma hydroxybutyric acid), flunitrazepam (Rohypnol, or roofies) or any other illicit drugs

d. Category D:

- i. Providing or selling alcohol to a person under 21
- ii. Distribution of a controlled substance, including but not limited to, methamphetamine, any narcotics, LSD (lysergic acid diethylamide), PCP (phencyclidine), GHB (gamma hydroxybutyric acid), flunitrazepam (Rohypnol, or roofies) or any other illicit drugs (marijuana)
- iii. Manufacturing of a controlled substance, including but not limited to, methamphetamine, any narcotics, LSD (lysergic acid diethylamide), PCP (phencyclidine), GHB (gamma hydroxybutyric acid), flunitrazepam (Rohypnol, or roofies) or any other illicit drugs (marijuana)

Violation	1st Offense	2nd Offense	3rd Offense	4th Offense
Category A	\$50	\$100	\$150	\$200 & suspension
Category B	\$100	\$150	\$200 & suspension	
Category C	\$200 fine and/or suspension; or expulsion	\$400 fine and/or suspension; or expulsion	\$600 & suspension; or expulsion	
Category D	\$500 fine and/or suspension; or expulsion	\$750 & suspension; or expulsion		

Murray Main Campus: Off-Campus Resources/Information

Murray State University Police	Phone – 270-809-2222 murraystate.edu/publicsafety **Contact in case of emergency
Murray State University Public & Community Health Program (Peer Education)	Phone – 270-809-3839 murraystate.edu/pch **Contact to schedule an alcohol education program

University Counseling Services	Phone – 270-809-6851 C104 Applied Science Building **Contact for mental health referral
Health Services/Primary Care	Phone – 270-809-3809 Wells Hall North **Contact for medical referral
E-Checkup To Go (Alcohol)	http://interwork.sdsu.edu/echeckup/usa/alc/coll/murraystate **Online education program accessible to all Murray State students
E-Checkup To Go (Marijuana)	http://interwork.sdsu.edu/echeckup/usa/mj/coll/murraystate **Online education program accessible to all Murray State students

Murray Main Campus: Off-Campus Resources/Information

Four Rivers Behavioral Health	Phone – 270-753-6622 Address: 1051 N. 16 th St, #B, Murray, KY 42071 4rbh.org
Recovery Works	Phone – 270-623-8500 Address – 4747 Old Dublin Rd, Mayfield, KY 42066 recoveryworksky.com
West Kentucky Drug and Alcohol Services, LLC	Phone – 270-247-4212 Address – 1325 US Hwy 45 N, Suite C, Mayfield, KY 40266
Alcoholics Anonymous	Phone - 270-753-1881
Narcotics Anonymous	Phone - 270-395-5745
Drug Information Services for Kentucky (DISK)	(Toll Free) 1-800-432-9337

Regional Campuses (Paducah, Hopkinsville, Fort Campbell, Madisonville, and Henderson): Off-Campus Resources/Information - See webpage for additional information:

murraystate.edu/headermenu/administration/StudentAffairs/alcoholdruginfo.aspx

IV. Tailgating Procedure

- a. Tailgating is permitted only in the Stewart Stadium parking lots on the day of home athletic events.
 - i. Requests for permission to tailgate in areas other than the Stewart Stadium parking lot should be made to the Associate Athletic Director for External Affairs, 270-809-3430.
 - ii. Tailgating should begin no earlier than four (4) hours prior to the scheduled start of contest and should end no later than one hour after the contest begins.
 - iii. Individuals attending tailgating events are expected to conduct themselves in a manner respectful of the nature and character of the University.
 - iv. Use of alcoholic beverages must not violate state and local laws.
 - v. Consumption of alcoholic beverages by persons under 21 years of age is strictly prohibited.
 - vi. Open containers of alcohol outside the Stewart Stadium parking lots are strictly prohibited.
 - vii. Consumption of alcoholic beverages from their original containers is strictly prohibited. All alcoholic beverages shall be consumed from paper or solid-colored, plastic cups and not from cans or bottles. For safety purposes, glass beverage containers are prohibited.
 - viii. Alcohol containers must not be visible to the general public.
 - ix. Kegs and other mass consumption sources of alcohol are not permitted.
 - x. Drinking games are strictly prohibited.
- b. TENT CITY: In addition to the above guidelines the following parameters apply to participation in the Tent City events.
 - i. Tailgating will be permitted within the walls of Stewart Stadium in designated Tent City areas.
 - ii. Tent City will close thirty (30) minutes prior to kickoff, though spectators may remain in designated areas at the south end of the stadium.
 - iii. Students are to adhere to any university officials request to comply with the above stated guidelines and shall be subject to sanctions should they not comply with said requests.
 - iv. Groups with multiple violations of the above guidelines may be denied participation in Tent City activities due to a history of noncompliance.

V. Tobacco Policy. Murray State University supports a clean and healthy campus, and tobacco use on University property is prohibited.

VI. Intellectual Property Policy. A copy of the MSU Intellectual Property Policy addressing students may be found at murraystate.edu/policymall, MSU Faculty Handbook, Section 2.13.2.

VII. Information Technology Policies. Murray State University has promulgated policies applicable to all users of its information technology resources. The Information Technology Policies address topics such as proper use of MSU's information technology resources, privacy, and sanctions for policy violations. University sanctions for violations of its Information Technology Policies are imposed by the appropriate University authority and may include, but are not limited to, limitation or revocation of rights to access information technology resources and/or reimbursement to the University for all costs incurred in detecting and proving the violation of these rules, as well as from the violation itself. See Section V of the Acceptable Use Policy, <https://sites.google.com/a/murraystate.edu/information-security/policy/aup> for a complete discussion of sanctions and appeals.

