



## Principles of Non-Discrimination

### UNIVERSITY COMMITMENT

Murray State University is committed to creating a safe environment for our faculty, staff, and students. In an effort to provide a safe and supportive environment for all people, ***annually, it is necessary to raise awareness on ways to be safe and comply with federal law.*** (Title IX, Campus SaVE, VAWA, and General Non-Discrimination)

***Murray State expressly condemns acts of sexual violence and 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.***

Our responsibility is to proactively seek ways to educate and inform our campus population about the dangers of sexual harassment and sex discrimination, as well as to inform the campus about how unlawful discrimination impacts the campus environment. To this end, we have partnered with United Educators to provide an annual free mandatory online training for all faculty, staff, and students, which is available to all campus users through Canvas.

### Non-Discrimination 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.*

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

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

*(<mailto:OCR@ed.gov>). For more information, contact the Executive Director of Institutional Diversity, Equity and Access, 103 Wells Hall, (270) 809-3155 (voice), (270) 809-3361 (TDD).*

*(<mailto:msu.titleix@murraystate.edu>).*

*(<mailto:msu.titleix@murraystate.edu>).*

## **Technology Requirements**

- Audio
- Video
- Optimal performance: Use Chrome to complete the training.
- Universal Design/Accessibility: Audio and Transcripts are provided for each of the information modules; some videos also supply a captioning feature.

## **Email/Canvas Reminders about incomplete participation**

**Why am I receiving email message reminders? University faculty, staff, and students who have not completed the required online training with a score of 100% will receive ongoing email reminders from the Canvas(R) system to satisfy the training requirement.** All online participation will be automatically electronically tracked and recorded through Canvas(R). Email reminder messages will continue to be sent to you and for employees the Vice President of your area as long as the course remains incomplete.

**What will completion look like?** Achieving a score of 100% on the quiz (entitled "Checking your knowledge") component of the online course indicates that you have satisfied the requirements for the online training.

**Why can I not schedule a class for a new semester?** Students who have not completed the course by the deadline will not be permitted to enroll in courses for the spring semester and may be delayed in their ability to enroll for second half-semester courses or drop current courses. Encourage students to avoid waiting until the day before the deadline to participate.

## Participation Deadline

The deadline to participate in and complete the FA 22– Title IX Awareness and Harassment Prevention Training is **Friday, September, 30th, by 4:30 p.m. (Central Time Zone)**. Canvas, the system, automatically records your score and maintains a history of each score you earn in the system. A record of those that have not completed the training with a 100% score will be maintained by the Title IX Coordinator and shared with the appropriate offices and individuals across campus to promote participation and completion.

## MODULES

The information in this training is presented in a module format. Each module contains audio and video features. At the conclusion of the last module, you will participate in an exercise to "check your knowledge" (quiz which requires a score of 100%) and "survey your perceptions of the campus climate as it relates to Harassment Prevention at Murray State" (**survey for students only**).

## FAQs

Got questions? Check out the

**FAQ >>**

(<https://murraystate.instructure.com/courses/1424700/pages/faqs-got-questions-here-are-answers-dot-dot-dot>) first!

## Demonstrate completion for your supervisors or faculty/teachers:

### How do I demonstrate completion to the Office of IDEA?

There is NO need to demonstrate completion for the Office of IDEA. Canvas (R) will automatically record your participation as complete once you have earned a score of 100% on the quiz. Scores of less than 100% will require the participant to repeat the quiz.

**While a few of the training modules may reference "printing a certificate," there will be no certificate to print.**

**What if your supervisor and/or faculty/teacher want to track your participation? How do you demonstrate that you have completed the required training?**

Participants may be asked by supervisors, teachers, or others about their progress toward completion of this course. Demonstrating completion can be achieved in two ways:

1. Screenshot and print the page that reveals your quiz score. Maintain this printout to provide to those

administrators or faculty members who inquire about your completion.

2. Screenshot and email the screenshot image of the page that reveals your quiz score. This option permits you to email those administrators or faculty members who inquire about your completion.

**To screenshot the page which reveals your quiz score:**

1. The screen should be positioned so that your score is visible and your name appears in the top right-hand corner of Canvas. (The name of the individual does not appear below to protect privacy).
2. Next, hold down both the ALT key and the PRT SCRN keys.
3. Open up your word processing software such as Microsoft WORD © or Apple Pages © and choose the Paste option.
4. You may then choose to give the document a name and either email the document to yourself or print the document.
5. You may also use the "Snipping tool" feature on your PC.

## GENERAL INFORMATION

Please review the module "University Specific Information regarding Non-Discrimination" **before proceeding** to the other modules. The slideshow covers Murray State University-specific information that will be needed if you are to successfully complete the course. The audio for this module is a computerized voice. For your convenience, a narrator button  appears at the bottom of text-heavy screens.

Thank you for your time and effort to create an environment free of discrimination, sexual harassment, sexual assault, and sexual misconduct. If you have any questions, do not hesitate to contact me at

[msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu) (<mailto:msu.titleix@murraystate.edu>)..

Sincerely,

Camisha Pierce Duffy

Title IX Coordinator

103 Wells Hall

Murray, KY 42071

[270-809-3155](tel:270-809-3155) (Tel)

[msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu) (<mailto:msu.titleix@murraystate.edu>)

[\(<mailto:msu.titleix@murraystate.edu>\)](mailto:msu.titleix@murraystate.edu) Office Hours 8:00 a.m.– 4:30 p.m., Monday–Friday

Connect with the Title IX Coordinator after hours Contact University Police [270-809-2222](tel:270-809-2222)

## Navigational buttons:

**Get started »**

[\(https://murraystate.instructure.com/courses/1424700/pages/objectives\)](https://murraystate.instructure.com/courses/1424700/pages/objectives)

**Re-take Quiz >>**

[\(https://murraystate.instructure.com/courses/1424700/quizzes/2115736\)](https://murraystate.instructure.com/courses/1424700/quizzes/2115736)

**FAQ >>**

[\(https://murraystate.instructure.com/courses/1424700/pages/faqs-got-questions-here-are-answers-dot-dot-dot\)](https://murraystate.instructure.com/courses/1424700/pages/faqs-got-questions-here-are-answers-dot-dot-dot)

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Next ▶

# Objectives

**At the conclusion of the training, participants will:**

- Review the concept of non-discrimination including Title IX
- Understand consent and how incapacitation by alcohol or other drugs can affect consent
- Determine how to serve as an active bystander against behaviors which violate Title IX or other forms of illegal discrimination
- Recognize how and where to report
- Explore the university processes allegations of discrimination including Title IX violations
- Learn about key laws associated with non-discrimination including Title IX

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# Part I: Background Information



## Part I: Background Information

Part II: Reporting and Rights

Part III: Educational Videos

Part IV: Assess your Learning

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## University Specific Information



**MURRAY STATE  
UNIVERSITY**

Information regarding Title IX, Non-Discrimination, VAWA, and Campus SaVE:

(<https://murraystate.instructure.com/courses/1424700/files/68201528/download?wrap=1>)

As required by the provisions of Title IX and 34 CFR part 106, Murray State University does not discriminate on the basis of sex in its educational programs and activities and is required by Title IX and 34 CFR part 106 not to discriminate in such a manner. This non-discrimination in education programs and activities extends to employment and admissions.

### **Enforcement:**

**FEDERAL:** To enforce Title IX, the U.S. Department of Education maintains an Office for Civil Rights (OCR), with headquarters in Washington, DC, and 12 offices across the United States.

**CAMPUS: File a Complaint:** Complaints must be filed with the Title IX Coordinator and use the Grievance Procedures to address allegations of illegal harassment and discrimination which can be found [here. \(http://www.murraystate.edu/idea\)](http://www.murraystate.edu/idea)

### **Resources:**

**Federal Resources:** More information about Title IX and the OCR is available

at: [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) ([http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html))

**Campus Resources: Download a copy of the [Campus Resources Sheet](#)**

(<http://murraystate.edu/headermenu/administration/OfficeOfInstitutionalDiversityEquityandAccess/Resources/index.aspx>)

# Campus Resources

To address occurrences of Sexual Misconduct, Sexual Harassment, Sexual Assault, Sexual Violence, Relationship Violence, Stalking, and Sexual Exploitation

## Title IX Coordinator

### Camisha Pierce Duffy

Executive Director

103 Wells Hall

270-809-3155

[msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu)

## Counseling for NON-STUDENTS

Employees have the EAP (Employee Assistance Program) for professional help with issues such as: emotional difficulties, stress, relationship problems, parent/child/family conflicts, financial and legal, alcohol/drug problems, marital distress, etc.

**1-800-441-1EAP**

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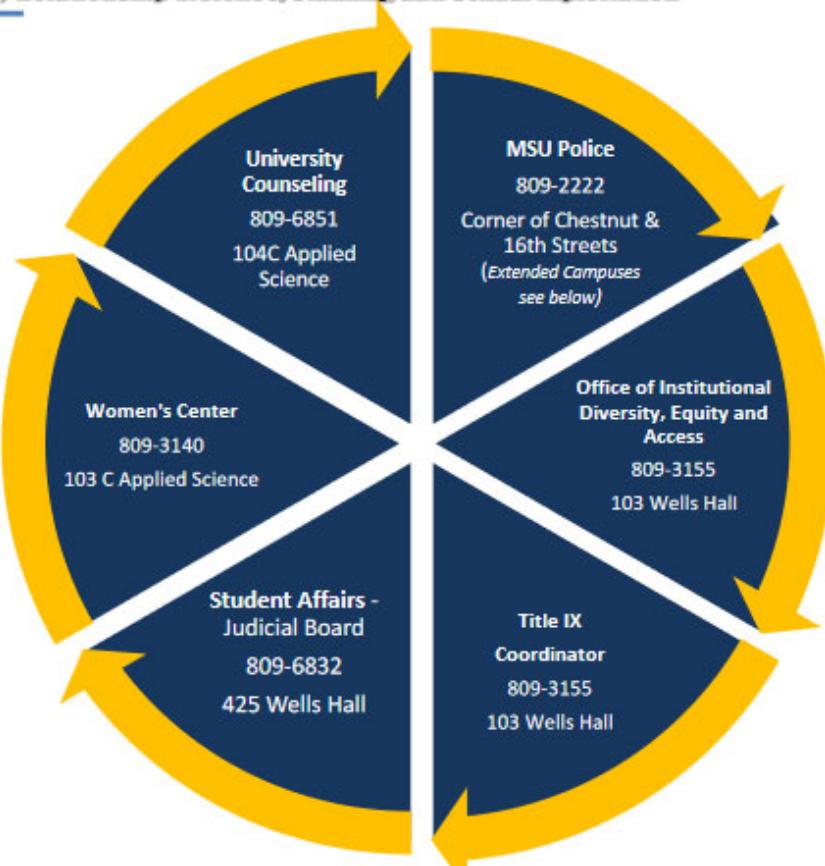
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## Reporting:

### How does a student or employee file a complaint?

Complaints must be filed with the Title IX Coordinator and use the Grievance Procedures to address allegations of discrimination which can be found [here](http://www.murraystate.edu/idea).

### What if the impacted student or employee requests confidentiality?

All Murray State University employees (including student workers) must report Title IX related concerns to the Title IX Coordinator as stated in the REPORTING ALLEGATIONS OF DISCRIMINATION AND DISCRIMINATION GRIEVANCE PROCEDURES available at [www.murraystate.edu/idea](http://www.murraystate.edu/idea). Only persons who, by law, have special professional status (University mental and medical health professionals and University clergy) and are operating in that professional capacity when they receive that information may keep Title IX related reports confidential. Pastoral and professional counselors and non-professional counselors or advocates should be instructed to inform students of their right to file a Title IX complaint with the school and a separate complaint with campus or local law enforcement. OCR does not require campus mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the student's consent, incidents of sexual violence to the school in a way that identifies the student.

<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>

Due	For	Available from	Until
-	Everyone	-	-
<a href="#">+ <u>Rubric</u></a>			

# Information regarding Title IX



The University is committed to providing a safe and respectful environment for its students to live, work, study, and learn. Interpersonal violence of any kind will not be tolerated on the MSU campus. The Board of Regents of Murray State University has specifically condemned sexual offenses, unwanted and repetitive pursuit, and other forms of relationship violence committed by or against any member of the campus community.

The University is committed to the eradication of such offenses on campus by means of preventative educational programs, and strict enforcement of this policy. Because sexual misconduct, unwanted pursuit, and relationship violence violate the standards of civility and respect expected of all members of the campus community, Murray State will take appropriate action to respond to, investigate, and impose sanctions for behavior found to violate this policy.

The University will cooperate with law enforcement officials in the prosecution of individuals who violate this policy. Behaviors addressed here may be defined differently by law enforcement agencies, and punishments imposed by outside agencies may be significantly different from what is described here. Moreover, the fact that the University does not address particular conduct in this policy does not prohibit its punishment if the behavior is otherwise prohibited by University policies or regulations.

**All members of the University community share a responsibility for creating a university where all its constituents feel safe and supported and where healthy, respectful relationships, as well as a culture of non-violence, prevail. Therefore, Murray State administrators, faculty, staff, and students are to report their knowledge of any non-consensual sexual activity, sexually exploitative behavior, unwanted pursuit, and/or relationship violence.**

## What is Title IX?

### Title IX Information

**Know the IX:** Title IX (The Roman Numerals "IX" = 9) is more than "the law that required more equity for girls and women in school sports." Title IX shows up in other ways to support students, faculty, and staff, but most importantly to support a healthy campus climate that does not support sex discrimination, including: sexual assault, sexual misconduct, and sexual harassment. Title IX requires that the campus community works together for the health of the community and to support those survivors of sex discrimination.

**Title IX of the Education Amendments of 1972** ("Title IX"), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities (hereinafter "schools") receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

**Sexual harassment is more than a peck on the cheek.** Sporadic and trivial incidents of objectionable behavior simply are not sexual harassment. Labeling or treating them as such does a disservice to the many students harmed by degrading and offensive sexual conduct. Real sexual harassment encompasses a wide range of conduct that can be classified into two

categories: *quid pro quo* (in Latin, meaning literally, "this for that") and hostile environment harassment. Title IX bars both types, which may occur simultaneously.

In ***quid pro quo*** situations, a person in authority links some aspect of a student's education to the student's response to sexual overtures. The classic example is a professor who demands sex for an "A" in the course, but *quid pro quo* harassment may include more subtle threats or promises.

