

Student Disciplinary Proceedings

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

Reporting Allegations Against a Student or Student Organization

Any member of the University community may, as provided here, present allegations that a student or a student organization has violated University policies, rules, or procedures (“rules”).

Where to report

1. Office of Institutional Diversity, Equity, and Access

Allegations of discrimination based on sex or sexual orientation, including sexual harassment, sexual violence and misconduct, relationship violence, and stalking against a student should be made to the Executive Director of the Office of Institutional Diversity, Equity, and Access (IDEA)/Title IX Coordinator, whose contact information is:

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

2. Office of Student Affairs.

Except for the matters which are to be reported to the Office of Institutional Diversity, Equity, and Access as stated in the preceding section, complaints that a student has violated University rules may be made with the Coordinator of Student Conduct and Special Projects of Student Affairs.

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

The following discusses procedures for matters handled by the Office of Student Affairs.

The Coordinator of Student Conduct and Special Projects is obligated to contact the Murray State University Police Department immediately upon receipt of a report of a crime. If the victim requests anonymity or confidentiality or that law enforcement authorities not be notified, the Coordinator of Student Conduct and Special Projects will immediately report the matter to the Murray State University Police Department without personally identifying information unless otherwise required by law. The Coordinator of Student Conduct and Special Projects must immediately report matters related to discrimination, including discrimination based on sex and sexual orientation and including allegations of sexual harassment, and sexual violence and misconduct, relationship violence, or stalking to the University’s Title IX Coordinator regardless

of any request for confidentiality. If the matter cannot be immediately reported to the Title IX Coordinator, the matter must be reported as soon as possible.

How to Report Matters to the Office of Student Affairs

1. Confidential Reporting.

In the event an individual reporting violation of University rules, requests confidentiality or does not wish to participate in an investigation, the Office of Student Affairs will still take or facilitate all reasonable steps to investigate and respond to the allegations consistent with the request for confidentiality or request not to pursue an investigation. In such instances, the ability of Student Affairs to review the allegations may be limited. The Coordinator of Student Conduct and Special Projects of Student Affairs will discuss with the individual measures, such as changes in academic, living, transportation, and working situations, which may be available.

Depending upon the applicable facts and circumstances, including the nature of the allegations, as determined by the Coordinator of Student Conduct and Special Projects of Student Affairs it may not be possible to honor a request for confidentiality.

Individuals reporting violations of University rules and requesting confidentiality or not to participate in an investigation are protected against retaliation.

2. Formal Complaints

Individuals may want to file a formal Complaint against a student or student organization. This could lead to an attempt to resolve the allegations with the Charged-Student or Charged Student Organization, or could involve a hearing before the University Judicial Board. The discussion which follows describes the procedures in the Office of Student Affairs when a formal Complaint is filed.

The Coordinator of Student Conduct and Special Projects is obligated to contact the Murray State University Police Department immediately upon receipt of a report of a crime. If the victim requests anonymity or confidentiality or that law enforcement authorities not be notified, the Coordinator of Student Conduct and Special Projects will immediately report the matter to the Murray State University Police Department without personally identifying information unless otherwise required by law. The Coordinator of Student Conduct and Special Projects must immediately report matters related to discrimination, including discrimination based on sex and sexual orientation and including allegations of sexual harassment, and sexual violence and misconduct, relationship violence, or stalking to the University's Title IX Coordinator regardless of any request for confidentiality. If the matter cannot be immediately reported to the Title IX Coordinator, the matter must be reported as soon as possible.

Pre-Hearing Procedures

The person bringing the allegations is referred to as the "Complainant," and the student or student

organization against whom or which allegations are made is referred to as the “Charged Student” or “Charged Student Organization.” If it appears the Complaint should be handled by Institutional Diversity, Equity and Access, the Office of Student Affairs will refer the matter to that office.