VIII. Policy on Disruptive Activities

- a. Murray State University guarantees to its students the right of free discussion and expression, peaceful demonstration, the right to petition, and peaceful assembly. However, students may not engage in activities which substantially disrupt or materially or significantly interfere with the educational, administrative, or operational activities of the University, including pedestrian and vehicular traffic. If individuals are engaged in disruptive activities, the President or his delegate will inform them to cease such activity at once. If the individuals fail to heed the official request, one or more of the following courses of action may be taken:
 - i. Bring prompt disciplinary action against the individual(s).
 - ii. Impose interim suspension on the individual(s), provided due process consistent with the circumstances is afforded before the suspension by the President or his/her designee and a hearing before the University Judicial Board is granted within five (5) working days.
 - iii. Make application to the courts for injunctive relief.
 - iv. Request assistance from University and other appropriate law enforcement agencies.
 - v. Institute such other legal actions deemed necessary by the president to protect lives and property and to provide for the orderly operation of the University.

IX. Student Disciplinary Proceedings

- a. The following procedures are applicable when misconduct is alleged. When allegations involve sexual harassment or misconduct, or when sanctions may reasonably include suspension or expulsion, additional procedures found in section 4.b. and below are also applicable.
- b. Reporting Allegations Against a Student or Student Organization
 - i. any member of the University community may, as provided here, present allegations that a student or a student organization has violated University policies, rules, or procedures (“rules”).
- c. **Office of Equal Opportunity and Title IX**
 - i. Allegations of discrimination based on sex or sexual orientation, including sexual harassment, sexual violence and misconduct, relationship violence, and stalking *against a student* should be made to the Executive Director of the Office of Equal Opportunity and (OEO)/Title IX Coordinator, whose contact information is:
Executive Director of OEO/Title IX Coordinator: Ms. Camisha Duffy, Murray State University, 103 Wells Hall, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: cduffy@murraystate.edu; msu.titleix@murraystate.edu.
- d. **Office of Student Affairs.**
 - i. Except for the matters which are to be reported to the Office of Equal Opportunity and Title IX as stated in the preceding section, complaints that a student has violated University rules may be made with the Coordinator of Student Conduct and Special Projects.
 - ii. Contact information for the Coordinator of Student Conduct and Special Projects is: Mrs. Jen Caldwell, Murray State University, 425 Wells Hall, Murray, KY. 42071; telephone: (270) 809-6833; facsimile: (270) 809-4176; Email: jcaldwell@murraystate.edu. The following discusses procedures for matters handled by the Office of Student Affairs.
 1. The Coordinator of Student Conduct and Special Projects is obligated to contact the Murray State University Police Department immediately upon receipt of a report of a crime. If the victim requests anonymity or confidentiality or that law enforcement authorities not be notified, the Coordinator of Student Conduct and Special Projects will immediately report the matter to the Murray State University Police Department without personally identifying information unless otherwise required by law. The Coordinator of Student Conduct and Special Projects must immediately report matters related to discrimination, including discrimination based on sex and sexual orientation and including allegations of sexual harassment, and sexual violence and misconduct,

relationship violence, or stalking to the University's Title IX Coordinator regardless of any request for confidentiality. If the matter cannot be immediately reported to the Title IX Coordinator, the matter must be reported as soon as possible.

e. Complaints

1. **Confidential Reporting.** In the event an individual reporting a violation of University rules, requests confidentiality or does not wish to participate in an investigation, the Office of Student Affairs will still take or facilitate all reasonable steps to investigate and respond to the allegations consistent with the request for confidentiality or request not to pursue an investigation. In such instances, the ability of Student Affairs to review the allegations may be limited. The Coordinator of Student Conduct and Special Projects will discuss with the individual measures, such as changes in academic, living, transportation, and working situations, which may be available. Depending upon the applicable facts and circumstances, including the nature of the allegations, as determined by the Coordinator of Student Conduct and Special Projects it may not be possible to honor a request for confidentiality. Individuals reporting violations of University rules and requesting confidentiality or not to participate in an investigation are protected against retaliation.
2. **Formal Complaints.** The Office of Student Affairs may initiate complaints against individual students or student organizations. The Coordinator of Student Conduct and Special Projects will normally bring such complaints. In addition, individuals may file a formal Complaint against a student or student organization. This could lead to an attempt to resolve the allegations with the Charged Student or Charged Student Organization, or could involve a hearing before the University Judicial Board. See below for procedures in the Office of Student Affairs when a formal Complaint is filed.
3. **Pre-Hearing Procedures.**
 - a. The person bringing the allegations is referred to as the "Complainant," and the student or student organization against whom or which allegations are made is referred to as the "Respondent" or "Respondent Organization." If it appears the Complaint should be investigated by Office of Equal Opportunity and Title IX, the Office of Student Affairs will refer the matter to that office.
 - b. The allegations will be put into the form of a written Complaint which will include a statement of any requested relief. If review of the Complaint by the Coordinator of Student Conduct and Special Projects reveals that the Complaint even if true demonstrates no violation of University rules, the parties will be so advised and given an opportunity to provide additional

information. The Coordinator of Student Conduct and Special Projects will notify the Charged Student/Charged Student Organization and provide an opportunity to respond.