**Hostile environment harassment** does not necessarily involve sexual blackmail (although it may), and its perpetrators may be college employees, students, or other people on campus. The guidance defines this type of harassment as unwelcome verbal or physical conduct that is sufficiently severe, pervasive, or persistent to create an abusive or hostile environment from the perspective of the affected student and a reasonable person in that student's shoes. The more severe an incident is, the less frequent it must be to meet this standard. For particularly severe and egregious conduct, such as sexual assault, once is enough. Less severe conduct, such as abusive language, must occur frequently to create a sexually hostile environment.

**Sexual harassment thresholds as it pertains to students shifted with law changes from the Office of Civil Rights in May 2020 (UPDATED May 2020).**

## Sexual Harassment definition: 3 Parts

against a STUDENT



## Sexual Harassment definition:

against an EMPLOYEE



In May of 2020, the US Secretary of Education changed the Title IX standards regarding sexual harassment as it applies to students. These changes went into effect on August 14, 2020. The definition of sexual harassment under the Title IX act for students is now unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity. To reiterate, the harassing behavior must meet all three conditions to be considered sexual harassment under the Title IX Guidelines. The new policy defines sexual harassment to include sexual assault, dating violence, domestic violence, and stalking, as defined under Federal Laws such as the Clery Act as unlawful discrimination on the basis of sex.

There are two types of sexual harassment. One is quid pro quo, meaning this for that. For example, your professor says, "If you don't go on a date with me, I will give you a failing grade." This one is easily spotted and our students tend to report this immediately. The second type is a hostile classroom or work environment. The behavior must: be sufficiently severe, persistent, and pervasive to the point of adversely affecting the person's education or work performance. All three thresholds must be met or the behavior must be addressed under a different Student Code of Conduct policy.

**Schools cannot ignore the sexual harassment of students by other students.** Stereotypes about the way in which men and women, boys and girls interact will no longer suffice. Drawing on Congress's intent that students be able to learn in an environment free from all forms of sex discrimination, including sexual harassment, the guidance makes clear that schools cannot allow behavior that creates a hostile environment and prevents a student from learning or participating in school activities. This conclusion is consistent with the workplace standards that protect employees on the job, standards applied by various federal courts to education cases.

**Title IX does not ban flirtation.** The guidance makes clear that "unwelcomeness" is a key component in defining sexual harassment among students and, at the postsecondary level, in employee-student relationships. Sexual overtures from one student to another, or from an employee to a college student, are not sexual harassment if the advances are welcome. The guidance acknowledges that consensual sexual relations between students and employees of post-secondary institutions are possible.

In handling disputes about whether harassment occurred or whether the sexual conduct was welcome, institutions should consider "the totality of the circumstances." These include the degree of influence the employee has over the student, the student's ability to consent (a student's age or certain types of disabilities might affect this), statements by any witnesses about the alleged harassment, and the relative credibility of the people involved (have other complaints been filed against the alleged harasser, or has the complainant made false accusations against others in the past?).

**Title IX does not suppress academic discourse, even if it is offensive.** Classroom discussion of ideas that some students find distasteful or embarrassing does not constitute sexual harassment. Indeed, at public institutions, the First Amendment protects such discussions when they are consistent with the educational mission. For example, the guidance noted, it would not violate Title IX if a creative writing professor's required reading list included excerpts from literary classics that contained explicit descriptions of sexual conduct, including "scenes that depict women in submissive and demeaning roles." If students' essays, read aloud in this professor's class, contained sexually derogatory themes about women, this academic discourse also would not be considered in violation of Title IX. In contrast, a pattern of derogatory language targeting women in a class would create a hostile environment and would not be protected speech.

According to author Susan J. Smith of the Education Development Center:

Sexual harassment, **defined as unwanted and unwelcome behavior of a sexual nature, affects students in educational institutions ranging from elementary to postgraduate schools.** In fact, the *Report Card on Gender Equity* from the National Coalition for Women and Girls in Education (NCWGE) gave progress in eliminating sexual harassment the lowest rating (a "D+") in its assessment of nine key areas of education affected by Title IX over the past 25 years. Concluding that "sexual harassment remains a significant impediment to gender equity for girls and women across the board," the *Report Card* cited the following statistics:

- 81 percent of eighth through eleventh graders surveyed have experienced sexual harassment, with girls experiencing harassment at a slightly higher rate than boys—85 percent versus 76 percent, respectively.
- 79 percent of eighth through eleventh graders reporting harassment say they were targeted by another student.
- Approximately 30 percent of undergraduate students and 40 percent of graduate students surveyed have experienced sexual harassment.
- Approximately 90 percent of post-secondary students reporting harassment say they were harassed by another student.

These findings were contained in a 1993 Louis Harris and Associates study commissioned by the American Association of University Women's Educational Foundation which surveyed more than 1,600 public school students from across the United States. In this study, students were asked to indicate how often, over the course of their school careers, they had experienced unwelcome or unwanted behaviors that are defined as sexual harassment. The behaviors were defined for students in the following way: "made sexual comments, jokes, gestures, or looks; showed, gave, or left you sexual pictures, photographs,

illustrations, messages or notes; wrote sexual messages/graffiti about you on bathroom walls, in locker rooms, and so forth; spread sexual rumors about you; said you were gay or lesbian; spied on you as you dressed or showered; flashed or "mooned" you; touched, grabbed, or pinched you in a sexual way; pulled at your clothing in a sexual way; intentionally brushed against you in a sexual way; pulled your clothing off or down; blocked your way or cornered you in a sexual way; forced you to kiss him/her; or forced you to do something sexual, other than kissing."

**Sexual harassment is a problem affecting both genders.** Two-thirds of all students surveyed reported being the targets of sexual comments, jokes, gestures, or looks--76 percent of the girls and 56 percent of the boys. Eleven percent of the students reported being forced to do something sexual other than kissing: 13 percent of the girls and 9 percent of the boys.

The experience of sexual harassment seems to have an effect on all students' educational, emotional, and physical development, although girls report more problems than boys. For example, 33 percent of girls who suffered sexual harassment said they did not want to attend school compared with 12 percent of boys; 32 percent reported not wanting to talk as much in class compared with 13 percent of boys; 28 percent found it harder to pay attention in school compared with 13 percent of boys, and 18 percent of girls reported thinking about changing schools compared with 6 percent of boys.

**Who is doing the harassing and why?** It is generally believed that power, not sexual attraction, is the impetus for sexual harassment. In the school setting, adults who work as teachers, administrators, and other school staff have power over students. Some abuse that power in the form of sexual harassment. When Lee, Croninger, Linn, and Chen re-analyzed the data from the 1993 AAUW survey, they found that, over the course of their school careers, sizable proportions of students (especially girls) reported being harassed by school employees: principals (2 percent), teachers (16 percent), and staff (44 percent). However, students also harass their peers. In fact, in their analysis, Lee et al. found that 96 percent of the students who reported being harassed had been harassed by a fellow student. Further, more than half of these students (males and females) say that they have committed at least one act of harassment against someone else at school. The pervasiveness of peer-to-peer harassment and this study's finding of students who are both victims and perpetrators raises new issues about why students harass and how to effectively combat harassment among students. Additional research is needed in this area.

The U.S. Supreme Court has made it clear that Title IX applies to sexual harassment. Guidelines released by the U.S. Department of Education's Office for Civil Rights (OCR) in March of 1997 are meant to clarify schools' responsibilities in preventing it and resolving allegations of sexual harassment once they arise.

## Notes

1. National Coalition for Women and Girls in Education. *Title IX at 25: Report Card on Gender Equity* (Washington, D.C.: National Women's Law Center, 1997).
2. National Coalition for Women and Girls in Education.
3. American Association of University Women Educational Foundation, *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools* (Washington, D.C.: American Association of University Women, 1993).
4. American Association of University Women Educational Foundation.
5. Ibid.
6. Ibid.
7. S. Strauss, *Sexual Harassment and Teens* (Minneapolis, Minn.: Free Spirit Publishing, 1992).
8. NOW LDEF and the Wellesley College Center for Research on Women developed and co-sponsored a survey that was published in the September 1992 issue of *Seventeen* magazine. Over 4,200 girls responded to the survey. The results were published in March 1993. N. Stein, N. L. Marshall, and L. R. Tropp, *Secrets in Public: Sexual Harassment in Our Schools* (1993).
9. Stein et al.
10. V. E. Lee, R. Croninger, E. Linn, and X. Chen, "The Culture of Sexual Harassment in Secondary Schools" *American Educational Research Journal*, (Washington, D.C.: American Educational Research Association, 1996).
11. Lee et al.
12. U.S. Department of Education, "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties," 62 Fed. Reg. 12,034 (Washington, D.C.: Office for Civil Rights, 1997). F

*A 1997 article from the National Association on College Women on Title IX and Sexual Harassment provides the preceding information.*

# SEXUAL HARASSMENT IS NO JOKE

"CONSENT IS THE KEY WORD. SILENCE DOES NOT SIGNIFY CONSENT."



## 'When it's wanted or unwanted'

What constitutes sexual harassment depends on how the conduct is perceived by the recipient and whether the actions are appreciated or **unwanted** and **unreasonable**.

Image source: [https://www.spc.int/sites/default/files/styles/featured\\_image/public/featuredimages/blogfeaturedimgs/2018-03/Day-12-Slide-1-ENG\\_0.jpg?itok=2sljkKzW](https://www.spc.int/sites/default/files/styles/featured_image/public/featuredimages/blogfeaturedimgs/2018-03/Day-12-Slide-1-ENG_0.jpg?itok=2sljkKzW)

## Handling Sexual Harassment

Sexual harassment is a public problem that requires institutions to develop public strategies to address it. However, individuals often need an array of personal strategies to use when sexual harassment strikes. Here are some actions that individuals can take when faced with sexual overtures, sexist remarks, sexual jokes, etc. Not everyone will be comfortable with all of these responses nor are all appropriate for every situation.

- **Don't Just Ignore It in the Hope That It Will Go Away.** It won't. When women ignore sexual harassment, it often is interpreted as a sign of approval—"She didn't say anything so she must really like it." Being quiet about sexual harassment often allows it to continue. However, when you feel unsafe, ignoring sexual harassment is a wise idea. If you feel unsafe, your first priority is to get out of the situation and go somewhere else.
- **Name or Describe the Behavior.** "That comment is offensive to women, it is unprofessional and probably is sexual harassment. That behavior has to stop." Or, "This is the third time you have put your arm around me. I don't like it and I don't want you to do that anymore."
- **Keep a Diary or Some Other Record If Sexual Harassment Happens More Than Once or If You Experience a Single Serious Incident.** Write down the date, time, place, witnesses, what happened, and your response. Many months later it might be important for you to remember the details. Writing down what happened also can give you a better sense of what is happening, how often, when, and where. Should you want to bring the information to someone in a position of authority to file a formal complaint, the written information can be considered as evidence that harassment is occurring.
- **Report the Behavior to the Appropriate Person, Such as the Title IX Coordinator.** Keep records of all contacts with the institution. If you feel your complaint is not taken seriously or is handled inappropriately, go up the administrative ladder and talk to someone else.
- **Work Within Your Institution for Preventive Training, Good Policies, and Effective Implementation.** Having policies and procedures in place that prevent sexual harassment from occurring in the first place is the best strategy of all.

*This section is excerpted from a longer version that appeared in the Fall 1997 issue of About Women on Campus, the newsletter of the National Association for Women in Education.*

**Statement:** As required by the provisions of Title IX and 34 CFR part 106, Murray State University does not discriminate on the basis of sex in its educational programs and activities and is required by Title IX and 34 CFR part 106 not to discriminate in such a manner. This non-discrimination in education programs and activities extends to employment and admissions.

(<https://murraystate.instructure.com/courses/1424700/pages/campus-save>)

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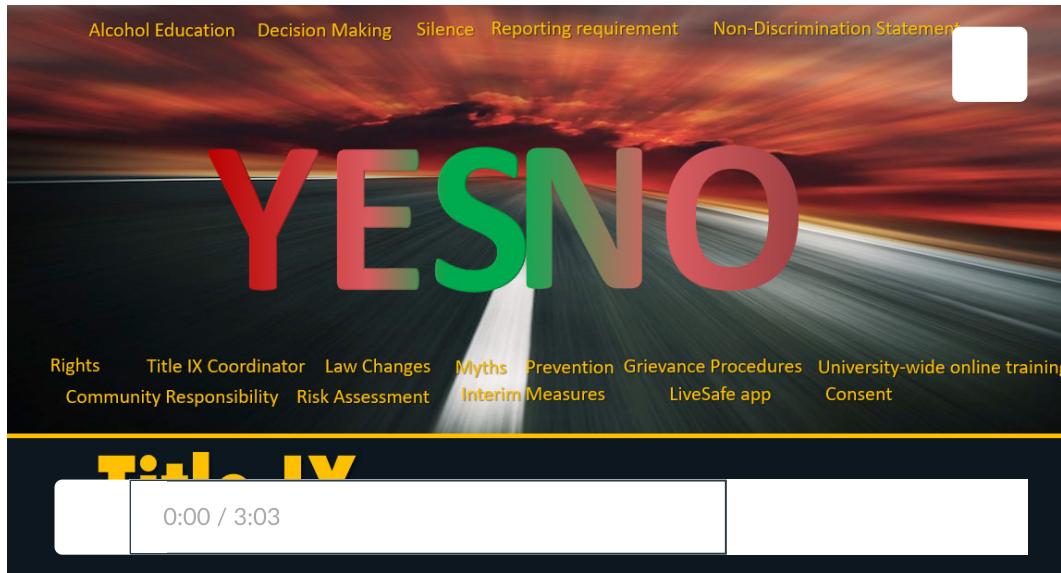
(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>)

# Mini Video 1: About the Office of IDEA



[Download Read & Write Gold](#)

# Mini Video 2: Title IX Introduction



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# Mini Video 3: Title IX Law



## 2. Title IX Law

Applicable laws

0:00 / 5:47

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# Mini Video 4: Title IX Coordinator Role



## 3. Title IX Coordinator Role

The duty of the Title IX Coordinator

0:00 / 2:06

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# Mini Video 5: Reporting



## 4. Reporting

Who reports? What to report? Where to report?