The allegations will be put into the form of a written Complaint which will include a statement of any requested relief. If review of the Complaint by the Coordinator of Student Conduct and Special Projects reveals that the Complaint even if true demonstrates no violation of University rules, the Complainant will be so advised and given an opportunity to provide additional information. The Coordinator of Student Conduct and Special Projects will notify the Charged Student/Charged Student Organization and provide it with the opportunity to respond. If the Coordinator of Student Conduct and Special Projects still believes the Complaint states no claim, the Complaint will be dismissed and the Complainant and Charged Student/Charged Student Organization will be provided with a decision in writing. The Coordinator of Student Conduct and Special Projects may refer the Complainant to another University office if appropriate. The Complainant may seek further review of the decision of the Coordinator of Student Conduct and Special Projects by giving notice in writing to the Coordinator of Student Conduct and Special Projects of Student Affairs, Murray State University, 425 Wells Hall, Murray, KY 42071 no later than five working days after the date of the decision. Additional procedures are discussed below under “Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings.”

The Office of Student Affairs may also decide the mechanism for resolving the Complaint in one of the following courses of action:

- In cases which could not result in suspension or expulsion, there may be an informal hearing before an Office of Student Affairs staff member.
- In cases which could result in suspension or expulsion, there must be a hearing before the University Judicial Board.
- In cases where any party requests a hearing before the University Judicial Board, the case will be forwarded to the University Judicial Board for a hearing.

The Charged Student or Charged Student Organization will be provided with a copy of the written Complaint along with a copy of the specific rules allegedly violated, and the possible penalties. The Charged Student/Charged Student Organization will be given an opportunity to respond as stated in the notice. The Complainant will be provided with a copy of any Response.

The Office of Student Affairs shall simultaneously send all involved parties a notice of any hearing including the time and place of the hearing, and the procedures to be followed. The timing of the hearing will allow opportunity for all parties to prepare and will be not less than seven working days from the date notice of the hearing is calculated to be received. The Office of Student Affairs may extend the time for any hearing if there is good reason.

The notice to the Charged Student/Charged Student Organization of the written Complaint and the notice to the parties of any hearing shall either simultaneously (a) be mailed via registered mail to the address last noted on the parties’ official records at the University or, with matters referred from IDEA, to the current address provided by IDEA; or (b) be hand delivered to the parties. The

president and/or faculty advisor of the student organization will be notified on behalf of a student organization. No such notice will be regarded as defective if the student or student organization hides, refuses mail, or has failed to notify the University of a current address. It is the responsibility of each party involved in any disciplinary proceeding to ensure that the Office of Student Affairs has the proper address to which all notices, including any decision, may be mailed to that party. Each party is responsible for arranging to monitor his/her/its mail regularly while any matter is pending so that mail may be received and proper action in response to any notice or decision may be taken in a timely fashion. In addition, each party should provide the Office of Student Affairs with other current contact information, such as cell phone number, so that the party can be reached on short notice.

The Office of Student Affairs will advise the parties of interim measures which may be available to them including changes in living, academic, working, transportation, and extracurricular situations as appropriate. The parties will also be advised of available services such as counseling and support services. The University may also take interim measures for the safety of the parties and others.

Any party can meet with a Student Affairs staff member to discuss the issues involved, preparation, hearing procedures, possible outcomes, and the rights which he or she will be free to exercise in the hearing.

There will be timely notice of any meeting at which any party, or all of them, may be present.

Informal Hearing Proceedings

If an informal administrative hearing is held, a Student Affairs staff member shall meet with the parties who will be able to present information in support of their position.

If the parties are able to agree upon a resolution, the agreement will be put in writing and provided to all parties.

If the parties are unable to agree upon a resolution, the staff member may take one of the following courses of action:

- Find for or against the Charged Student or Charged Student Organization. A finding against the Charged Student/Charged Student Organization will be based upon a preponderance of the information presented.
- Impose the sanctions of warning, referral, loss of privileges, probation, and/or restitution as defined under “University Judicial Board Authority and Jurisdiction,” found below.
- Make a decision to pass the case on to the University Judicial Board.
- The Office of Student Affairs may assist the student against whom discipline is imposed with his/her behavioral and/or personal difficulties. The Office of Student Affairs may also offer assistance to a student who filed a Complaint.