- c. If the Coordinator of Student Conduct and Special Projects still believes the Complaint states no claim, the Complaint will be dismissed and the Complainant and Respondent/Respondent Organization will be provided with a decision in writing.
- d. Either party may seek further review of the decision of the Coordinator of Student Conduct and Special Projects by giving notice in writing to the Coordinator of Student Conduct and Special Projects, Murray State University, 425 Wells Hall, Murray, KY 42071 no later than five working days after the date of the decision. Additional procedures are discussed below under “Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings.”
- e. The Office of Student Affairs may proceed informally unless a hearing is required as stated below:
 - i. In cases where suspension or expulsion is not a possible sanction, there may be an informal hearing before an Office of Student Affairs staff member.
 - ii. In cases which could result in suspension or expulsion, there must be a hearing before the University Judicial Board and additional procedures found in section 6.b. below will be followed.
 - iii. In cases where any party requests a hearing before the University Judicial Board, the case will be forwarded to the University Judicial Board for a hearing.
 - iv. Matters forwarded by the Title IX Coordinator involving sexual harassment or sexual misconduct will proceed to a live hearing before the University Judicial Board which will include safeguards to protect Complainants from in person contact with Respondents as appropriate.
- f. The Respondent or Respondent Organization will be provided with a copy of the written Complaint along with a copy of the specific rules allegedly violated, and the possible penalties. The Respondent/Respondent Organization will be given an opportunity to respond as stated in the notice. The Complainant will be provided with a copy of any Response.
- g. The Office of Student Affairs shall simultaneously send all involved parties a notice of any hearing including the time and place of the hearing, and the procedures to be followed. The timing of the hearing will allow

opportunity for all parties to prepare and will be not less than seven¹ working days from the date notice of the hearing is calculated to be received. The Office of Student Affairs may extend the time for any hearing if there is good reason.

- h. The notice of the written Complaint and the notice to the parties of any hearing shall either simultaneously (a) be mailed via registered mail to the address last noted on the parties' official records at the University or, with matters referred from OEO, to the current address provided by OEO; or (b) be hand delivered to the parties, or (c) be delivered electronically to the parties. The president and/or faculty advisor of the student organization will be notified on behalf of a student organization. No such notice will be regarded as defective if the student or student organization hides, refuses mail, or has failed to notify the University of a current address.
 - i. The Office of Student Affairs will advise the parties of interim measures which may be available to them on campus including changes in campus-related living, academic, working, transportation, and extracurricular situations as appropriate. The parties will also be advised of available services such as counseling and support services. The University may also take interim measures for the safety of the parties and others.
 - j. Any party can meet with a Student Affairs staff member to discuss the issues involved, preparation, hearing procedures, possible outcomes, and the rights which the student or students will be free to exercise in the hearing.
 - k. There will be timely notice of any meeting at which any party, or all of them, may be present.
4. Additional Pre-Hearing Procedures Sexual Harassment/Misconduct; or when Sanctions include Suspension of more than Three Days or Expulsion; or when Campus Housing Residency may be Terminated.
- a. The respondent is presumed innocent of the allegations in all phases of the disciplinary process until the university establishes every element of the alleged violation. This presumption of innocence shall not be construed to mean that the complainant, respondent or any witness has presented false testimony or evidence.
 - b. Participants shall be provided the date, time and location at least three business days prior to a meeting or interview being held for an investigatory purpose.

¹ Three business days as required in some instances. (see §4b below)

- c. The university shall maintain an administrative file to include all documents in the university's possession or control relative to the alleged violation including exculpatory evidence and documents provided by a participant. This file shall also include an audio or video (plus audio) recording of the hearing or a transcript of the hearing. The file shall not include privileged documents or internal memorandums not used as evidence at the hearing.
 - d. A participant shall be provided reasonable access to the administrative file and the ability to make copies of all evidence or documents at least seven business days prior to an administrative hearing. Copies may be redacted as appropriate.
 - e. The university shall maintain the administrative file permanently if a student is expelled, and in all other matters at least three years after the respondent's last date of attendance or after the sanctions are met, whichever is later.
 - f. A participant shall have the right to be represented by counsel, at the participant's expense, at all phases of the disciplinary process including informal hearing procedures. The university, when properly notified, shall direct correspondence to both the participant and counsel.
5. Informal Hearing Procedures.
- a. If an informal administrative hearing is held, a Student Affairs staff member shall meet with the parties who will be able to present information in support of their position. Informal procedures pertaining to allegations of sexual harassment or sexual misconduct are established by the Title IX/OEO Office.
 - b. If the parties are able to agree upon a resolution, the agreement will be put in writing and provided to all parties.
 - c. If the parties are unable to agree upon a resolution, the staff member may take one of the following courses of action except in complaints involving sexual harassment or sexual misconduct:
 - i. Find for or against the Respondent or Respondent organization. A finding against the Respondent/Respondent organization will be based upon a preponderance of the information presented.
 - ii. Impose the sanctions of warning, referral, loss of privileges, probation, and/or restitution as defined under "University Judicial Board Authority and Jurisdiction," found below.
 - iii. Make a decision to pass the case on to the University Judicial Board.

- iv. The Office of Student Affairs may assist the student against whom discipline is imposed with his/her behavioral and/or personal difficulties. The Office of Student Affairs may also offer assistance to a student who filed a complaint.
 - d. In order to impose any sanction related to off campus conduct, there must be a finding that the conduct adversely affects or raises reasonable concerns for the safety or well-being of any person or property on campus, or is detrimental to the objectives or purposes of the University or any of the University's programs or operations. Sanctions related to off campus conduct will provide measures which address effects on or concerns for the safety or well-being of persons or property on campus, and any detriment to the objectives or purposes of the University or any of the University's programs or operations. Any decision by the Student Affairs staff member will be in writing and provided simultaneously to the parties.
 - e. If either party disagrees with the finding of the Student Affairs staff member and/or the sanction imposed, he/she/the student organization may seek review of the decision by giving notice in writing to the Coordinator of Student Conduct and Special Projects, Murray State University, 425 Wells Hall, Murray, Ky. 42071 no later than five working days after the date of the decision in the administrative hearing. See "Appeal from dismissal by Associate Vice President or from Informal Proceedings" below.
 - f. If the matter proceeds to the University Judicial Board, the staff member with the Office of Student Affairs involved in the informal hearing may serve as the hearing officer for purposes only of ensuring that proper procedures are followed.
6. The University Judicial Board
- a. Composition – The University Judicial Board shall be composed of three members of the Student Judicial Board, three faculty members and one administrative staff member. A hearing officer will conduct the hearing only to ensure proper procedures are followed. The three representatives from the Student Judicial Board shall be chosen by a random drawing for each hearing by the chairman of the Student Judicial Board. The three faculty members shall be elected by the faculty as a whole for staggered three-year terms. If there are no nominees, the faculty members shall be appointed by the President. One administrative staff member shall be appointed by the President of the University for a one-year term. A