0:00 / 13:48

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# Mini Video 6: Key Definitions



## 5. Key Definitions

Definitions to know

0:00 / 21:16

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# Mini Video 7: Grievance Procedures, Rights & Sanctions



## 6. Grievance Procedures, Rights & Sanctions

Procedures, rights and sanctions

0:00 / 8:24

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# Mini Video 8: Bystander Intervention & Safety Precautions



## 7. Bystander Intervention & Safety Precautions

Bystander intervention techniques and safety tips

0:00 / 15:11

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# Mini Video 9: Campus Resources



## 8. Campus Resources

Resources available on campus

0:00 / 4:13

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# Mini Video 10: Other forms of illegal discrimination



## 9. Other forms of illegal discrimination

Illegal discrimination other than Title IX

0:00 / 9:35

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# Mini Video 11: Pregnancy & Parenting

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## 10. Pregnancy & Parenting

Rights, Tips and Connecting with SDS

0:00 / 6:57

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# Mini Video 12: Contact Info



## 11. Contact Info

Connecting with the Office of IDEA

0:00 / 1:28

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# Recognizing Illegal Discrimination

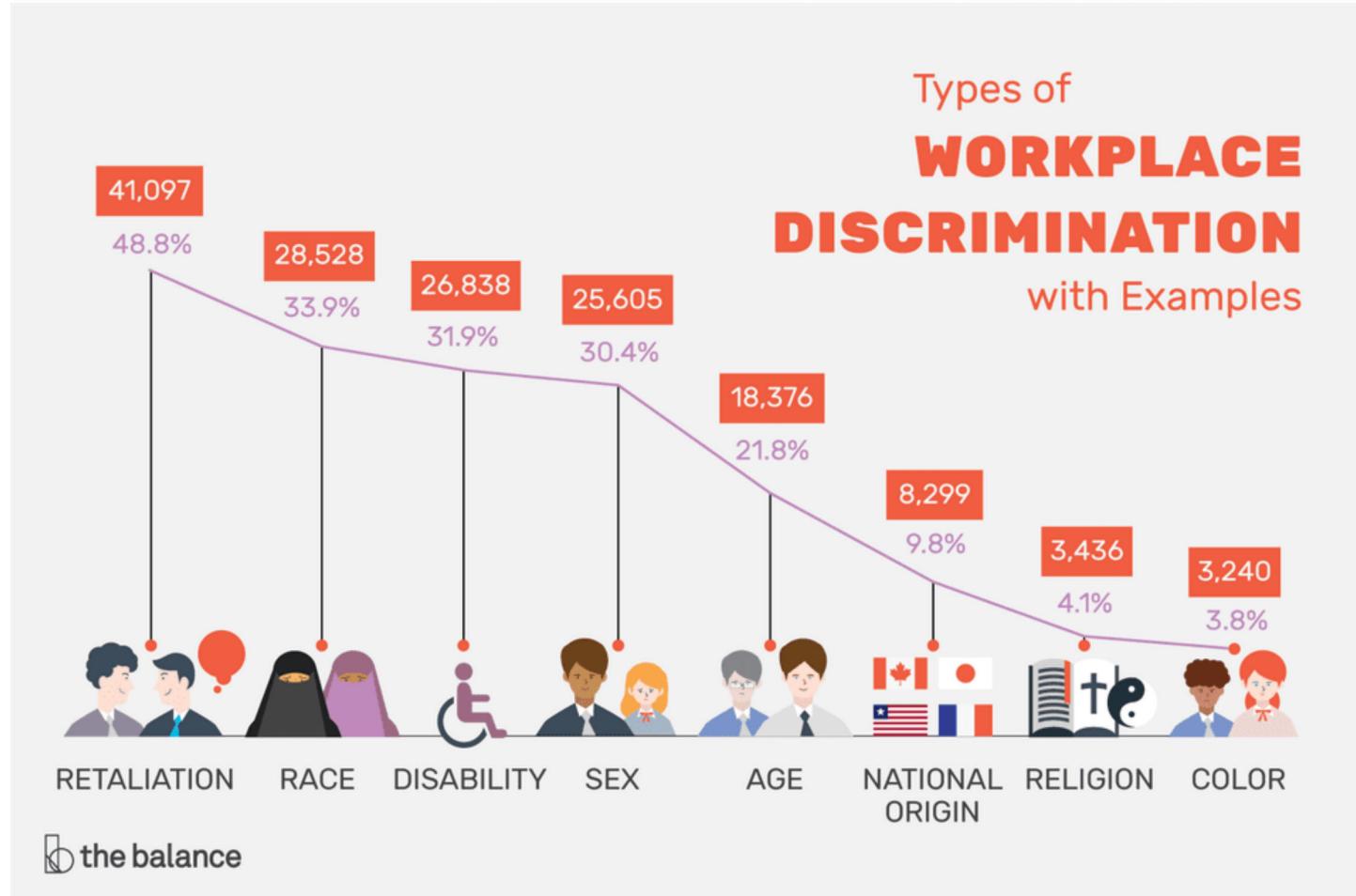


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# Recognizing Illegal Discrimination -

## Term: Age



### AGE

- **Definition:** Age discrimination involves treating an applicant or employee less favorably because of his or her age.
- **Law:** The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.
- **Age Discrimination & Work Situations:** The law prohibits discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, benefits, and any other term or condition of employment.
- **Harassment:** It is unlawful to harass a person because of his or her age.
- **Examples:** Harassment can include, for example, offensive or derogatory remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- **Harasser:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

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# Recognizing Illegal Discrimination -

## Term: Disability



### DISABILITY

- **Definition:** Disability discrimination occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because the individual has a disability or has a history of a disability (such as cancer that is controlled or in remission) or because the individual is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if the individual does not have such an impairment).
- **Medical Conditions & Disabilities:** Not everyone with a medical condition is protected by the law. To be protected, a person must be qualified for the job and have a disability as defined by the law. A person can show that he or she has a disability in one of three ways:
  - A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
  - A person may be disabled if he or she has a history of a disability (such as cancer that is in remission).

- A person may be disabled if he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment).
- **Law:** The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship"). It also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because the spouse of the individual has a disability.
- **Reasonable Accommodations:** A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Reasonable accommodation might include, for example, making the workplace accessible for wheelchair user or providing a reader or interpreter for someone who is blind or hearing impaired.
- **Disability Discrimination & Work Situations:** The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- **Harassment:** It is illegal to harass an applicant or employee because he has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment).
- **Examples:** Harassment can include, for example, offensive remarks about a person's disability. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- **Harasser:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker or someone who is not an employee of the employer, such as a client or customer.
- **Disability Discrimination & Reasonable Accommodation:** The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability unless doing so would cause significant difficulty or expense for the employer.

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# Recognizing Illegal Discrimination -

## Term: National Origin Discrimination



### National Origin Discrimination

- **Definition:** National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin. Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

- **National Origin Discrimination & Work Situations:** The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- **National Origin & Harassment:** It is unlawful to harass a person because of his or her national origin. Harassment can include, for example, offensive or derogatory remarks about a person's national origin, accent or ethnicity. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- **Harasser:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- **National Origin & Employment Policies/Practices:** An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons. An employer may not base an employment decision on an employee's foreign accent unless the accent seriously interferes with the employee's job performance.
- **Law:** The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for an employer to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based upon an individual's citizenship or immigration status. The law prohibits employers from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation, or government contract. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee or demand additional documentation beyond what is legally required, when verifying employment eligibility (i.e., completing the Department of Homeland Security (DHS) Form I-9), based on the employee's national origin or citizenship status. It is the employee's choice which of the acceptable Form I-9 documents to show to verify employment eligibility.

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# Recognizing Illegal Discrimination -

## Term: Race/Color Discrimination



### Race/Color Discrimination

- **Definition:** Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color. Discrimination can occur when the victim and the person who inflicted the discrimination are of the same race or color.
- **Race/Color Discrimination & Work Situations:** The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- **Race/Color Discrimination & Harassment:** It is unlawful to harass a person because of that person's race or color.
- **Examples:** Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially offensive symbols. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work

environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

- **Harasser:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

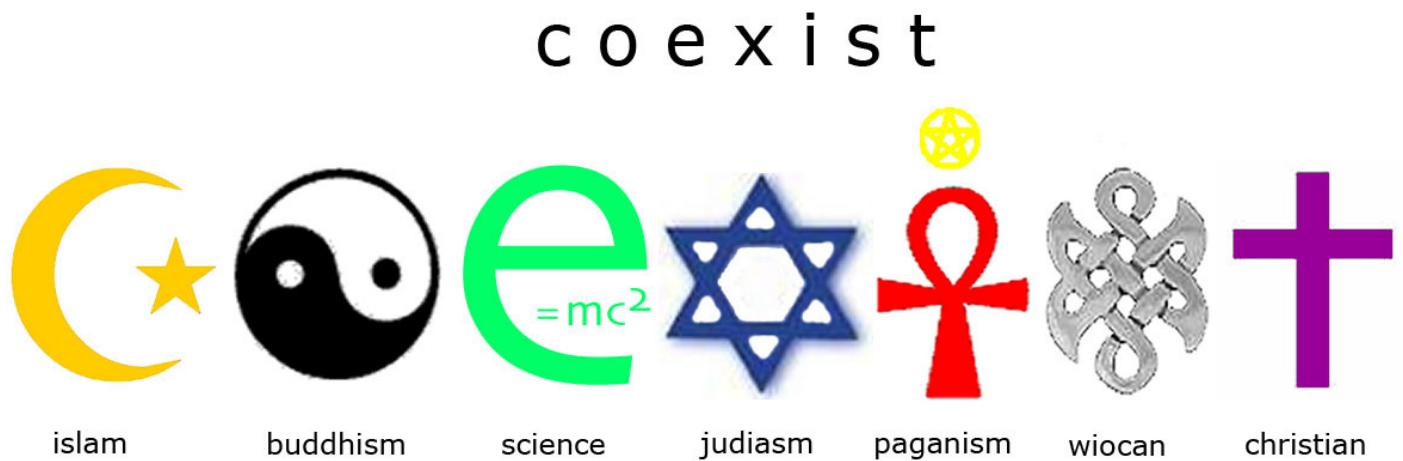
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# Recognizing Illegal Discrimination -

## Term: Religious Discrimination



### Religious Discrimination

- **Definition:** Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism but also others who have sincerely held religious, ethical, or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.
- **Religious Discrimination & Work Situations:** The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- **Religious Discrimination & Harassment:** It is illegal to harass a person because of his or her religion.
- **Examples:** Harassment can include, for example, offensive remarks about a person's religious beliefs or practices. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- **Harasser:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- **Religious Discrimination and Segregation:** Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an

employee to a non-customer contact position because of actual or feared customer preference.

- **Religious Discrimination & Reasonable Accommodation:** The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion.
- **Examples:** Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.
- **Religious Accommodation/Dress, Practices & Grooming:** Unless it would be an undue hardship on the employer's operation of its business, an employer must reasonably accommodate an employee's religious beliefs or practices. This applies not only to schedule changes or leave for religious observances but also to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts). When an employee or applicant needs a dress or grooming accommodation for religious reasons, he should notify the employer that he needs such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the employer must grant the accommodation.
- **Religious Discrimination And Employment Policies/Practices:** An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

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# Recognizing Illegal Discrimination -

## Term: Sex-Based Discrimination



### Sex-Based Discrimination

- **Definition:** Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex in violation of Title VII.
- **Sex Discrimination & Work Situations:** The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- **Sex Discrimination & Harassment:** It is unlawful to harass a person because of that person's sex.
- **Examples:** Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe

that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

- **Harasser:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be of the same sex.
- **Sex Discrimination & Employment Policies/Practices:** An employment policy or practice that applies to everyone, regardless of sex, can be illegal if it has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.

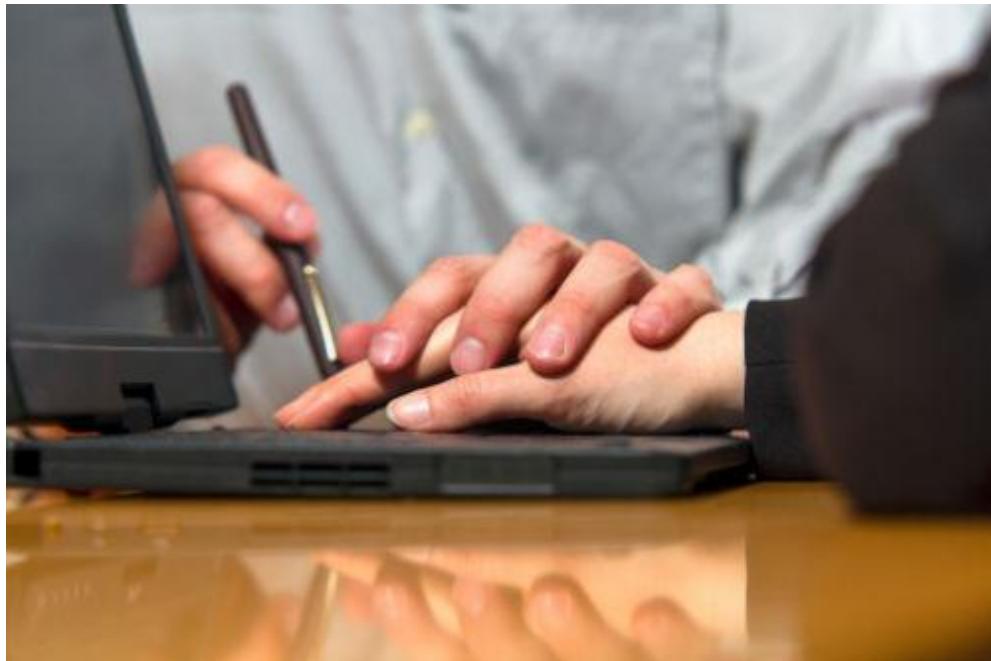
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# Recognizing Illegal Discrimination -

## Term: Sexual Harassment



### SEXUAL HARASSMENT

- **Definition:** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- **Types:** There are two types of sexual harassment recognized by federal law: quid pro quo and hostile work environment.
  - Quid pro quo refers to situations where employment decisions such as hiring, firing, or promotions are contingent upon the employee providing sexual favors.
  - Hostile work environment harassment arises when speech or conduct is so severe and pervasive it that creates an intimidating or demeaning environment or situation that negatively affects a person's job performance. Unlike quid pro quo harassment, this type of harassment can be perpetrated by anyone in the work environment, including a peer, supervisor, subordinate, vendor, customer, or contractor. Hostile work environment situations are not as easy to recognize, given that an individual comment or occurrence may not be severe, demeaning behavior may occur that is not based on sex, and there may be long periods between offensive incidents. Examples of conduct that might create a hostile work environment include inappropriate touching, sexual jokes or comments, repeated requests for dates, and a work environment where offensive pictures are displayed.