In order to impose any sanction related to off campus conduct, there must be a finding that the conduct adversely affects or raises reasonable concerns for the safety or well-being of any person or property on campus, or is detrimental to the objectives or purposes of the University or any of the University's programs or operations. Sanctions related to off campus conduct will provide measures which address effects on or concerns for the safety or well-being of persons or property on campus, and any detriment to the objectives or purposes of the University or any of the University's programs or operations. Any decision by the Student Affairs staff member will be in writing and provided simultaneously to the parties.

If either party disagrees with the finding of the Student Affairs staff member and/or the sanction imposed, he/she/the student organization may seek review of the decision by giving notice in writing to the Coordinator of Student Conduct and Special Projects of Student Affairs, Murray State University, 425 Wells Hall, Murray, KY 42071, no later than five working days after the date of the decision in the administrative hearing. See "Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings" below.

If the matter proceeds to the University Judicial Board, the staff member with the Office of Student Affairs involved in the informal hearing may serve as the hearing officer for purposes only of ensuring that proper procedures are followed.

The University Judicial Board

Composition – The University Judicial Board shall be composed of three members of the Student Judicial Board, three faculty members and one administrative staff member. A hearing officer will conduct the hearing only to ensure proper procedures are followed. The three representatives from the Student Judicial Board shall be chosen by a random drawing for each hearing by the chairman of the Student Judicial Board. The three faculty members shall be elected by the faculty as a whole for staggered three-year terms. If there are no nominees, the faculty members shall be appointed by the President. One administrative staff member shall be appointed by the President of the University for a one-year term. A quorum of the board shall consist of any five members present and voting. The University Judicial Board shall elect its own chairperson.

Hearing Procedures – If a hearing before the University Judicial Board is warranted or requested, the Office of Student Affairs shall call a meeting of the board to hear the case. The University Judicial Board shall maintain a record of the pertinent information presented in each case and a copy of the Judicial Board's decision.

Prior to any hearing, the parties will be required to provide copies of any documents or other Information to be used at the hearing and a list of any witnesses. This information will be available to the other party, to members of the University Judicial Board and the hearing officer, and to other appropriate University officials with a need to know. In addition, prior to the hearing the hearing officer or other representative of Student Affairs will meet with the parties to explain the procedures to be followed.

At the hearing, each party will be allowed to present information to support or rebut the allegations.

This information may consist of witnesses as well as documents and other information. Any questioning of witnesses will be by the University Judicial Board and the parties will be provided the opportunity to submit questions to the Board. Technical rules of evidence are not applicable.

Each party will have the right to have during the hearing an advisor who may be another student, a faculty member, a staff member or a parent, or attorney. Any advisor or attorney will be permitted to be present at any meeting with the party and at the hearing in order to advise a party. However, neither the advisor nor the attorney will participate in any meeting or at the hearing.

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

A party's prior disciplinary record shall not be considered to establish that a violation did or did not occur. However, the University Judicial Board may consider the prior disciplinary record of a Charged Student/Charged Student Organization in determining appropriate disciplinary action after a violation has been found.

All hearings before the University Judicial Board shall be closed, unless a request is made for a public hearing within the terms, conditions, and limits established by the Kentucky Open Meetings Law and the Federal Family Educational Rights and Privacy Act.

Decisions – All decisions of the University Judicial Board will be in writing. A decision that a violation occurred will be based upon the preponderance of the information produced at the hearing. A determination that a violation occurred and the imposition of sanctions shall be by majority vote of those members present and voting, except that expulsion shall require a two-thirds vote. In order to impose any sanction related to off campus conduct, there must be a finding that the conduct adversely affects or raises reasonable concerns for the safety or well-being of any person or property on campus, or is detrimental to the objectives or purposes of the University or any of the University's programs or operations. Sanctions related to off campus conduct will provide measures which address effects on or concerns for the safety or well-being of persons or property on campus, and any detriment to the objectives or purposes of the University or any of the University's programs or operations.

A sanction of disciplinary suspension or expulsion shall automatically be reviewed by the University Appeals Board.