quorum of the board shall consist of any five members present and voting. The University Judicial Board shall elect its own chairperson.

- b. Hearing Procedures – If a hearing before the University Judicial Board is warranted or requested, the Office of Student Affairs shall call a meeting of the board to hear the case. The University Judicial Board shall maintain a record of the pertinent information presented in each case and a copy of the Judicial Board’s decision.
 - i. Prior to any hearing, the parties will be required to provide copies of any documents or other information to be used at the hearing and a list of any witnesses. This information will be available to the other party, to members of the University Judicial Board and the hearing officer, and to other appropriate University officials with a need to know. In addition, prior to the hearing the hearing officer or other representative of Student Affairs will meet with the parties to explain the procedures to be followed.
 - ii. At the hearing, each party will be allowed to present information to support or rebut the allegations. This information may consist of witnesses as well as documents and other information. Any questioning of witnesses will be by the University Judicial Board and the parties will be provided the opportunity to submit questions to the Board. Technical rules of evidence are not applicable.
 - iii. Each party will have the right to have during the hearing an advisor who may be another student, a faculty member, a staff member or a parent, or attorney. Any advisor or attorney will be permitted to be present at any meeting with the party and at the hearing in order to advise a party.
 - iv. No decision for the imposition of sanctions may be based solely upon the failure of the charged student to answer the complaint or to appear at the hearing. In such a case, the information in support of the complaint shall be presented and considered and sanctions imposed only if the alleged violations are proven.
 - v. A party’s prior disciplinary record shall not be considered to establish that a violation did or did not occur. However, the University Judicial Board may consider the prior disciplinary record of a Respondent/Respondent organization in determining appropriate disciplinary action after a violation has been found.
 - vi. All hearings before the University Judicial Board shall be closed, unless a request is made for a public hearing within the terms,

conditions, and limits established by the Kentucky Open Meetings Law and the Federal Family Educational Rights and Privacy Act.

- vii. Additional rules applicable when a violation or violations may result in suspension longer than three days, expulsion from the university or university housing, or when sexual harassment or misconduct is alleged.
 1. The university will generally follow the Kentucky Rules of Evidence regarding the admissibility of evidence with the understanding that a university administrative hearing is not a civil or criminal legal matter, and the hearing officer may make exceptions when appropriate.
 2. The Complainant and Respondent will be provided with written notice of a formal charge of the alleged violation including specific details upon which the allegation is based, and written notice of the time, date and location of the hearing at least ten business days prior to any disciplinary hearing. The written notice will also provide these disciplinary procedures, a copy of KRS 164.370, and any other applicable law.
 3. At least three days prior to the disciplinary hearing all documentary or tangible evidence, and a list of witnesses expected to be called during the hearing must be submitted to the administrative file. Evidence or witnesses submitted less than three days prior to the hearing may be submitted subject to the discretion of the hearing officer. In such cases, the university shall immediately notify the participants of the additional evidence or witnesses.
 4. Evidence used at hearings under this section must be contained in the administrative file and must be ruled as admissible by the hearing officer.
 5. A participant shall have the right during a hearing to:
 - a. be present and participate meaningfully at the hearing;
 - b. fair and impartial treatment which shall exclude an individual who investigates the allegations or presides during an informal process from serving as a hearing adjudicator or on a hearing panel;
 - c. provide a limited waiver of confidentiality at any phase of the process to permit the attendance of two

support persons provided that the privacy of another participant is not violated or would substantially delay the process;

- d. make opening and closing statements;
- e. present relevant evidence;
- f. cross examine, unless restricted by Title IX or other applicable federal law, any testimony personally or through counsel except that cross examination of victims or complainants by the respondent requires that questions be submitted to the hearing officer who shall ask relevant questions of the witness. If a question is excluded by the hearing officer, a rationale shall be provided and the respondent shall be permitted to cure the defect, and may also submit follow up questions.

c. Decisions – All decisions of the University Judicial Board will be in writing.

- i. A decision that a violation occurred shall be based upon the preponderance of the information produced at the hearing.
- ii. A determination that a violation occurred and the imposition of sanctions shall be by majority vote of those members present and voting, except that expulsion shall require a two-thirds vote.
- iii. In order to impose any sanction related to off campus conduct, there must be a finding that the conduct adversely affects or raises reasonable concerns for the safety or well-being of any person or property on campus, or is detrimental to the objectives or purposes of the University or any of the University's programs or operations. Sanctions related to off campus conduct will provide measures which address effects on or concerns for the safety or well-being of persons or property on campus, and any detriment to the objectives or purposes of the University or any of the University's programs or operations.
- iv. A sanction of disciplinary suspension or expulsion from campus or campus housing shall automatically be reviewed by the University Appeals Board.
- v. A copy of the written decision of the University Judicial Board shall be sent simultaneously to the complainant, charged student/charged student organization, to the Office of Student

Affairs and, in the case of a sanction of disciplinary suspension or expulsion, to the University Appeals Board. The decision of the University Judicial Board will include the rationale for its decision, including any sanctions. A copy of any decision related to sex discrimination, including allegations of sexual harassment, or sexual violence and misconduct, relationship violence, or stalking will be sent to the University's Title IX Coordinator. The decision letter shall contain information regarding each party's right to appeal and a copy of the procedures for an appeal. In the event the decision found in favor of the student or organization charged with a violation, the complainant will be advised of his/her appeal rights.