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# Recognizing Illegal Discrimination --

## Term: Pregnancy Discrimination



### Pregnancy Discrimination

- **Definition:** Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.
- **Pregnancy Discrimination & Work Situations:** The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.
- **Pregnancy Discrimination & Temporary Disability:** If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same way as it treats any other temporarily disabled employee. For example, the employer may have to provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees if it does so for other temporarily disabled employees.
- **Examples:** Additionally, impairments resulting from pregnancy (for example, gestational diabetes or preeclampsia, a condition characterized by pregnancy-induced hypertension and protein in the urine) may be disabilities under the Americans with Disabilities Act (ADA). An employer may have to provide a reasonable accommodation (such as leave or modifications that enable an employee to perform her job) for a disability-related to pregnancy, absent undue hardship (significant difficulty or expense).

- **Pregnancy Discrimination & Harassment:** It is unlawful to harass a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- **Pregnancy, Maternity & Parental Leave:** Under the PDA, an employer that allows temporarily disabled employees to take disability leave or leave without pay, must allow an employee who is temporarily disabled due to pregnancy to do the same. An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their ability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.
- **Pregnancy & Workplace Laws:** Pregnant employees may have additional rights under the Family and Medical Leave Act (FMLA), which is enforced by the U.S. Department of Labor. Nursing mothers may also have the right to express milk in the workplace under a provision of the Fair Labor Standards Act enforced by the U.S. Department of Labor's Wage and Hour Division.

## KENTUCKY LAW regarding pregnant employees

The Kentucky Pregnant Workers Act (KPWA), effective June 27, 2019, expressly prohibits employment discrimination in relation to an employee's pregnancy, childbirth, and related medical conditions. In addition, under the KPWA, it is unlawful for an employer to fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation, including but not limited to:

- (1) the need for more frequent or longer breaks;
- (2) time off to recover from childbirth;
- (3) acquisition or modification of equipment;
- (4) appropriate seating;
- (5) temporary transfer to a less strenuous or less hazardous position;
- (6) job restructuring;
- (7) light duty; modified work schedule; and
- (8) private space that is not a bathroom for expressing breast milk.

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# Campus SaVE



## Campus SaVE Act

The Campus Sexual Violence Elimination (SaVE) Act represents a turning point in our nation's handling of sexual misconduct on college campuses and universities. SaVE will complement the Title IX Guidance by the U.S. Department of Education's Office for Civil Rights.

The Campus SaVE Act seeks to address the violence women face on campus: the highest rates of stalking, the highest risk of nonfatal intimate partner violence, and 20-25% of female students experiencing rape or attempted rape. This legislation will update the Jeanne Clery Act to create:

### Transparency:

SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports. Additionally, students or employees reporting victimization will be provided with their written rights to:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Change academic, living, transportation, or working situations to avoid a hostile environment
- Obtain or enforce a no contact directive or restraining order
- Have a clear description of their institution's disciplinary process and know the range of possible sanctions
- Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community

#### Accountability:

SaVE clarifies minimum standards for institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking to ensure that:

- Proceedings shall provide a prompt, fair, and impartial investigation and resolution and are conducted by officials receiving annual training on domestic violence, sexual assault, and stalking
- Both parties may have others present during an institutional disciplinary proceeding and any related meeting, including an advisor of their choice
- Both parties will receive written outcomes of all disciplinary proceedings at the same time

#### Education:

SaVE instructs colleges and universities to provide programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault and stalking. Education programs shall include:

- Primary prevention and awareness programs for all incoming students and new employees
- Safe and positive options for bystander intervention
- Information on risk reduction to recognize warning signs of abusive behavior
- Ongoing prevention and awareness programs for students and faculty

## TERMS TO KNOW:

### **Relationship Violence**

Unwanted violent behavior is no less harmful merely because it occurs between two participants in a relationship. Similarly, acts of violence do not become justified because one member of a relationship commits them against another. The threat or use of violence does not have to be directed at the partner but may also be directed towards his/her property, pets, children, or other friends or family members. Relationship violence is defined as a pattern of behavior used to frighten, threaten, injure, and control an intimate partner. Relationship violence rarely begins with severe physical abuse; it's more subtle at first. Over time, the abusive behaviors increase in severity and frequency. Forms of relationship violence include physical, verbal/emotional, sexual, economic, and/or psychological abuse.

## **Domestic Violence**

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a current or former cohabitant with the victim; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which 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.

## **Sexual Misconduct**

Sexual misconduct may occur as follows. Non-Consensual Sexual Activity Non-consensual sexual activity involves a touching of one individual by another individual in a sexual manner without consent. The touching prohibited by this policy need not be forcible.

## **Sexual Assault**

An offense that meets the definition of rape, fondling, incest, or statutory rape.

## **Incapacitation**

The presence of incapacitation depends upon objective and subjective factors—were the conditions and circumstances such that a reasonable person should have known the other person was incapacitated and was the other person incapacitated?

Blackouts: The result of extreme alcohol or drug consumption can lead to “blacking out.” Blackouts have two different possible manifestations, short of outright unconsciousness. Some will lose all conscious awareness or memory of their actions, though they may maintain physical ability and control. Thus, they do things they cannot remember doing. In contrast, other people who blackout experience it as physical paralysis, with mental clarity. In other words, they have mental awareness of a situation but lack the physical ability to react to it because the alcohol or drugs inhibit their motor skills. If a person initiating sexual contact is uncertain if the other person is incapacitated, it is suggested that s/he asks the person the following questions: “who is s/he with, where are they at the present time, when and how did they get here, and what are they getting ready to engage in. If the person is unable to readily answer these questions correctly, s/he is probably incapacitated and unable to give consent to sexual activity.

## **Harassing behavior**

Harassing behavior as it relates to unwanted pursuit refers to engaging in a course of conduct directed at a specific person that causes substantial emotional distress in that person or causes that person to experience a hostile environment and serves no legitimate purpose.

## **Consent**

Consent involves a reasoned, knowing, and voluntary willingness to engage in the behavior. Sexual activity between students must be consensual. Consent must be expressed in words or actions that clearly indicate voluntary agreement to engage in mutually agreed-upon sexual

activity. It is the responsibility of the person initiating sexual contact to be certain that consent is freely and knowingly given by the other person. Consent obtained via physical force, by intimidating/threatening behavior, or coercion are ineffective. Consent cannot be obtained from a person who is mentally or physically incapacitated. Silence, passivity, or lack of active resistance may demonstrate a lack of consent. In addition, consent on a particular occasion may be absent despite a current or previous dating or sexual relationship, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Furthermore, consent may be withdrawn at any time and must be respected by the other person(s) to avoid violation of this policy.

## **Impact on the university community**

College campuses nationwide will feel the effects of the Campus SaVE Act, a new addition to VAWA. There are university-wide effects that changes policy under the [Clery Act](https://www.clerycenter.org/)  (<https://www.clerycenter.org/>). The longstanding Clery Act requires institutions of higher education to prepare and publish an [annual crime report](https://www.murraystate.edu/headermenu/Offices/police/cleryminger/index.aspx)  (<https://www.murraystate.edu/headermenu/Offices/police/cleryminger/index.aspx>). To comply with the new changes provided by the Campus SaVE Act, the university will be required to develop audience-tailored training programs for all faculty, staff, and students that addresses bystander intervention, primary prevention and reporting. Additionally, while the university has provided an annual report of crimes for the Clery Act, the report will now include domestic violence, dating violence, and stalking as reportable crimes. Hate crimes based on gender identity, sexual orientation, and national origin will also be included, allowing the university to address crimes that are often underreported.

## **What are my responsibilities?**

1. Understand the university's stance. The university does not tolerate sexual harassment, sexual assault, or sexual misconduct. So, think and clarify before you act. When in doubt, don't.
2. Education is key. Participate in all opportunities to become and remain educated. Participating in the Harassment Training on Canvas, visiting the National Center on Domestic and Sexual Violence to review a [list of publications](http://www.ncdsv.org/publications_vawa.html#2012)  ([http://www.ncdsv.org/publications\\_vawa.html#2012](http://www.ncdsv.org/publications_vawa.html#2012)) that offer valuable information, and ask questions when you are uncertain.
3. Report and refer. Report to the [Title IX Coordinator](http://www.murraystate.edu/headermenu/administration/titleix/index.aspx)  (<http://www.murraystate.edu/headermenu/administration/titleix/index.aspx>) or Office of Public Safety when you become aware of an incident(s), and use [Campus Resources](http://www.murraystate.edu/headermenu/administration/titleix/index.aspx)  (<http://www.murraystate.edu/headermenu/administration/titleix/index.aspx>) if you are a victim of sexual harassment, sexual assault or misconduct.
4. Recognize and Avoid Abusive Behavior Such As:

- Frequent yelling directed at a partner
- Blaming partner for own faults
- Name-calling
- Consistently accusing a partner of infidelity
- Kicking, holding, slapping, or scratching
- Frequent yelling directed at a partner
- Forceable sex

5. Participate as a **Bystander Intervention: OFFER SUPPORT** if you suspect that the person is being abused or has been sexually assaulted or stalked.

**6. SPEAK OUT** against all forms of sexual violence.

**7. BE AN ADVOCATE** for preventing sexual violence.

**8. MODEL** the behavior that values respect for others and promotes positive pro-social behavior.

**Bystander Intervention tips about how to be an active bystander can be found [here](https://murraystate.instructure.com/courses/1424700/pages/active-bystander-a-how-to-and-risk-reduction-tips) (<https://murraystate.instructure.com/courses/1424700/pages/active-bystander-a-how-to-and-risk-reduction-tips>)**.

### **Strength in Numbers:**

The protections of Campus SaVE Act also point to an additional campus protection, the Clery Act or Campus Security Act covered in upcoming pages in this course.

## Download Read & Write Gold

(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>).

# VAWA



## **VAWA - Violence Against Women Reauthorization Act of 2013 Information -**

(<https://murraystate.instructure.com/courses/1424700/files/68201579/download?wrap=1>)

Full VAWA bill viewable [here](#) ↗ (<http://www.gpo.gov/fdsys/pkg/BILLS-113s47es/pdf/BILLS-113s47es.pdf>)

*Domestic violence and sexual assault are pervasive and life-threatening crimes affecting millions of individuals across our nation regardless of age, economic status, race, religion or education.*  
*National Network to End Domestic Violence (2014)*

Initially passed in 1994, VAWA created the first U.S. federal legislation acknowledging domestic violence and sexual assault as crimes and provided federal resources to encourage community-coordinated responses to combating violence. The **Violence Against Women Reauthorization Act 2013 (VAWA)** (https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf), which

President Obama signed into law March 7, imposes new obligations on colleges and universities under its [Campus Sexual Violence Elimination Act \(SaVE Act\)](#)  [\(https://www.congress.gov/bill/112th-congress/house-bill/2016\)](https://www.congress.gov/bill/112th-congress/house-bill/2016) provision.

Congress recognized the severity of violence against women and our need for a national strategy with the enactment of the Violence Against Women Act in 1994.

This landmark federal legislation's comprehensive approach to violence against women combined tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence.

The new version of the Violence Against Women Act includes beneficial changes for the above-mentioned populations, as well as adjustments to college campus sexual violence prevention plans. With the passage of VAWA, stalking has been added to a list of crimes that qualify an immigrant to obtain a U-Visa non-immigrant status in order to receive prosecution services and eligibility to apply for permanent legal residence. Other provisions offer greater protection for LGBTQ individuals, as it is a group that has historically been left out of protection opportunities through VAWA funding. Also, prosecution of non-native American perpetrators will now be in the hands of tribal authorities, [which will lower crime rates on reservations](#)  [\(http://www.nytimes.com/2012/11/22/opinion/lawlessness-rates-in-indian-country.html?\\_r=1&gt;\)](http://www.nytimes.com/2012/11/22/opinion/lawlessness-rates-in-indian-country.html?_r=1&gt;).

The SaVE Act provision, which amends the campus crime provisions of the Higher Education Act, expands the information colleges must incorporate into their annual crime reports to include acts of domestic violence, dating violence and stalking.

## VAWA

## VAWA: Violence Against Women Act



<http://feministink.com/wp-content/uploads/2013/03/feministink-stop-violence-against-women.jpg>

### What is VAWA?

In March 2013, President Obama signed a bill that strengthened the Violence Against Women Act (VAWA). Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE) that amends the Clery Act to include reporting of the following effective 2014:

- **Dating violence**
- **Domestic violence**
- **Stalking**

- The 3 new Clery Act crimes listed above must be tracked for inclusion in the reporting of Clery crime statistics starting with the October 2014 Annual Security Reports.
- The Annual Security Report must also include updated policy statements to include VAWA requirements addressing Sexual Harassment Policy and Procedures for Responding to Complaints of Sexual Harassment.

VAWA is aimed at improving how colleges address sexual violence; imposes obligations to revise policies and practices.

Campus SaVE Act (2014): Part of VAWA amendments, made changes to the Jeanne Clery Act; requires colleges to report additional sexually violent crimes.

(<https://murraystate.instructure.com/courses/1424700/files/68201543/download?wrap=1>)

## UNWANTED PURSUIT



<http://www.cptcweb.com/sexual-violence-information/sexual-assault-and-stalking/>

### Definition...

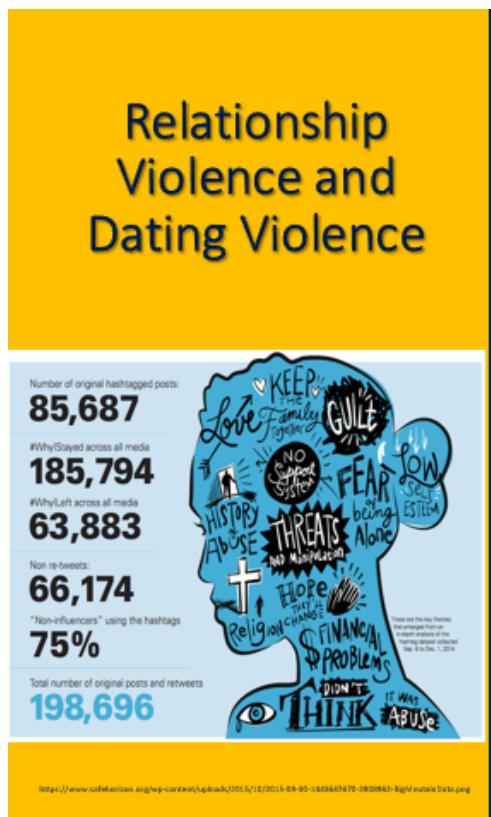
To **engage in a course of repeated, intentional conduct** directed at a specific person which is of a type that would cause a reasonable person to suffer emotional distress or perceive a hostile environment; which seriously alarms, annoys, intimidates, frightens, or harasses the other person; and which serves no legitimate purpose.