A copy of the written decision of the University Judicial Board shall be sent simultaneously to the Complainant, Charged Student/Charged Student Organization, to the Office of Student Affairs and, in the case of a sanction of disciplinary suspension or expulsion, to the University Appeals Board. The decision of the University Judicial Board will include the rationale for its decision, including any sanctions. A copy of any decision related to sex discrimination, including allegations of sexual harassment, or sexual violence and misconduct, relationship violence, or stalking will be sent to the University's Title IX Coordinator. The decision letter shall contain information

regarding each party's right to appeal and a copy of the procedures for an appeal. In the event the decision found in favor of the student or organization charged with a violation, the Complainant will be advised of his/her appeal rights.

The outcome in matters regarding sexual harassment and sexually exploitative behavior will be provided simultaneously in writing to the Complainant and the charged party. The Complainant will also be advised of any sanctions imposed which relate to the Complainant (e.g., the harassing student is to stay away from the harassed student or the harassing student is suspended from Murray State University), any individual remedies offered or provided to the Complainant, and other steps the University has taken to eliminate the hostile environment, if one is found to exist, and prevent recurrence. The Charged Student/Charged Student Organization will not be notified of the individual remedies offered or provided to the Complainant.

In matters involving dating violence, domestic violence, sexual assault, or stalking the Complainant will be advised of the final outcome of the hearing as well as any sanctions imposed. A Complainant who is a victim of a crime of violence will be advised of the final outcome of a hearing and any sanction against the Charged Student/Charged Student Organization.

Any sanctions and corrective action taken in the event of a finding of discrimination based on sex or sexual orientation, including sexual harassment, or sexual violence and misconduct, or relationship violence, or stalking, including matters which occur off campus, will include measures to stop that discrimination, including sexual harassment, or sexual violence and misconduct, or relationship violence, or stalking, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from such discrimination. Under certain circumstances, training may be required for an individual or a larger group.

Authority and Jurisdiction – The University Judicial Board shall have original jurisdiction in all disciplinary cases involving students in which suspension or expulsion might result and in those cases passed on to it by the Office of Student Affairs, the Office of Academic Affairs, or the Office of Institutional Diversity, Equity and Access. The University Judicial Board shall have appellate jurisdiction from the informal administrative hearings of the Office of Student Affairs and from Complaints dismissed by the Coordinator of Student Conduct and Special Projects.

The University Judicial Board shall have the authority either to find in favor of the Charged Student or Charged Student Organization or to impose one or more of the following sanctions:

- **Referral to alternative services**, such as counseling. This sanction may be accompanied by other sanctions.
- **Warning**. Written notification that the actions are unacceptable and that a continuation or repetition of such actions will result in more severe disciplinary action.
- **Loss of Privileges**. Denial of participation in specified activities, removal from a living group, denial of use of specified facilities, or other loss of privileges consistent with the offense committed. This sanction may be accompanied by other sanctions.

- **Probation.** A definite period of observation and review of conduct not to exceed twelve months' duration. Violations of University regulations during a probationary period may result in action leading to suspension or expulsion.
- **Restitution.** Reimbursement by transfer of money or services to the University or to a member of the University community in an amount not to exceed the damage or loss incurred. Restitution may be accompanied by other sanctions.
- **Self-Improvement and Educational Programs.** A program of self-development or educational development to assist students in realizing the significance of their behavior.
- **Program Exclusion.** Permanent or temporary exclusion from a University program, including a course of study.
- **Suspension.** Exclusion from the University for a definite period of time and/or exclusion until specified conditions set out by the Judicial Board are met. The effective commencement date of such exclusion shall be specified by the University Judicial Board.
- **Expulsion.** Permanent termination of student status and permanent exclusion from the campus. The effective commencement date of such expulsion shall be specified by the University Judicial Board.

Regardless of the outcome, and depending upon the facts and circumstances, remedial measures may be offered to all of the parties. These may include keeping in place any interim measures or again offering such measures if they were declined initially.

The University Judicial Board may provide that any sanctions and corrective action, including disciplinary action, are to be effective immediately and are to remain effective during any appeals.

Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings – In an appeal from a dismissal of a Complaint by the Coordinator of Student Conduct and Special Projects of Student Affairs or from an informal hearing with a Student Affairs staff member, the University Judicial Board will review any materials presented to the Coordinator of Student Conduct and Special Projects or Student Affairs staff member. In matters related to a dismissal by the Coordinator of Student Conduct and Special Projects, the University Judicial Board will advise the Complainant and the Charged Student/Charged Student Organization that he/she/it may provide a written statement in support of his/her position, copies of which will be provided to the parties; in matters related to informal hearings, the University Judicial Board will advise the parties that they may provide written statements in support of the appeal and in support of the decision of the Student Affairs staff members, copies of which will be shared with all parties. Any party bringing an appeal must demonstrate:

1. Prejudicial procedural or other errors occurred with respect to the previous proceedings;
2. The decision of the Coordinator of Student Conduct and Special Projects or Student Affairs

staff member is arbitrary on the basis of the information in the whole record;

3. Any imposed sanction is inappropriate for the violation the Charged Student/Charged Student Organization was determined to have committed; or
4. Newly discovered evidence, which could not with reasonable diligence have been presented to the Coordinator of Student Conduct and Special Projects or during the informal proceedings, is sufficient to affect the decision of the Student Affairs staff member.

If the decision of the Coordinator of Student Conduct and Special Projects or Student Affairs staff member is upheld, the matter will be considered finally concluded. The parties will be notified simultaneously in writing of the decision.

In an appeal from a dismissal by the Coordinator of Student Conduct and Special Projects, the University Judicial Board will find for the appealing party if it is believed the Complaint does state a claim and the matter will be returned to the Coordinator of Student Conduct and Special Projects for further proceedings. If the matter related to an informal hearing, the University Judicial Board will find for the appealing party if the decision is arbitrary on the basis of the information in the whole record, or will return the matter to the Coordinator of Student Conduct and Special Projects or Student Affairs staff member for further proceedings or another hearing if there was a prejudicial procedural or other error or is newly discovered evidence which would affect the decision, or, if the reason not to uphold the decision relates only to the penalty imposed, for reconsideration of the penalty. The parties will be notified simultaneously in writing of the decision. No appeal may be taken from these decisions by the University Judicial Board.

The University Appeals Board

Composition – The University Appeals Board shall be composed of nine members — six faculty members, and three students. Two faculty members shall be named by the Board of Regents each year to serve three-year terms, and three students shall be named by the Board of Regents each year for one-year terms. A quorum of the Appeals Board shall be any five members present and voting. The Appeals Board shall elect its own chairperson.

Appeals Procedure – Except as otherwise provided, any party may appeal a decision of the University Judicial Board to the Appeals Board by sending a letter containing the grounds for the appeal in detail to the Coordinator of Student Conduct and Special Projects of Student Affairs, Murray State University, 425 Wells Hall, Murray, KY 42071 no later than five working days after the date of the University Judicial Board decision. When the University Judicial Board has imposed suspension or expulsion, appeal to the University Appeals Board is automatic, and the Charged Student need not appeal in writing.

Decision – The Appeals Board will review the record presented to it from the University Judicial Board. The Appeals Board may request written statements in support of the appeal and in support of the decision of the University Judicial Board, copies of which will be shared with all parties.

Any party bringing an appeal from the University Judicial Board must demonstrate:

1. Prejudicial procedural errors occurred with respect to the previous proceedings;
2. The decision of the University Judicial Board is arbitrary on the basis of the information in the whole record;
3. Any imposed sanction is inappropriate for the violation the Charged Student/Charged Student Organization was determined to have committed;
4. Newly discovered evidence, which could not with reasonable diligence have been presented at the University Judicial Board hearing, is sufficient to affect the decision of the University Judicial Board.

If the decision of the University Judicial Board is upheld, the matter will be considered finally concluded unless further appeal is allowed.

If the decision is not upheld, the Appeals Board will find for the appealing party if the decision is arbitrary on the basis of the information in the whole record, or return the matter to the University Judicial Board for another hearing if there was prejudicial procedural error or is newly discovered evidence which would affect the decision, or, if the reason not to uphold the decision relates only to the penalty imposed, for reconsideration of the penalty.