- vi. The outcome in matters regarding sexual harassment, sexual misconduct, dating violence, domestic violence, stalking and sexually exploitative behavior will be provided simultaneously in writing to the complainant and the Respondent.
 - 1. There is a presumption that the Respondent is not responsible for the alleged conduct prior to a procedural determination otherwise.
 - 2. The complainant will also be advised of any sanctions imposed which relate to the complainant (e.g., the harassing student is to stay away from the harassed student or the harassing student is suspended from Murray State University) any individual remedies offered or provided to the complainant, and other steps the University has taken to eliminate the hostile environment, if one is found to exist, and prevent recurrence.
 - 3. The Respondent/Respondent organization will not be notified of the individual remedies offered or provided to the complainant.
 - 4. The complainant will be advised of the final outcome of the hearing as well as any sanctions imposed. A complainant who is a victim of a crime of violence will be advised of the final outcome of a hearing and any sanction against the Respondent/Respondent organization.
- vii. Any sanctions and corrective action taken in the event of a finding of discrimination based on sex or sexual orientation, including sexual harassment, or sexual violence and misconduct, or relationship violence, or stalking including matters which occur off

campus, will include measures to stop that discrimination, including sexual harassment, or sexual violence and misconduct, or relationship violence, or stalking, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from such discrimination. Under certain circumstances, training may be required for an individual or a larger group.

- viii. Neither the grievance process nor the investigative process may require or allow evidence that would constitute disclosure of information subject to a legally recognized privilege absent a waiver by the person holding such privilege.
- d. Authority and Jurisdiction – The University Judicial Board shall have original jurisdiction in all disciplinary cases involving students in which suspension or expulsion might result and in those cases passed on to it by the Office of Student Affairs, the Office of Academic Affairs or the Office of Equal Opportunity and Title IX. The University Judicial Board shall have appellate jurisdiction from the informal administrative hearings of the Office of Student Affairs and from complaints dismissed by the Associate Vice President.
- e. The University Judicial Board shall have the authority either to find in favor of the Respondent student or Respondent Student Organization or to impose one or more of the following sanctions:
 - i. Referral to alternative services, such as counseling. This sanction may be accompanied by other sanctions.
 - ii. Warning. Written notification that the actions are unacceptable and that a continuation or repetition of such actions will result in more severe disciplinary action.
 - iii. Loss of Privileges. Denial of participation in specified activities, removal from a living group, denial of use of specified facilities, or other loss of privileges consistent with the offense committed. This sanction may be accompanied by other sanctions.
 - iv. Probation. A definite period of observation and review of conduct not to exceed twelve months' duration. Violations of University regulations during a probationary period may result in action leading to suspension or expulsion.
 - v. Restitution. Reimbursement by transfer of money or services to the University or to a member of the University community in an amount not to exceed the damage or loss incurred. Restitution may be accompanied by other sanctions.

- vi. Self-Improvement and Educational Programs. A program of self-development or educational development to assist students in realizing the significance of their behavior.
- vii. Program Exclusion. Permanent or temporary exclusion from a University program, including a course of study.
- viii. Suspension. Exclusion from the University for a definite period of time and/or exclusion until specified conditions set out by the Judicial Board are met. The effective commencement date of such exclusion shall be specified by the University Judicial Board.
- ix. Expulsion. Permanent termination of student status and permanent exclusion from the campus. The effective commencement date of such expulsion shall be specified by the University Judicial Board.
- x. Fines. A sum of money imposed as a penalty based on the violation.
- f. Miscellaneous.
 - i. Regardless of the outcome, and depending upon the facts and circumstances, remedial measures may be offered to all parties. These may include keeping in place any interim measures or again offering such measures if they were declined initially.
 - ii. The University Judicial Board may provide that any sanctions and corrective action, including disciplinary action, are to be effective immediately and are to remain effective during any appeals.
- g. Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings.
 - i. In an appeal from a dismissal of a Complaint by the Coordinator of Student Conduct and Special Projects or from an informal hearing with a Student Affairs staff member, the University Judicial Board will review any materials presented to the Coordinator of Student Conduct and Special Projects or Student Affairs staff member. In matters related to a dismissal by the Coordinator of Student Conduct and Special Projects, the University Judicial Board will advise the Complainant and the charged student/charged student organization that he/she/it may provide a written statement in support of his/her position, copies of which will be provided to the parties; in matters related to informal hearings, the University Judicial Board will advise the parties that they may provide written statements in support of the appeal and in support of the decision of the Student Affairs staff members, copies of which will be

shared with all parties. Any party bringing an appeal must demonstrate:

1. Prejudicial procedural or other errors occurred with respect to the previous proceedings;
 2. The decision of the Coordinator of Student Conduct and Special Projects or Student Affairs staff member is arbitrary on the basis of the information in the whole record;
 3. Any imposed sanction is inappropriate for the violation the charged student/charged student organization was determined to have committed; or
 4. Newly discovered evidence, which could not with reasonable diligence have been presented to the Coordinator of Student Conduct and Special Projects or during the informal proceedings, is sufficient to affect the decision of the Student Affairs staff member.
- ii. If the decision of the Coordinator of Student Conduct and Special Projects or Student Affairs staff member is upheld, the matter will be considered finally concluded. The parties will be notified simultaneously in writing of the decision.
- iii. In an appeal from a dismissal by the Coordinator of Student Conduct and Special Projects, the University Judicial Board will find for the appealing party if it is believed the Complaint does state a claim and the matter will be returned to the Coordinator of Student Conduct and Special Projects for further proceedings. If the matter related to an informal hearing, the University Judicial Board will find for the appealing party if the decision is arbitrary on the basis of the information in the whole record, or will return the matter to the Coordinator of Student Conduct and Special Projects or Student Affairs staff member for further proceedings or another hearing if there was a prejudicial procedural or other error or is newly discovered evidence which would affect the decision, or, if the reason not to uphold the decision relates only to the penalty imposed, for reconsideration of the penalty. The parties will be notified simultaneously in writing of the decision. No appeal may be taken from these decisions by the University Judicial Board.