### Recognize the behavior...

The following behaviors may constitute unwanted pursuit:

- **Repeated, unwanted, intrusive, and frightening** communications from the perpetrator by telephone, written letters, and/ or electronic means (e.g., email, Facebook, Snapchat, instant messaging, My Space, etc.);
- **Repeatedly leaving or sending victim unwanted items**, presents, or flowers;
- **Following or pursuing** the victim;
- **Obtaining personal information** about the victim by going through the victim's garbage;
- **Surveillance** or other types of observation

## RELATIONSHIP VIOLENCE & DATING VIOLENCE



### Strength in Numbers:

Title IX and VAWA are two of the protections available for students, faculty and staff to address the sexual assault, sexual misconduct and sexual harassment. The campus community will also want to note protections provided by the Campus SaVE Act.

**Download Read & Write Gold**

(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>)

# Clery Act (formerly the Campus Security Act)

## Background

The Jeanne Clery Act is named in memory of 19-year-old Lehigh University freshman Jeanne Clery who was brutally raped and murdered while asleep in her residence hall room in 1986. Shortly after Jeanne's murder, her parents discovered that in the three years prior to her murder, 38 violent crimes had occurred on Lehigh campus which went unannounced.



Full-text document of Clery Act available [here ↗ \(https://www.clerycenter.org/the-clery-act\)](https://www.clerycenter.org/the-clery-act)

**The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was sexually assaulted and murdered by another Lehigh student in her campus residence hall in 1986. A brief overview of The Clery Act appears below:**

The Clery Act requires colleges and universities:

**Publish an Annual Security Report ↗ (https://www.murraystate.edu/about/Offices/police/cleryminger/index.aspx)** by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault. The report must be available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request.

**To have a public crime log.** Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible during normal business hours.

**Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities.** The Clery Act requires reporting of crimes in seven major categories: Criminal Homicide, Negligent manslaughter; Murder & Nonnegligent manslaughter; Sex Offenses both Non-Forcible and Forcible; Robbery; Aggravated Assault; Burglary - Under certain conditions; Motor Vehicle Theft and; Arson.

Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made): Liquor Law Violations; Drug Law Violations; Illegal Weapons Possession

**Hate crimes** must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime: Larceny/Theft; Simple Assault; Intimidation and; Destruction/Damage/Vandalism of Property.

**Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees.** Institutions must provide timely warnings in a manner likely to reach all members of the campus community.

**Devise an emergency response, notification and testing policy** to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus."

**Compile and report fire data to the federal government and publish an annual fire safety report.** Institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public.

**Enact policies and procedures to handle reports of missing students.** This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it's believed that the student has been missing for 24 hours.

- See more at: <http://www.scs.edu/about-saint-charles/seminary-office-listing/safety-security-services/clery-act-compliance-crime#sthash.EmlXT0KM.dpuf>

Originally known as the Campus Security Act, the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(20 USC § 1092\(f\)\) ↗ \(https://www.congress.gov/bill/105th-congress/senate-bill/2100/text/is\)](https://www.congress.gov/bill/105th-congress/senate-bill/2100/text/is) is the landmark federal law that requires colleges and universities across

the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

**The Clery Act requires colleges and universities to:**

**Publish an Annual Security Report (ASR)** by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault. The law requires schools to make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the online location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education.

**Murray State University's Annual Security Report can be accessed** [here ↗](http://www.murraystate.edu/headermenu/Offices/police/cleryminger/index.aspx) (<http://www.murraystate.edu/headermenu/Offices/police/cleryminger/index.aspx>). **Paper copies of the ASR are available in the Office for Public Safety and Emergency Management.**

**To have a public crime log.** Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, be made available within two business days upon request.

**Murray State University's Crime Log can be accessed** [here ↗](http://www.murraystate.edu/crimelog/) (<http://www.murraystate.edu/crimelog/>)..

**Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities** including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

1. Criminal Homicide
  - a. Murder & Nonnegligent manslaughter
  - b. Negligent manslaughter
2. Sex Offenses
  - a. Forceable
  - b. Non-Forceable
3. Robbery
4. Aggravated Assault
5. Burglary, where:
  - a. There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
  - b. Unlawful entry must be of a structure - having four walls, a roof, and a door.
  - c. There is evidence that the entry was made in order to commit a felony or theft.
6. Motor Vehicle Theft
7. Arson

Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

Murray State University's Annual Security Report can be accessed [here](#)

(<http://www.murraystate.edu/headermenu/Offices/police/cleryminger/index.aspx>). Paper copies of the ASR are available in the Office for Public Safety and Emergency Management.

**Issue timely warnings about Clery Act crimes that pose a serious or ongoing threat to students and employees.** Institutions must provide timely warnings in a manner likely to reach all members of the campus community. This mandate has been part of the Clery Act since its inception in 1990. Timely warnings are limited to those crimes an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

An example of a Murray State University warning message appears below:

 RacerMail  
email calendar docs

Safety Building  
1 message

Police News <[news.police@murraystate.edu](mailto:news.police@murraystate.edu)>  
To: All User Email <[police\\_warning@murraystate.edu](mailto:police_warning@murraystate.edu)>

Tue, Apr 1, 2014 at 8:38 PM

**Issued: April 01, 2014**

**SPECIAL ATTENTION MURRAY STATE UNIVERSITY COMMUNITY**

On April 01, 2014 at approximately 8:34 pm Murray State Police Department is investigating a report of a man with a long gun in the area of Franklin college. At last report, witness saw the individual get into a silver vehicle and drive away from campus. Officers are searching the campus at this time. Suspect was wearing light color shorts and a black tank top. Believed to be a white male 5'6 to 6 foot. Murray State Police ask all persons on campus to remain inside.

MSU community members are reminded to be aware of their surroundings at all times and to take necessary safety precautions.

If you have information concerning this incident or other criminal activity, please call the Murray State University Police at **270-759-2222** or the Murray Police at **270-753-1621**, or if an emergency dial 911.

Please do not reply to this email address, as it is not monitored for incoming mail. Send all responses to [msu.publicsafety@murraystate.edu](mailto:msu.publicsafety@murraystate.edu).

**Devise an emergency response, notification, and testing policy.** Institutions are required to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

An example of a Murray State University TEST message appears below:



Student Name <sname@murraystate.edu>

**From MSU PS: Emergency Warning System Test Message. This is only a test.**

1 message

Police Warning@murraystate.edu <news.police@murraystate.edu>  
To: msu.racervisionaler@murraystate.edu, police\_warning@murraystate.edu

Thu, Jun 5, 2014 at 9:00 AM

**Compile and report fire data to the federal government and publish an annual fire safety report.** Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report, and maintain a fire log that is accessible to the public.

The Murray State University Annual Fire Safety Report can be found [here](http://www.murraystate.edu/headermenu/Offices/police/clerminger/index.aspx).

**Enact policies and procedures to handle reports of missing students.** This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it's believed that the student has been missing for 24 hours.

## The Federal Campus Sexual Assault Victims' Bill of Rights

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

[Anonymous Sexual Assault Reporting Form \(for Victim\)](https://www.google.com/url?client=internal-element-cse&cx=012129940173634055446:rwdip4jr7fg&q=https://www.murraystate.edu/about/Offices/police/saar.aspx&sa=U&ved=2ahUKewidqabqyaf1AhWbllkEHea9BpEQFnoECAAQ&usg=AOvVaw1QtGlcWcjiUlwYeE6_9pVI)

We encourage all victims of sexual assault to report the incident to the Murray State Police or to the Murray State Title IX Coordinator. Each of these can take a confidential report and ensure that you receive the appropriate resources to assist in your recovery, including medical and mental health resources as well as non-criminal actions against the perpetrator. Access to those resources is not dependent upon your decision whether or not to pursue a criminal investigation of the incident.

Our primary concerns are your well-being and the safety of the university community.

Source: <https://www.clerycenter.org/the-clery-act>

**Download Read & Write Gold** (<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>)

(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>). (<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>)

# Consent

**Consent is EVERYTHING and the dangers of not obtaining consent may be demonstrated in the following YouTube Video:**

# CONSENT



A clear agreement between people to engage in an activity (sexual or otherwise)

Consent . . .



IS clear  
and enthusiastic



IS NOT forced



IS required  
each time



MAY NOT be  
present if someone  
is drunk or high

Consent can be expressed by words or actions everyone can understand. If in doubt, ask!

If someone feels pressured, intimidated, or afraid, they do not consent.

Getting consent in the past or for a different activity is not enough.

Consent requires everyone to be fully conscious and not too drunk or too high.

**As used in Murray State policy, “consent” is informed, freely given, and mutual.**

1. If coercion, intimidation, threats, or physical force are used, there is no consent;
2. 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;
3. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim;
4. Silence does not necessarily constitute consent if consent is not otherwise clear;
5. Past consent to sexual activities does not imply ongoing future consent;
6. 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.

7. No consent can exist if the victim is under 16 years of age.

## Download Read & Write Gold

(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>).

# Part II: Reporting and Rights



Part I: Background Information

# Part II: Reporting and Rights

Part III: Educational Videos

Part IV: Assess your Learning

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# PREVENTION & RISK MANAGEMENT STRATEGIES



## COMMUNITY EFFORT

Prevention education goes beyond cautioning people to avoid certain behaviors or situations. Prevention of sexual violence takes a community effort. By examining the root causes of this violence we can do a lot more to address it.

### Risk-Reduction Strategies:

#### STRANGER ASSAULT

On the street or in your car:

- Contact the campus escort service RACER PATROL if you would like accompaniment walking across campus: 270.809.2222
- After dark, try to walk on well-lit streets; avoid doorways, shrubbery, or dark areas near buildings and other places where an attacker might hide If possible walk with a friend
- Cross the street if you see anything on your side which makes you nervous or uncomfortable
- Walk with confidence and show that you are alert by glancing around and making eye contact with other people on the street

- Be cautious about revealing cash or credit cards
- Be cautious about helping strangers by yourself, offer calling MSU POLICE to assist them with their problem: 270.809.3155
- Keep car doors locked and windows rolled up most of the way if you are being followed, don't go home.
- Drive to the nearest police station (or any safe place with people visibly present)
- Park your car in well-lit places and lock all doors
- Check the back seat and floors before you get into your car to be sure no one is hiding
- Keep car keys in hand when approaching your vehicle so that you may enter it with ease

In your home:

- Change old locks when you move to a new residence. Make sure your doors have dead bolts, security chains, and peepholes. Use them.
- Be cautious around elevators. Don't get on if you are feeling uncomfortable or unsafe. Get off if a fellow passenger seems odd or threatening
- Instruct children and babysitters not to give out information about who is home
- Don't hide spare keys outdoors. They are too easy to find
- Lock your doors and windows, draw shades/blinds at night, and leave a light on implying that someone is home

Acquaintance Rape: ( act committed by a person known to you)

- Trust your instincts. Listen to your inner voice and act on it.
- Ask yourself, "Am I able to say 'no'?" and "Am I comfortable with what is happening?"
- Communicate clearly if you don't like what someone is doing - don't be afraid to make waves.
- Take care of yourself on a date: Be prepared to pay your own way, have access to a phone, arrange for transportation.
- Get out of the situation as soon as you sense danger or feel afraid.
- Learn about your ability to protect and defend yourself. Take assertiveness training and self-defense courses.

Ways to Party Safely

***Before the Party***

- Plan a safe ride home; designate a sober driver.
- Plan events where alcohol is not the primary focus.
- Eat some food.
- Plan ahead what you can say or do if you are in an uncomfortable situation.

- Go to the party with friends and agree to leave together.

### ***During the Party***

- Remember: when alcohol and drugs are involved, a person may become too intoxicated to consent to sexual activity and be more vulnerable to assault.
- Pace your drinks to 1 or fewer per hour.
- Eat some food while drinking.
- Alternate non-alcoholic beverages with alcoholic beverages.
- Determine in advance not to exceed a set number of drinks and keep track of how many drinks you consume.
- Have a friend let you know when you've had enough.
- Avoid drinking games.
- Watch your drink being prepared or prepare it yourself and don't leave it unattended.
- Use the buddy system - keep track of your friends.
- Communicate clearly about your sexual limits and expectations.
- Trust your instincts - speak up or leave the party if you feel uncomfortable or unsafe.
- Don't be afraid to make a scene if someone is stopping you from leaving or making you feel uncomfortable.
- Intervene if you see someone at risk

### **Red Flags & Warning Signs:**

Although violent behavior often surprises victims, there are generally warning signs before an assault occurs. Victims may ignore their gut instinct about the danger a person may pose (especially if they know and trust them, or make excuses for their behavior ("they are just being nice", "they are under a lot of stress", "they are just drunk", etc.) Ignoring feelings of caution or fear or making excuses for another's behavior can reduce your ability to clearly read situations and take protective measures. The following is a list of common "red flags." (Each situation is unique and may not include the behaviors.)

- Disrespects personal boundaries and space or ignores nonverbal cues such as pulling away or securing clothes tighter on body
- One partner feels entitled to sexual activity, i.e. paid for dinner, is really popular, or has had sexual relations with partner before
- Demonstrates poor communication and fails to ask partner about thoughts, feelings, and wishes regarding sexual activity
- Does not listen or take seriously partner's expressed concerns and wishes regarding sexual activity
- Pressures or threatens partner to submit to sexual contact regardless of their feelings
- Pushes a partner's nonsexual boundaries, i.e. insisting they drink more than they are comfortable with
- Uses manipulation tactics to get their partner to do things against your will

- Exhibits a Dr. Jekyll/ Mr. Hyde personality (sudden mood changes or explosive temper)
- Has a reputation or past history of abuse or sexual violence
- Tries to isolate partner from friends at social gatherings - may use alcohol or drugs to reduce resistance

Source: University of North Alabama Police Department,

<https://www.una.edu/assault/riskreduction.pdf>

## Individual Prevention Strategies

Both men and women must take responsibility to prevent sexual misconduct and relationship violence. Although no single method will prevent the occurrence of sexual misconduct or relationship violence, adopting the following 25 practices may reduce the likelihood:

1. Be honest and clearly communicate your desires and limits; never assume.
2. Learn as much as you can about an individual prior to dating a person. When you do not know a person well, meet in a public place until you feel comfortable.
3. Do not use drinking as a way to get to know someone.
4. When drinking alcohol in social settings, make arrangements with a friend ahead of time so you can leave together.
5. Approximately 70 percent of all sexual assaults involve alcohol; avoid excessive use.
6. At a party, do not take a drink from a punch bowl or accept a drink from an open container from anyone.
7. If offered a drink at a party, club, or bar, accompany the person to get the drink, watch it being poured, and carry it yourself. Do not leave a drink unattended.
8. Listen and accept being told “no”—don’t be manipulative or coercive. Also, remember that saying “no” is not a rejection of another person. Anyone has a right to say “no” at any time to any behavior.
9. Be assertive. If you say “no,” say it clearly and mean it and say “yes” when you mean “yes.”
10. Ensure that your verbal and nonverbal messages are consistent.
11. Be wary of persons who portray a domineering, unrealistic or hostile attitude toward your gender. Rape is a crime of power and control. Most rape survivors recall feeling “uncomfortable” about some of their partner’s behaviors including: Intimidating stares, degrading jokes or language, refusal to respond to stated physical limits, refusal to accept “no” as an answer, whether in a sexual context or otherwise, insistence on making all of the “important” decisions about the relationship or date, an unwillingness to interact with you as a person rather than a sexual object, extreme jealousy, possessiveness, strong belief in sex role stereotypes, a history of violent behavior.
12. Trust your instincts. If you suspect something is wrong, you’re probably right. If possible, get out of the situation immediately.

13. Learn self-defense techniques and be willing to use them even when with someone you know.
14. Do not give in to psychological pressure to be sexual with someone in order to avoid making the person angry or hurting their feelings.
15. If you sense any hesitancy in your partner, stop whatever you are doing and talk about it.
16. Do not make assumptions about someone's desire to engage in sexual activity on his/her dress, behavior or previous sexual activity with you or someone else.
17. Set clear limits and be firm. It is your body, and no one has the right to force you to do anything you don't want to do. Many people have difficulty confronting coercive behavior because they have been socialized to be "polite". If you do not want to be touched, you can say, "Don't touch me," or "Stop it, I'm not enjoying this." Tell your partner, "If you do not respect my wishes right now, I'm leaving" and then do it if your partner won't listen.
18. Be aware of sex stereotypes and don't play into harmful ones.
19. Do not believe that past a certain point, you cannot stop.
20. Be alert to what is going on around you. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
21. Be willing to inconvenience others to ensure your own safety and well-being.
22. Have a friend who knows who you are with, where you are and who periodically checks to see if you are doing okay.
23. Plan a way to get home without relying on a date. Do not leave a party or bar with someone you have just met. Always have the number of a taxi and carry enough money to take a taxi home.
24. Watch out for your friends; pay attention to potentially troublesome situations and intervene. If a friend appears very intoxicated, take steps to ensure the person's safety.
25. Always keep your cell phone charged and on you. You never know when you'll need it.

## Remove the Confusion: Don't Be a Rapist

*The following information in this section is adapted from You're on Your Own (But I'm Here If You Need Me): Mentoring Your Child During the College Years, by Marjorie Savage. (Simon & Schuster, 2009)*

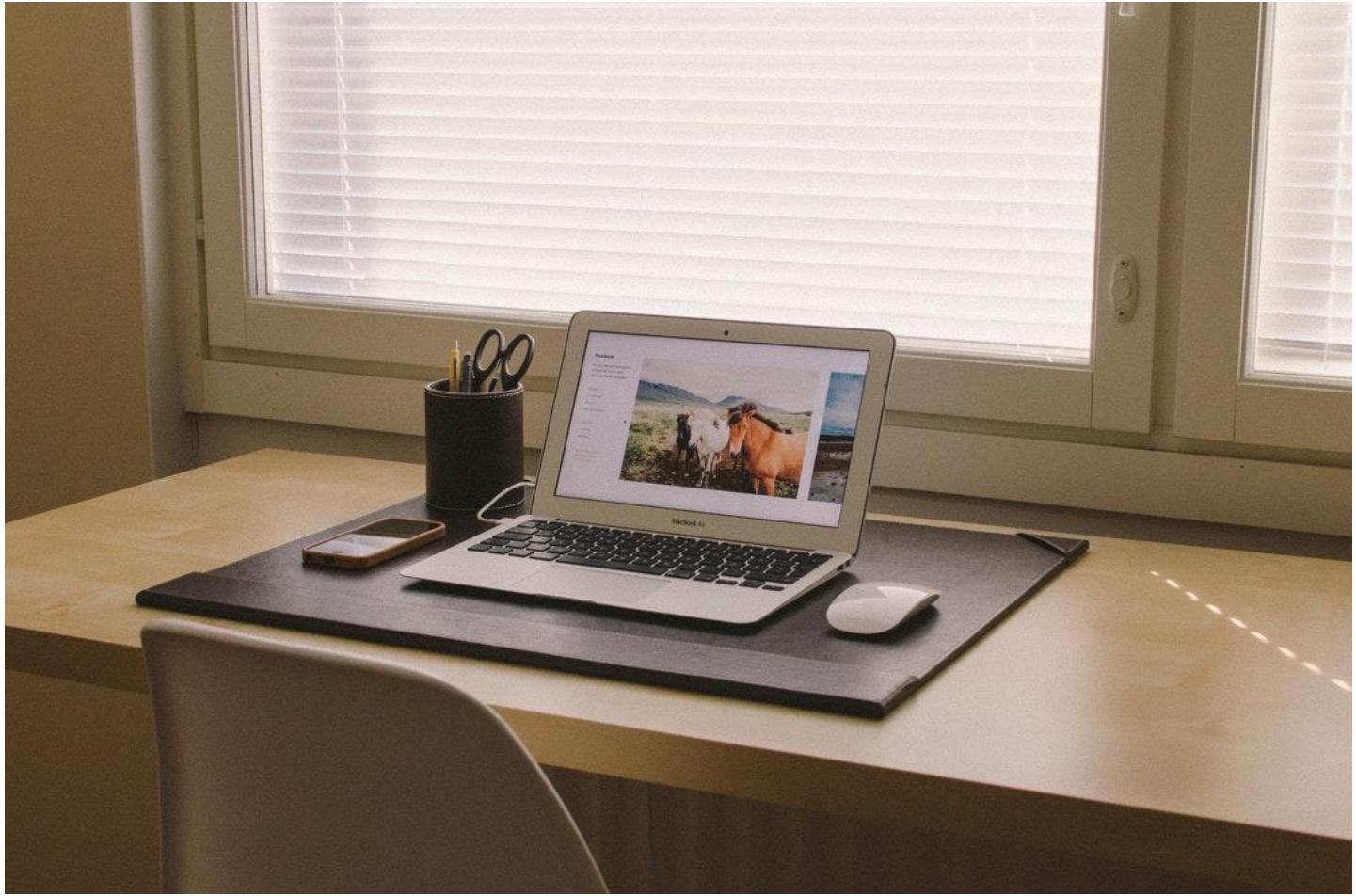
- First, be respectful. Anytime you are uncertain whether your partner is comfortable with your behavior, ask! You can simply say, "Are you okay with this?" Assume that "no" means no. What's more, assume that "I'm not sure" means no.
- Understand that a person who is drunk is not legally capable of giving consent. If the other person is not capable of making an informed decision, do not have sex.
- Recognize that your sexual needs do not give you the right to do whatever you want. Any sexual activity should be mutually desired.
- Know the definition of sexual assault. If you think a grope or "feeling someone up" is just innocent fun, you could be surprised. In some cases, you can be arrested for these actions.

- If you're going to drink, drink responsibly. Most sexual assaults on college campuses follow drinking by one or both individuals. In addition, be aware of how alcohol affects you. If drinking makes you more aggressive, you could be in danger of sexually assaulting someone. Being drunk is not a defense for committing sexual assault.
- If your friend or roommate is sexually assaulting someone, do what you can to stop the assault. You can be charged with complicity if you know about an assault and fail to intervene.
- Be aware that committing rape has severe consequences. For your victim, there can be years of emotional trauma, unwarranted guilt, and fear. For you, sexual assault can lead to criminal charges, attorney expenses, and prison. For both of you, a sexual assault can result in disease, pregnancy, and social stigma. A few minutes of sex are not worth years of regret.

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# REPORTING



## REPORTING

Murray State University endeavors to provide a safe and positive campus climate for people to work and study. Sexual harassment, in all of its forms, adversely affects the opportunity for students to engage fully in the educational programs of the campuses.

## REPORTING REQUIREMENT

Sexual violence is a form of sexual harassment and is prohibited by Title IX. For purposes of reporting, sexual violence means contact of a sexual nature perpetrated against a person's will or where a person is incapable of giving consent due to drugs,

alcohol, or disability. **Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.** If you are unsure what constitutes sexual violence, please contact your Title IX Coordinator for assistance.

Employees who know of an allegation of sexual violence must promptly **report the allegation to:**

- the Title IX Coordinator, Camisha Pierce Duffy or the Deputy Title IX Coordinator & Investigators
- Contact Info: 103 Wells Hall, Murray, KY 42071, 270-809-3155.

**All employees -- excepting only those with a legal privilege, such as medical providers, mental health counselors, and rape crisis counselors operating within the scope of the role--are subject to the mandatory reporting obligation and must report allegations of sexual violence to the Title IX Coordinator.** Each report made to a Title IX Coordinator will be promptly investigated to determine what occurred and the Title IX Coordinator will work with campus officials to take appropriate steps to protect the student and prevent future incidents of sexual harassment.

## **CONFIDENTIALITY**

Mandatory reporting is required even if the alleged victim requests confidentiality or asks that the complaint not be pursued. The campus is required to take all reasonable steps to investigate and respond to reports of sexual violence while respecting the alleged victim's wishes to the extent possible.

## **REPORTING TO LAW ENFORCEMENT**

Alleged victims may report crimes directly to law enforcement and campus authorities will assist any student wishing to file a report to law enforcement. However, because of student confidentiality laws, the Title IX Coordinator will disclose reports of sexual violence related to students if a health or safety emergency as defined by state and federal law warrants the disclosure of information. Reporting by employees and students will assist the campuses in identifying, investigating, and redressing sexual discrimination on our campuses. Alleged victims also have the option of using the

anonymous reporting tool 

(<https://www.murraystate.edu/headermenu/Offices/police/saar.aspx>)

for sexual assault 

(<https://www.murraystate.edu/headermenu/Offices/police/saar.aspx>) on

the University Police's website. Alleged victims, while at the Office of IDEA may request that the policing agency come to the office. The Office of IDEA is glad to request that the on or off-campus police agency is dispatched to the office.



## LIVESAFE APP

To further promote safety, the University contracted with LiveSafe for a campus safety app. This app provides an efficient communication channel between Public Safety and the user, which may be a student, faculty, or staff member. In addition, individuals can share information with friends and Public Safety about sexual assault, mental health issues, and violence-preventing incidents before they occur. Our goal is to use the app

to help foster a culture of safety on campus and begin to break down barriers to communication between students and Public Safety officials. You can learn more about this app at <http://www.livesafemobile.com/>.

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# Rights of the Survivor & How to support the Survivor



To eliminate a hostile environment, prevent the recurrence of a sexual harassment/violence incident and address its effects, you as a complainant are entitled to remedies that include, but are not limited to, the following:

- **Treat them with dignity and respect**
- **Having an escort** provided by the school to ensure that you can move safely between classes and activities
- The assurance that you and the alleged perpetrator will not attend the same classes
- **Alternate housing arrangements** in a different residential building
- The availability of counseling services
- **Access to** sexual assault **advocates**
- Availability of **medical services**
- Academic support services
- Knowledge that **you can file a complaint with local law enforcement at any time** and that you have the option to be assisted by campus personnel in notifying such authorities
- To present your case, which includes the right to an adequate, reliable and impartial investigation of complaints, the right to have an equal opportunity to present witnesses and other evidence, and the right to the same appeal process, for both parties
- Be **notified of the time frame** within which your school will conduct a full investigation of the complaint; the parties will be notified of the outcome of the complaint and the parties may file and appeal, if applicable
- **Protective interim steps** may be taken to protect you, the complainant, before the final outcome of the investigation is reached
- Have your **complaint decided using a preponderance of the evidence standard** (i.e., it's more likely than not that sexual harassment or violence occurred)
- To be **notified in writing of the outcome** of the complaint
- To avoid contact with the alleged perpetrator

- To have an advisor/advocate present with you at meetings to help you process the information being shared.
- Remind them they can have an advisor/advocate present during the meeting to help them process the experience.

# Supporting a Survivor/Complainant/Impacted Party

When you learn that someone you know has experienced sexual assault, relationship violence, or stalking, it may be hard to know what to say. The following suggestions will not “fix” the pain or make the trauma disappear, but if you react/act in a supportive way, you can help them feel less isolated and safer.

- **Listen.** Letting a victim/survivor speak and direct the conversation can help them regain a sense of control. Let them decide what they want to talk about and when they want to talk about it.
- **Believe them.** Our culture makes it very difficult to talk about sexual assault, and the fear of not being believed is a very real concern for people who have been assaulted. Don’t contribute to that fear.
- **Assure** the victim/survivor that they are not to blame for the assault, no matter what the circumstances of the assault were.
- **Do not judge** how the victim/survivor reacted during or after the assault — whether they fought back or not, how long they waited to ask you for help, etc. Understand that they handled the situation the best they could.
- **Be mindful** when asking questions about the assault so that you do not seem judgmental, condescending, or otherwise unsupportive.
- **Be supportive** of the victim/survivor decisions. Victims/survivors have a number of options and resources that may seem overwhelming. Whether or not they report the assault, press charges, attend counseling, etc., is not up to you. It is important and empowering for the victim/survivor to make their own decisions about how to proceed after an assault. But, don’t be entirely uninvolved — they might ask for your opinion or advice, and some gentle encouragement to seek both medical and emotional help can be positive.
- **Be respectful** of the victim/survivor.
- **Resist** seeing the victim/survivor as a victim. You need to continue to see them as strong and courageous. After all, talking about a sexual assault is strong and courageous. It is important that you help the victim/survivor feel empowered and in control, which is more difficult if you don’t believe it yourself.
- **Accept** that there might be changes in the victim/survivor’s personality or in your relationship. Sexual assault is a very traumatic experience that can change a person, and the healing process

takes time.