7. The University Appeals Board.

- a. **Composition.** The University Appeals Board shall be composed of nine members — six faculty members, and three students. Two faculty members shall be named by the Board of Regents each year to serve three-year terms, and three students shall be named by the Board of Regents each year for one-year terms. A quorum of the Appeals Board shall be any five members present and voting. The Appeals Board shall elect its own chairperson.
- b. **Appeals Procedure.** Except as otherwise provided, any party may appeal a decision of the University Judicial Board to the Appeals Board by sending a letter containing the grounds for the appeal in detail to the Coordinator of Student Conduct and Special Projects, 425 Wells Hall, Murray State University, Murray, Ky. 42071 no later than five working days after the date of the University Judicial Board decision. When the University Judicial Board has imposed suspension or expulsion, appeal to the University Appeals Board is automatic, and the charged student need not appeal in writing.
- c. **Decision.** The Appeals Board will review the record presented to it from the University Judicial Board. The Appeals Board may request written statements in support of the appeal and in support of the decision of the University Judicial Board, copies of which will be shared with all parties.
- d. **Requirements.** Any party bringing an appeal from the University Judicial Board must demonstrate:
 - i. Prejudicial procedural errors that affected the outcome of the previous proceedings;
 - ii. The decision of the University Judicial Board is arbitrary on the basis of the information in the whole record;
 - iii. Any imposed sanction is inappropriate for the violation the charged student/charged student organization was determined to have committed;
 - iv. Newly discovered evidence, which could not with reasonable diligence have been presented at the University Judicial Board hearing, that could affect the outcome of the decision of the University Judicial Board; or
 - v. A showing that the Title IX Coordinator, investigator(s) or decision maker(s) had a conflict of interest or bias that affected the outcome of the matter.
- e. **Findings.** If the decision of the University Judicial Board is upheld, the matter will be considered closed unless further appeal is allowed.

- i. If the decision is not upheld, the Appeals Board will find for the appealing party if the decision is arbitrary on the basis of the information in the whole record, or return the matter to the University Judicial Board for another hearing if there was prejudicial procedural error or is newly discovered evidence which would affect the decision, or, if the reason not to uphold the decision relates only to the penalty imposed, for reconsideration of the penalty.
- ii. The written decision of the University Appeals Board shall be sent simultaneously to the parties and to the Office of Student Affairs. Any decision related to matters of discrimination including discrimination based on sex and sexual orientation and including allegations of sexual harassment, or sexual violence and misconduct, relationship violence, or stalking will also be sent to the University's Title IX Coordinator. If the penalty involved is suspension or expulsion, the respondent shall be informed in the decision letter of his/her right of appeal to the Board of Regents and provided with the procedures for further appeal. Notice of the outcome of a matter before the University Appeals Board will be provided as with the University Judicial Board.

8. Board of Regents Appeals.

- a. Pursuant to KRS 164.370, a student suspended or expelled from campus or campus housing for disciplinary reasons may appeal the decision to the Board of Regents. The appeal will be instituted by the student's presenting a detailed statement of the grounds for appeal to the President of the University no later than five working days after the date of the decision of the University Appeals Board. The address for the President is Murray State University, 218 Wells Hall, Murray, KY 42071. The President will advise the members of the Board of Regents and refer the appeal to the members of the Board's Student Disciplinary Committee.
- b. The Student Disciplinary Committee will review the appeal. The Student Disciplinary Committee may determine from the statement of appeal that the appeal can be decided based upon a review of the previous proceedings. In that case, it will afford all parties the opportunity to present arguments, will review the record and the arguments presented, and will submit its recommended outcome to the Board of Regents which may accept or reject the recommendation or determine that a hearing or additional proceedings are warranted. If the Student Disciplinary Committee believes that a hearing or other proceedings are warranted, it will refer the matter to the Board of Regents. The Board will develop its

rules of procedure for any matter before it. The final decision in all such appeals will be made by the Board of Regents.

- c. All proceedings will provide a prompt, fair, and impartial process from the initial complaint to the final result and will provide resolution by individuals who receive annual training on issues, including domestic violence, dating violence, sexual assault, and stalking and how to conduct investigations, reviews, and hearings that promote the safety of victims and accountability.
- d. All proceedings will be conducted by individuals without actual or perceived conflicts of interest or bias for or against any party. Any conflicts will be disclosed to the parties. Any party who believes any of the preceding individuals may have a conflict of interest or bias will immediately notify the Coordinator of Student Conduct and Special Projects for Student Affairs.
- e. Proceedings from the filing of a complaint through any decision by the University Appeals Board should typically be completed within 60 calendar days. This includes matters initially filed with the Office of Equal Opportunity and Title IX.
- f. Extensions of time may be allowed to the parties or to a decision making entity for “good cause,” which will include but not be limited to matters such as illness, death within the family, absence from the University, and any other circumstances which will constitute undue hardship. “Good cause” may also arise from the circumstances surrounding a particular matter such as the number of parties involved, the number of issues involved, the unavailability of the parties and witnesses, or the number of witnesses or the amount of evidence involved.
- g. Any request by a party for an extension of time for good cause with respect to matters in the Office of Student Affairs, the University Judicial Board, or the University Appeals Board should be submitted to Coordinator of Student Conduct and Special Projects for Student Affairs. The request for extension of time will be considered by the office or Board before which a matter is pending. All parties will be notified in writing when an extension of time is allowed and will be informed of the reason for the extension of time. The parties will be advised of the progress of matters if delay otherwise becomes apparent.
- h. Any proceedings before the Board of Regents will be conducted as expeditiously as possible under the circumstances.