- **Be aware** that you might need support as well. The assault of someone you know and care for might make you feel anger, guilt, sadness, and/or many other emotions. Take care of yourself and address your feelings as well, but be careful not to overwhelm the victim/survivor with your own emotions. If you seek support from someone, be sure to maintain the victim/survivor's anonymity.

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# Rights of the Accused & How to Support the Accused



With all of the attention focused on students who are victims of sexual violence, it's also important that we work effectively with our accused students while respecting and upholding their rights.

If you are a friend of the accused, it is important to...

- Not assume their guilt or judge them
- Let them know that they have rights too
- Point them to information about the process
- Point them to online and other resources
- Encourage them to write out their account of the experience(s)
- Avoid deleting any digital files (texts, email messages, social media posts, etc.)
- Remind them that they have a right to change academic and/or living situations
- Participate in a timely and thorough investigation
- Treat them with dignity and respect
- Remind them that they have a right to be updated during an investigation
- Point them toward writing out their account of what occurred
- Know that the accused has similar rights to the survivor

- Know that the university will be using the "preponderance of the evidence" standard in its investigation and findings
- Remind them that they can **have an advisor/advocate present with you at meetings** to help you process the information being shared.

If you think you may have sexually assaulted someone, you may be feeling frightened, ashamed, upset and confused. University Counseling exists to support all students, faculty and staff. One of the counselors can help you sort through your experience and can provide you with support and information.

## Supporting a Respondent/Accused

It can be confusing and overwhelming when someone you know has been accused of a crime, especially a crime as serious and difficult to talk about as sexual assault. Many of the guidelines for [Supporting a Complainant](https://murraystate.instructure.com/courses/1424700/pages/rights-of-the-survivor-and-how-to-support-the-survivor) (<https://murraystate.instructure.com/courses/1424700/pages/rights-of-the-survivor-and-how-to-support-the-survivor>) who has been sexually assaulted can also apply to supporting someone who has been accused of assault, but here are some additional guidelines for significant others of someone who has been accused:

- Be available to listen if they decide that they want to discuss the accusations, and try to provide an atmosphere that is conducive to open and honest discussion.
- Recognize that there is a difference between showing support for and showing support for their actions. You can accept and love them as a person even if you don't agree with their behavior.
- Avoid making any judgments or placing any blame on them or their accuser — if you weren't there, you can't say for sure what happened.

Whether they are the complainant or respondent you can contact the Title IX Coordinator for more information about resources for them.

*\*This content was borrowed with permission from Kansas State University.*

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# ACTIVE BYSTANDER : A How To and Risk Reduction Tips



## INTERRUPTING SKETCHY OR RISKY BEHAVIOR



Superhuman qualities are not required to be an active bystander within the Racer community. In short, if you see something, say something. The 5 tips below can assist you in quickly becoming an active bystander.

#1

### DELEGATE

#### GATHER YOUR PEEPS:

Who can help?

A friend? A Security staff? A roommate?  
Even if it is to just validate your concerns



SAY:

"I think she needs our help but I don't know what to do. Have any ideas?"  
"Will you watch while I go chat with them (pointing)?"

## #2



### DISTRACT

APPROACH:

Approach either the person being targeted or the person being aggressive or doing the harassing and be direct.

SAY:

"Are you okay?"  
"Can I help you?"  
"That's not okay."  
"This needs to stop."

## #3

### DISTRACT



Do:  
Think of a way to distract either the targeted person or the person doing the harassing.

Say:  
"Can you take a pic of my friends and I?"  
"Hey, what time is it?"  
"Where is the nearest restroom?"

the harassing.

him

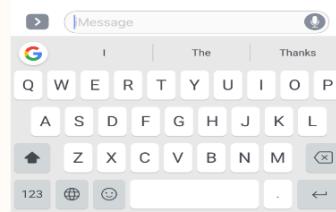
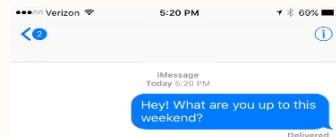
"OMG, love that outfit,  
where did you get it?"

#4

## DOCUMENT



OR



Make a record or keep track of the situation. Ask person being targeted what they would like to be done with the documentation.

#5

## USE RESOURCES

### Campus Resources

To address occurrences of Sexual Misconduct, Sexual Harassment, Sexual Assault, Sexual Violence, Relationship Violence, Stalking, and Sexual Exploitation

#### Title IX Coordinator

**Camisha Pierce Duffy**

Executive Director

103 Wells Hall

270-809-3155

[msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu)

#### Counseling for NON-STUDENTS

Employees have the EAP  
(Employee Assistance Program)  
for professional help with issues such as: emotional difficulties, stress, relationship problems, parent/child/family conflicts,



financial and legal, alcohol/drug problems, marital distress, etc.  
**1-800-441-1EAP**  
Free and Confidential.

 **LiveSafe®**  
GET THE APP for **SAFETY**  
Quick access to Public Safety Reporting & Prevention Tool  
Download LiveSafe today!  
Free in iTunes or Android store

809-3140  
103 C Applied Science

Student Affairs -  
Judicial Board  
809-6832  
425 Wells Hall

Access  
809-3155  
103 Wells Hall

Title IX  
Coordinator  
809-3155  
103 Wells Hall

Use Campus Resources to assist targeted person.

Data excerpted by the Office of IDEA at Murray State University from:

- (1) [http://sacha.ca/system/attachments/678/medium/Bystander\\_Intervention\\_by\\_SACHA.jpg?1503349265](http://sacha.ca/system/attachments/678/medium/Bystander_Intervention_by_SACHA.jpg?1503349265)  
Image excerpts:  
(1) <https://www.whiteribbon.org.au/wp-content/uploads/2018/11/Active-bystander-min.png>  
(2) <https://murraystate.edu/headermenu/administration/OfficeOfInstitutionalDiversityEquityandAccess/PoliciesAndProcedures/CampusResourcesSheet07162018.pdf>  
(3) <https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcQLuxcp4YGWZFDNcukShMAlpa2ZDCSPRFZdl6EUyJBP35p-3Ryt>

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## How to be an Active Bystander

A critical element of the institution wide prevention of sexual and relationship violence is Bystander Intervention.

**Who are Bystanders?** They are “individuals who observe violence in progress or witness those conditions which may foster violent behaviors.

**How do I act?** While a bystander is not directly involved, they do have three choices: intervene, speaking up or out or to actively do something to cease the actions. Murray State University does promote a campus community culture of accountability which compels the bystander to act to prevent violence WITHOUT causing further harm. Yes, we may not always immediately recognize how we can help or intervene. So, here are some ways to be an active bystander:

- **Immediate danger?** If someone is yelling, being physically abusive or verbally threatening abuse towards another, it may not be safe for you to interrupt. Instead, dial 911. If on campus dial 2222.
- **When you see someone who attempts to have sex with or exhibit violent behaviors toward someone who is incapacitated because of their use of drugs or alcohol, confront them.**  
"Hey, you can see that Sarah is in no shape to make a good decision. I'll call Racer Patrol to help me get her back to her Residential College."
- **When you see trouble, ask the person if they need help or if they are okay.** "Hey Mike, are you okay? Do you need any help?"

- **When you learn that someone is actively planning to sexually assault or exhibit violent behaviors toward someone, speak up.** "Carlos, I know you think she's attractive, but forcing someone to have sex with you is wrong."
- **Support.** Support someone who discloses sexual assault, abusive behavior, stalking or sexual harassment by believing them and referring them to campus resources.
- **Refer.** Be sure that you refer people to the on or off campus resources.

## Risk Reduction tips for sexual assault or harassment

Rape, Abuse & Incest National Network ([www.rainn.org accessed June 4, 2014](http://www.rainn.org)  <http://www.rainn.org>) recommends the following strategies to reduce one's risk of sexual assault or harassment:

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose.** Even if you don't know where you are going, act like you do.
4. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

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# ACTIVE BYSTANDER : A How To and Risk Reduction for Employees

We've likely all heard the phrase, "if you see something, say something." Now that phrase is making its way into workplaces around the country as organizations continue to look for new ways to address the age-old problem of harassment. But, can a simple tagline work as well as a measurable bystander intervention program? In an effort not only to emphasize their commitment to creating non-hostile work environments but also to elicit employee assistance in driving out bad behaviors, employers are increasingly training employees on how they can play powerful bystander roles.

Traditional harassment prevention has taken a primarily punitive tone—focused on what employees should *not* do, versus what they *should* do. Reframing the focus from "don'ts" to "do's" can be a much better way to help bystander intervention training programs have a real impact—and to engage employees as bystanders and allies versus potential victims and harassers.

While initial reactions to these mandates may be: “So, we’re supposed to ask our employees to be the harassment cops? They’ll never do that,” in reality, bystander intervention is not about having employees swoop into a problematic situation to save the day with a flourish. Rather, bystander intervention training gives employees the skills to take small actions that help create and maintain respectful work environments.

Bystander intervention can take a variety of forms from interrupting the harassment to informally addressing the harassment after the fact, to formally reporting the harassment, to encouraging others’ allyship in ensuring a positive work environment.

Elizabeth Bille, an employment law attorney and subject matter expert on the prevention of harassment and discrimination in the workplace, presented what some bystander intervention examples might look like:

- **Distract.** An employee observes an interaction between two coworkers that concerns her. She thinks: “I’m going to cause a distraction by removing Jon from the situation.” She approaches Jon and says: “Hey Jon, the team needs you to look at our presentation in the conference room. Can you come now?”
- **Delegate.** In a second situation, an employee observes a colleague making what she feels is an inappropriate comment to another employee. She doesn’t feel comfortable acting alone in the moment but realizes she can help by getting assistance from others. She thinks: “I’m going to take my concerns directly to HR.”
- **Delay.** Third, an employee can check in with the target of the concerning behavior to offer support, ask if they were comfortable with what just happened, and if they were uncomfortable, encourage them to report the interaction to HR.
- **Direct approach.** An employee observes another employee’s behavior and thinks: “Whoa, that joke definitely felt inappropriate. Maria is always doing that. I bet if I’m feeling like this isn’t okay, other people are too. I’m going to say something directly.” The employee can say: “Hey, let’s keep it professional.”

Employees will vary in their level of comfort in addressing situations and can benefit from understanding a variety of positive actions that they might take—as well as resources the company provides that can help them fulfill the bystander role effectively.

## Resources for Bystanders

Bystander intervention programs, like workplace harassment training generally, should be a process, not an event. A one-time training session will not prepare employees to effectively serve in a bystander role. Ongoing communication, education, and support will.

Arm bystanders with information on how to report incidents, how to respond to an accusation, how the investigation process works and how progressive discipline systems work. As Dr. Rawski has noted,

this information can be presented to bystanders as useful tools that they can use for any situation they encounter, including assisting targets (those who are the subject of harassment) and those whose behavior may make others uncomfortable. This provides a more effective message than just “you need this information because you may be a victim in the future.” Teach them how to approach situations from a positive frame of mind, assuming good intentions. Individuals who cause harm also need to be provided with information about how their words or actions may be impacting others and how to modify their behaviors to support a culture of respect for all.

A focus on professionalism, as opposed to illegal behavior, can serve as a foundation for shared understanding by all. Identifying unprofessional behavior is easier—and less intimidating—for employees than identifying legal violations. By doing so, employees will be more prepared to actively step in or speak up when they see the warning signs of harassment—unprofessional, disrespectful, or intimidating behavior—rather than waiting until the most egregious misconduct occurs before flagging it.

The campaign to “see something, say something” may raise awareness, but a good bystander intervention program arms individuals with what to look for and what to say is how we move the needle on preventing harassment before it starts.

Source: EverFi <https://everfi.com/blog/workplace-training/bystander-intervention-harassment-prevention/>

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# Helping someone who tells you they have been hurt

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How to respond to a student who shares that they have experienced sexual misconduct, relationship violence, or stalking:

1. Listen.
2. Assess the survivor's immediate safety and medical needs. If the survivor is in danger or it is a medical emergency, call University Police (270.809.2222) immediately to respond to the situation and/or provide transportation to the hospital.
3. Share information regarding the survivor's right to contact University Police (270.809.2222) and encourage the survivor to speak directly with the Women's Center (270.809.3016). The Women's Center can provide confidential support and information about the medical process. The Office of IDEA which houses the Title IX Coordinator can provide information about medical, academic, judicial or legal issues, counseling, and housing relocation. Offer to assist the survivor in making contacts as requested.
4. Convey to the survivor that all reports will be handled in confidence to the extent appropriate and allowed by law.
5. Script :

Thank you for feeling comfortable enough to share your experience. I know that I have interrupted your sharing the complete story only because I don't want you to have to be in a position to retell it repeatedly. Additionally, it is key to get you connected with someone who can help. Because the University has a responsibility to provide a safe and nondiscriminatory

environment, I must share information concerning the incident with the University's Title IX Coordinator, who oversees all reports of sexual misconduct and relationship violence. The Title IX Coordinator will contact you about your experience to assess the situation and provide information concerning resources and options. Talking with the Title IX Coordinator does not mean that you are filing a formal complaint. The Title IX Coordinator will protect confidentiality to the extent appropriate and allowed by law and is chiefly concerned with connecting you with campus resource and providing you with information about your options. Would you like me to call or walk you over to the Office of IDEA? [If after hours.] Would you like me to call or walk you to University Police? Again, you will likely receive an email from the Office of IDEA to meet in person so that you can share your experience and discover resource options available to you. Right now, you may not be able to think of all the things you might need given the experience, but together with IDEA, they can explain the processes, policies, procedures, and resources. For example: "I need to report that this incident occurred. The Title IX Coordinator will send you an email asking if you would be willing to talk with her about the incident, your options, resources, and any concerns or needs you may have. The University takes all reports very seriously and needs to make sure you're safe and supported."

6. Promptly report the matter to the Title IX Coordinator by calling 270-809-3155 or email [msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu). Please provide as much information as you have, including the names of the survivor and alleged perpetrator. Please include all contact information you have. If you have questions, please contact Camisha Duffy, Title IX Coordinator at 270-809-3155 or [msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu).
7. Make the survivor aware of the resources remain available to them, even if the survivor prefers not to connect with resources in the short term.
8. Walk the student over to IDEA or call the IDEA office to connect the student.

If you have questions, please contact :

Camisha Duffy, Title IX Coordinator at 270-809-3155 or [\(msu.titleix@murraystate.edu\)](mailto:msu.titleix@murraystate.edu).

To be most responsive, you may also talk with one of the Deputy Title IX Coordinators.

## Supporting a Victim-Survivor-Complainant

[\(https://murraystate.instructure.com/courses/1424700/pages/rights-of-the-survivor-and-how-to-support-the-survivor"\)](https://murraystate.instructure.com/courses/1424700/pages/rights-of-the-survivor-and-how-to-support-the-survivor)

### **Stats to keep in mind**

- Fewer than 2-8%\* of sexual assault reports are false reports. These numbers are similar to any other crime.

- Avoid making statements or asking questions which place blame or judgment on the victim-survivor
- Focus on offering options, rather than giving advice or making decisions for the victim-survivor. The assault took control away from the victim-survivor, and though well-intentioned, making decisions for them can make them feel as though they are still not in control
- Focus on the survivor's needs. Allow the victim-survivor to dictate the course of the conversation and how much information to disclose. Avoid talking about how hearing the story makes you feel; instead, ask how the victim-survivor is doing and if they need anything.
- Let the survivor know you are available to support them in whatever ways you feel comfortable

\*source: *The National Center for the Prosecution of Violence Against Women*

[\(https://murraystate.teAMDynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607\)](https://murraystate.teAMDynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607)

**Points** None

**Submitting** Nothing

Due	For	Available from	Until
-	Everyone	-	-

+ **Rubric**

# RESOURCE GUIDES



**BE THE ONE  
TO KNOW  
WHERE TO TURN.**

Each link below navigates to a website external to Canvas:

[VAWA Brochure ↗](http://www.murraystate.edu/headermenu/administration/titleix/resources.aspx)(<http://www.murraystate.edu/headermenu/administration/titleix/resources.aspx>)

[Grievance Procedures to address allegations of discrimination ↗](http://www.murraystate.edu/headermenu/administration/titleix/index.aspx)  
(<http://www.murraystate.edu/headermenu/administration/titleix/index.aspx>)

[Sexual Assault Anonymous Reporting Tool for Victims ↗](https://www.murraystate.edu/headermenu/Offices/police/saar.aspx)  
(<https://www.murraystate.edu/headermenu/Offices/police/saar.aspx>)

**Download Read & Write Gold**

(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>)

# ADVOCACY AGENCIES



## ADVOCACY

**Advocacy** in all its forms seeks to ensure that people, particularly those who are most vulnerable in society, are able to: Have their voice heard on issues that are **important** to them. Defend and safeguard their rights. Have their views and wishes genuinely considered when decisions are being made about their lives.

**The Office of IDEA is responsible for remaining impartial and therefore cannot serve as an advocate for any party in a matter.**

## CAMPUS ADVOCACY (Courtesy of the MSU Women's Center website)

The campus advocate helps students determine what resources, support services, and reporting options are available when dealing with instances of sexual violence, relationship violence, stalking, and/or harassment. The campus advocate helps students access these services on and off campus. It is not the job of the advocate to convince a student to report. Instead, we emphasize that the decision to report is the survivors choice.

# When advocates might an advocate be needed?

We offer advocacy to ALL Murray State students. Students who have experienced sexual violence, relationship violence, stalking, and/or harassment often have many questions about counseling, support, resources, academic assistance, reporting, and disclosing what has happened to loved ones. Every situation is different, which is why the campus advocate works one-one with students to determine what they need.

## Advocate common duties

### **Available to meet either before or after a meeting with other university officials**

- Explain the reporting process and reporting options
- Discuss your rights and responsibilities

### **Serve as the liaison between the student and other administrative offices**

- Help you prepare for meetings with Title IX, Murray State Police Department, Student Affairs, or other university administrators
- Attend meetings with you as a support person
- Advocate for academic and housing accommodations as appropriate

### **Help the student follow up**

- You will receive a lot of information during the reporting process. We assist students in keeping up with next steps and follow up with the various parties who are involved.

### **Refer students to counseling and other support services both on and off campus:**

- Connect you to on and off campus counseling services
- Locate support services in your hometown for support while you are away from campus
- Connect you with legal advocates and health advocates

### **Assist the student in disclosing to family, partners, and loved ones.**

- We can help students prepare to speak with their loved ones about what they are going through. This can be a difficult conversation and we can help you get started on how to have it.

## Connecting with the on campus advocate:

Advocacy services are available Monday through Friday between 8:00 am and 4:30 pm. To make an appointment with the campus advocate please email [msu.womenscenter@murraystate.edu](mailto:msu.womenscenter@murraystate.edu) (<mailto:msu.womenscenter@murraystate.edu>) or call [270.809.3016](tel:270.809.3016).

## Women's Center Advocacy

Contact: Abigail Cox

Phone: [270.809.3016](tel:270.809.3016)

Email: [msu.womenscenter@murraystate.edu](mailto:msu.womenscenter@murraystate.edu) (<mailto:msu.womenscenter@murraystate.edu>)

Office: C102 Applied Science Bldg



Murray State University  
Women's Center  
Suite C 102 Applied Science  
270.809.3016  
[acox33@murraystate.edu](mailto:acox33@murraystate.edu)



Merryman House  
PO Box 98, Paducah, KY 42002  
1-800-585-2686 ·  
1-270-443-6001 ·  
[info@merrymanhouse.org](mailto:info@merrymanhouse.org)



LOTUS (formerly the Purchase Area  
Sexual Assault Center)  
**Murray Office Weaks Center,**  
Suites B,I, J,  
607 Poplar Street,  
Murray, KY 42071  
**24-HOUR HELPLINE**  
1-800-928-7273

For more resources available to the Murray State University community, download the  
**Campus Resources Sheet**

[\(<https://www.murraystate.edu/headermenu/administration/titleix/resources.aspx>\)](https://www.murraystate.edu/headermenu/administration/titleix/resources.aspx).

## What To Do If You Have Been Sexually Assaulted - 5 Steps

**1. Not your fault!** Remember that sexual misconduct, unwanted pursuit, and relationship violence are never the survivor's fault. Do not blame yourself.

**2. Get Help!** This is not the time to be alone contact someone you trust. You can call:

- A friend! At this point, you the survivor, will want to regain a sense of control over your life. It is important that friends help you be aware of options (e.g. the resources on and off campus that may be helpful.) Friends, however, SHOULD NOT pressure or make choices for you, the survivor.
- University Counseling, **270.809.6851**, will have a counselor available to speak with you for free and confidentially.
- All Racers (faculty, staff, and students) are encouraged, not bullied or badgered into calling Public Safety 270.809.2222 or the local police regardless of whether you, the survivor intends to press

charges.

- If you fear contact with the perpetrator, the survivor or a friend should call University Police at 270.809.2222 or 911 if off campus. The police can provide immediate assistance to a survivor, determine the need for securing the area, detain suspects, and coordinate the arrival of any appropriate outside law enforcement for incidents that occur on campus. They can also provide transportation to a victim needing immediate medical care.
- **Confidential Counsel: Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are confidential counsel. KRS164.9481,164.9483 and164.9485**
- Survivors and their friends are encouraged to call the Purchase Area Sexual Assault Center 1.800.928.7273
- After hours University Counseling, **270.809.6851**, will have a counselor available to speak with you confidentially.

**3. Get medical attention.** Seeking medical help is important. Such action is vital to test for sexually transmitted infections (STIs), prevent pregnancy (if addressed within 2 hours of intercourse) and for evidence collection should you, the survivor, decide to press charges. Victims can be treated at the Murray/Calloway County Hospital (MCCH) Emergency Room. To leave your options for pressing charges open and to be eligible for Victim's Assistance (a state fund that pays for hospital expenses), you should have evidence collected by the hospital within 96 hours of a sexual assault. It is important to take any clothing worn at the time of nonconsensual sexual contact with you-do not place in a plastic bag which will contaminate the evidence. In addition, survivors **SHOULD NOT bathe, shower, clean themselves, or douche.** It often helps if someone the survivor trusts accompanies him or her to the hospital. Hospital personnel will offer to contact a trained volunteer from the Purchase Area Sexual Assault Center or Merryman Domestic Violence Crisis Center who will gladly meet a victim at the hospital. A victim may also request that the MSU Women's Center Director come to the hospital to provide information, advocacy, and support.

**It is better if you DO NOT shower, clean yourself or change clothes.** Go as soon as possible, to the local hospital to be examined and treated for possible sexually transmitted diseases. You may have internal injuries which you are not aware of. If you decide to press charges, physical specimens collected soon after the rape will be valuable evidence. Completing the evidence collection does not commit you to filing charges.

**4. Report the attack** attack to MSU officials, whether or not you plan to pursue criminal charges or an on-campus complaint. Have someone go with you. You can go the next day, but the sooner the better. Sexual assault is a crime and we encourage all Racers to report it. University officials will help you file charges with the police and /or with the campus authorities. Reporting an incident does not obligate a victim to press charges. However, if for some reason (e.g. several reports have been made against this perpetrator) the county attorney or Commonwealth attorney wants to prosecute, the decision is legally in the hands of the prosecutor. Contact the Title IX Coordinator, Camisha Duffy, 270-809-3155, 103 Wells Hall, Office of Institutional Diversity, Equity and Access.

**5. Get help and support**, such as counseling. If you need help through the process...

You can go to University Counseling, 104 Oakley Applied Science Building, **270.809.6851**. **University Counseling** will have a counselor available to speak with you for free and confidentially.

**Download Read & Write Gold**

(<https://murraystate.teamdynamix.com/TDClient/2049/Portal/KB/ArticleDet?ID=92607>)

# Part III: Educational Videos



Part I: Background Information

Part II: Reporting and Rights

**Part III: Educational Videos**

**CLICK ON YOUR STATUS:** [For Students](#)

[\(https://murraystate.instructure.com/courses/1424700/pages/part-iii-  
educational-videos-screen-reposition-message\)](https://murraystate.instructure.com/courses/1424700/pages/part-iii-educational-videos-screen-reposition-message)

## Part IV: Assess your Learning

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# Part III: Educational Videos - Screen Reposition Message



Part I: Background Information

Part II: Reporting and Rights

Part III: Educational Videos



Before choosing your status, the Videos will begin automatically playing. Some videos begin with a portion of the video hidden. Please use the sliding button feature on the video window to reposition the video to be viewable.

**CLICK ON YOUR STATUS:** [For Students](#)

(<https://murraystate.instructure.com/courses/1424700/modules/items/15201905>)

**Part IV: Assess your Learning**

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# Healthy Relationships

+ Rubric





Show Some Respect! Prevent Harassment Higher Ed

+ Rubric





# Lasting Choices: Protecting Our Campus From Sexual Assault

+ [Rubric](#)



[Menu](#) [Transcript](#)

- [Ashley and Josh](#)
- [Painful Lessons](#)
- [Myth or Fact?](#)
- [About This Course](#)
- [Myth or Fact?](#)
- [Sexual Assault Hurts Us All](#)
- [Did An Assault Take Place?](#)
- [What Is Consent?](#)
- [The Hearing Process](#)
- [Myth or Fact?](#)
- [Get Help](#)
- [Places to Report](#)
- [Myth or Fact?](#)
- [Why Doesn't Everyone Report?](#)

Lasting Choices: Protecting Our Campus From Se



# Know Your Limit

Menu Transcript

+ **Rubric**

Part of the College Experience?

More, the Same, or Less?

Let's Try Again

Blood Alcohol Content

Over the Limit

Do You Know Your Limit?

Binge Drinking

How Do You Feel About Binge

Drinking?

Pregaming

Alcohol Poisoning

How Can You Help?

Behind the Headlines

Consequences

If You See Something...

Is It Ever Appropriate to Step In?

Sobering Up

What Will You Do?

Just Go Slow

Measure Up

How Do You Feel About Non-Drinkers?

It's Your Choice

Any Final Thoughts?

## Know Your Limit





# Impressions

+ [Rubric](#)

## Impressions

This course examines student sexual assault, what it is, how to report it, support resources on your campus and ways to help prevent it.

If you need to close the course prior to completing it, your location in the course will be saved. This course presents situations which might make some learners uncomfortable.





# Part IV: Assess your learning



Part I: Background Information

Part II: Reporting and Rights

Part III: Educational Videos

# Part IV: Assess your Learning

**Download Read & Write Gold**

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Published

Preview

Edit

⋮

# Checking your Knowledge - Assessment/Quiz - Student UPDATED



**Quiz Type** Graded Quiz

**Points** 100

**Assignment Group** Imported Assignments

**Shuffle Answers** No

**Time Limit** No Time Limit

**Multiple Attempts** Yes

**Score to Keep** Highest

**Attempts** Unlimited

**View Responses** Always

**Show Correct Answers** Immediately

**One Question at a Time** Yes

**Require Respondus LockDown** No

**Browser**

**Required to View Quiz Results** No

**Webcam Required** No

**Lock Questions After Answering** No

Due	For	Available from	Until
Sep 30, 2022 at 4:30pm	Everyone	Aug 2, 2022 at 12am	-

Preview

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# University Community thank you to student participants



Earned score of 100% on quiz? Congratulations!

Still working to earn the 100% score? **Retry** the quiz until you earn the score.

Murray State University (MSU) is committed to an inclusive environment free from illegal harassment and discrimination. The training you have just completed is one of several ways MSU works to educate the University community about important issues related to sexual misconduct, illegal discrimination, and harassment prevention as well as providing exposure and access to the grievance procedures to address allegations of discrimination. Thank you for taking the time to learn about the University's approach of connecting the University community to resources in order to stop, prevent and remedy the effects of reported activity that violates the University's Non-Discrimination Statement in a prompt and equitable manner.

**Yes, retake quiz**

([https://murraystate.instructure.com/courses/1424700/pages/part-iv-assess-your-learning-2?module\\_item\\_id=15201910](https://murraystate.instructure.com/courses/1424700/pages/part-iv-assess-your-learning-2?module_item_id=15201910))

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