9. Retaliation Prohibited.

- a. There will be no retaliation against any individual because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under these procedures.
 - b. Any individual who believes he/she has been a victim of retaliation should contact the Coordinator of Student Conduct and Special Projects if the retaliation was by a student. Contact information is: Coordinator of Student Conduct and Special Projects: Mrs. Jen Caldwell, Murray State University, 425 Wells Hall, Murray, KY. 42071; telephone: (270) 809-6833; facsimile: (270) 809-4176; Email: jcaldwell@murraystate.edu. The Executive Director of the Office of Equal Opportunity and Title IX should be contacted in the event of retaliation by a University employee or other individual. The contact information is: Executive Director of OEO/Title IX Coordinator: Ms. Camisha Duffy, Murray State University, 103 Wells, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: cduffy@murraystate.edu.
10. 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 University will protect the confidentiality of victims to the extent permissible by law by (i) completing publicly available recordkeeping without inclusion of personally identifiable information about the victim and (ii) maintaining as confidential any accommodation or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair Murray State University's ability to provide the accommodation or protective measures.
11. Other Actions by Complainants. An individual alleging a violation of University policy has the right to pursue action with other agencies, including the right to pursue criminal charges if a crime has occurred. The University's response to allegations under this policy will, to the extent possible, not be delayed pending the outcome of any such other action.

X. AMENDMENTS. The President is authorized, without additional approval, to make any amendment to these policies and procedures as may be deemed necessary. The only exception to the preceding is that the Board of Regents must approve any amendment which changes the entity who formally adjudicates a complaint.

XI. ADDITIONAL PROCEDURES – SEXUAL HARASSMENT OR SEXUAL VIOLENCE INVESTIGATIONS.

- a. Review and Investigation of Allegations.

- i. Role of Office of Equal Opportunity and Title IX. Allegations of discrimination related to sex discrimination under Title IX and sexual violence and misconduct, relationship violence, and stalking, will be reviewed by OEO. OEO will, if possible, meet with the individual who alleges discrimination or who is reported to have been subjected to discrimination.
- ii. All other (non-Title IX) complaints of discrimination against a student or student organization should be made to the Coordinator of Student Conduct in Student Affairs, where they will be addressed reviewed under different procedures. Under this process, the individual making the complaint is referred to as the “Complainant” and the individual against whom allegations are made is referred to as the “Respondent.”
- iii. Complaint Process.
 1. If review of the complaint by OEO reveals that the complaint even if true demonstrates no discrimination, the Complainant will be so advised and given an opportunity to provide additional information. OEO will notify the Respondent and provide an opportunity to respond. If OEO still believes the complaint states no claim of discrimination, a recommendation will be made to the Vice President of the area in which the Respondent is employed or to the Coordinator of Student Conduct and Special Projects for Student Affairs with respect to complaints against a student or student organization, that the complaint should be dismissed. A copy of the recommendation will be provided to the Complainant and Respondent. If the Vice President/Coordinator of Student Conduct and Special Projects for Student Affairs agrees, the complaint will be dismissed and the remaining procedures related to Initial Review will be inapplicable.
 2. A written final decision will be provided by the Vice President/Coordinator of Student Conduct and Special Projects for Student Affairs to the Complainant and Respondent. A copy of the final decision will also be provided to the Executive Director/Title IX Coordinator. The Vice President/Coordinator of Student Conduct and Special Projects may refer the Complainant to another University office if the allegations appear to relate to other University policies. The Complainant may seek further review of the decision of the Vice President as provided below under “Further Review” as provided below.
 3. Further review of a decision by the Coordinator of Student Conduct and Special Projects with respect to a claim against a student or student organization may be initiated by giving written notice to the Coordinator of Student Conduct and Special Projects Murray State University, 425 Wells Hall, Murray, KY 42071 no later than 5 working days after the date of the decision; additional procedures are discussed under “Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from

Informal Proceedings” found in the Student Life Policies, Rules, and Procedures. The Office of General Counsel will be kept informed of all proceedings.

- iv. Investigation by OEO/Recommendations/Decision. The Office of OEO investigates all complaints related to Title IX. If the respondent is a student, the investigatory report will be provided to Student Affairs for review. The report will include all inculpatory and exculpatory evidence discovered by OEO. Witness credibility determinations will not be based on the status of the party or witnesses. If sanctions are warranted, the Student Affairs Judicial Process will be utilized.

1. Time for Completing Initial Review Process. It is the intent of this policy that the Initial Review process should typically be completed within 60 days of the filing of the complaint. The President may extend the time for good cause. “Good cause” is defined below at Section v.5.
2. Role of Advisors in the Initial Review Process. The parties may have an advisor, including an attorney, during the Initial Review process. Advisors may accompany a party to any meeting with the party, but will not participate in any investigations or meetings other than to advise the complainant or respondent.
3. Further Review. Any party shall have the right to request Further Review of the final decision. The request for Further Review may relate to the determination as to whether discrimination occurred and/or the sanctions and corrective action imposed.

- v. Additional Information.

1. Burden of Proof. The burden of proof is a preponderance of the evidence. A “preponderance of the evidence” means a matter is more likely than not to have occurred.
2. Calculation of Time. In calculating any period of time under this policy, the last day of the period so computed is to be included unless it is a Saturday, Sunday or a Murray State University holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a Murray State University holiday. As used in this policy, “days” refers to calendar days.
3. Confidentiality. Murray State University will, to the extent possible under law and except as provided under this policy, keep confidential allegations, complaints, responses, investigative materials, and other matters under this policy. Individuals may be provided with documents or information when necessary, if there is a need to know, and if allowed by law. Murray State will protect the confidentiality of victims to the extent permissible by law by (i) completing publicly available recordkeeping without inclusion of personally identifiable information about the victim and (ii) maintaining as confidential any accommodation or protective measures provided to the victim to the extent that maintaining such

confidentiality would not impair Murray State's ability to provide the accommodation or protective measures.

4. Conflicts of Interest/Fairness of Proceedings. The proceedings will provide a prompt, fair, and impartial investigation and resolution by individuals who receive annual training on issues related to discrimination, including domestic violence, dating violence, sexual assault, and stalking and how to conduct investigations, reviews, and hearings that promote the safety of victims and accountability. Individuals involved in receiving and investigating allegations and complaints and in deciding any matters under this policy must not have any actual or perceived conflicts of interest or bias for or against any party. Any conflict will be disclosed to the parties. Any party who believes any of the preceding individuals may have a conflict of interest or bias will immediately notify the Executive Director/Title IX Coordinator.
5. Determining Good Cause/Notification of Extension of Time. "Good cause" as used in this policy shall include but not be limited to matters such as illness, death within the family, absence from the University, and any other circumstances which will constitute undue hardship upon that person who may want to respond or who is required to respond or take action. "Good cause" may also arise from the circumstances surrounding a particular matter such as the number of parties involved, the number of issues involved, the unavailability of the parties and witnesses, or the number of witnesses or the amount of evidence involved. All parties will be notified in writing when an extension of time is allowed and will be informed of the reason for the extension of time.
6. Matters to Proceed Expeditiously. It is the express intent of this policy that all allegations and complaints be investigated and resolved in an expeditious manner and without unnecessary delay.
7. Other Action by Individuals Alleging Discrimination. An individual alleging discrimination has the right to pursue action with other agencies, including the right to pursue criminal charges if a crime has occurred. The University's response to allegations under this policy will, to the extent possible, not be delayed pending the outcome of any such other action.
8. Responsibility of the President. The President, or his or her delegee, will ensure that information in this policy is kept current and will provide for current and accurate references to policies, laws, offices, methods of reporting, and links. Updated information will be provided as needed. The President is authorized, without additional approval, to make any amendment to these policies and procedures as may be deemed necessary. The only exception to the preceding is that the Board of Regents must approve any amendment which changes the person or entity who formally adjudicates a complaint.

9. Sanctions and Corrective Action. Any sanctions and corrective action taken in the event of a finding of discrimination will include measures to stop the discrimination, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from discrimination. Under certain circumstances, training may be required for an individual or a larger group. The imposition of sanctions and corrective action under this policy does not prevent any other entity from imposing penalties.
10. Investigations will be conducted by officials who, at a minimum, receive annual training on the issues related to 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 victims and promotes accountability. Officials conducting proceedings will not have a conflict of interest or bias for or against the accuser or the accused.
11. During investigations:
 - a. 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;
 - b. both the Complainant and the Respondent shall be simultaneously informed, in writing, of
 - i. the result of any institutional disciplinary proceeding that arises from an allegation of sexual violence and misconduct, relationship violence, and stalking;
 - ii. the institution's procedures for the Respondent and the Complainant to appeal the results of the institutional disciplinary proceeding; and
 - iii. any change to the results that occurs prior to the time that such results become final.
12. The procedures followed by Office of Equal Opportunity and Title IX for handling formal complaints are found on its website at murraystate.edu/OEO/grievance. Complaints must be filed with Office of Equal Opportunity and Title IX within 180 days of the act about which complaint is made. Appendix of this policy is available online at murraystate.edu/oeo

- b. Available Resources and Interim and Protective Measures
 - i. A student or employee who reports that he/she has been a victim of sexual violence or misconduct, relationship violence, or stalking regardless of whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options.

- ii. The individual will be provided with written information regarding preserving evidence, options regarding contacting law enforcement, and written information regarding available resources, on campus and in the community, related to counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other relevant services. In addition, the individual will be provided with a written explanation of the procedures for institutional disciplinary action, and a written statement the University will to the extent permissible by law and except as allowed by policy protect the confidentiality of victims and other necessary parties, including completing publicly available recordkeeping without the inclusion of personally identifying information about the victim, and maintaining as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
- iii. The individual will also be provided with written notification about options for, available assistance in, and how to request changes to campus-related academic, living, transportation, and working situations or protective measures. Murray State University will make such accommodations or provide such protective measures 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. The individual will also be advised as to rights with respect to, and the University's responsibilities regarding, "no contact" and restraining orders issued by the University or a court.
- iv. Protective measures which may be available to a victim or others involved in an allegation or report of sexual violence and misconduct, relationship violence, or stalking include counseling and modifying academic, living, transportation, and working situations, a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. An individual who allegedly engaged in prohibited behavior may be removed or banned from University property or certain portions of campus to the extent consistent with law. The Title IX Coordinator will facilitate the implementation of such measures if requested and if they are reasonably available in consultation where necessary with the appropriate Vice President, or designee, or other offices. These measures may remain regardless of the outcome of any complaint.