The written decision of the University Appeals Board shall be sent simultaneously to the parties and to the Office of Student Affairs. Any decision related to matters of discrimination, including discrimination based on sex and sexual orientation and including allegations of sexual harassment, or sexual violence and misconduct, relationship violence, or stalking will also be sent to the University's Title IX Coordinator. If the penalty involved is suspension or expulsion, the Charged Student shall be informed in the decision letter of his/her right of appeal to the Board of Regents and provided with the procedures for further appeal. Notice of the outcome of a matter before the University Appeals Board will be provided as with the University Judicial Board.

Board of Regents

Pursuant to KRS 164.370, a student suspended or expelled for disciplinary reasons may appeal the decision to the Board of Regents. The appeal will be instituted by the student's presenting a detailed statement of the grounds for appeal to the President of the University no later than five working days after the date of the decision of the University Appeals Board. The address for the President is Murray State University, 218 Wells Hall, Murray, KY 42071. The President will advise the members of the Board of Regents and refer the appeal to the members of the Board's Student Disciplinary Committee.

The Student Disciplinary Committee will review the appeal. The Student Disciplinary Committee may determine from the statement of appeal that the appeal can be decided based upon a review of the previous proceedings. In that case, it will afford all parties the opportunity to present arguments, will review the record and the arguments presented, and will submit its recommended

outcome to the Board of Regents which may accept or reject the recommendation or determine that a hearing or additional proceedings are warranted. If the Student Disciplinary Committee believes that a hearing or other proceedings are warranted, it will refer the matter to the Board of Regents. The Board will develop its rules of procedure for any matter before it. The final decision in all such appeals will be made by the Board of Regents.

NATURE OF PROCEEDINGS

All proceedings will provide a prompt, fair, and impartial process from the initial Complaint to the final result and will provide resolution by individuals who receive annual training on issues, including domestic violence, dating violence, sexual assault, and stalking and how to conduct investigations, reviews, and hearings that promote the safety of victims and accountability.

All proceedings will be conducted by individuals without actual or perceived conflicts of interest or bias for or against any party. Any conflicts will be disclosed to the parties. Any party who believes any of the preceding individuals may have a conflict of interest or bias will immediately notify the Coordinator of Student Conduct and Special Projects for Student Affairs.

Proceedings from the filing of a Complaint through any decision by the University Appeals Board should typically be completed within 60 calendar days. This includes matters initially filed with the Office of Institutional Diversity, Equity, and Access.

Extensions of time may be allowed to the parties or to a decision making entity for “good cause,” which will include but not be limited to matters such as illness, death within the family, absence from the University, and any other circumstances which will constitute undue hardship. “Good cause” may also arise from the circumstances surrounding a particular matter such as the number of parties involved, the number of issues involved, the unavailability of the parties and witnesses, or the number of witnesses or the amount of evidence involved.

Any request by a party for an extension of time for good cause with respect to matters in the Office of Student Affairs, the University Judicial Board, or the University Appeals Board should be submitted to Coordinator of Student Conduct and Special Projects for Student Affairs. The request for extension of time will be considered by the office or Board before which a matter is pending. All parties will be notified in writing when an extension of time is allowed and will be informed of the reason for the extension of time. The parties will be advised of the progress of matters if delay otherwise becomes apparent.

Any proceedings before the Board of Regents will be conducted as expeditiously as possible under the circumstances.

RETALIATION PROHIBITED

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

these procedures.

Any individual who believes he/she has been a victim of retaliation should contact the Coordinator of Student Conduct and Special Projects of Student Affairs if the retaliation was by a student. Contact information is:

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

The Executive Director of the Office of Institutional, Diversity, and Access should be contacted in the event of retaliation by a University employee or other individual. The contact information is ***Executive Director of IDEA/Title IX Coordinator:*** Ms. Camisha Duffy, Murray State University, 103 Wells Hall, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: cduffy@murraystate.edu.

CONFIDENTIALITY

Murray State University will, to the extent possible under law and except as provided under this policy, keep confidential allegations, Complaints, Responses, investigative materials, and other matters under this policy. Individuals may be provided with documents or information when necessary, if there is a need to know, and if allowed by law. Murray State University will protect the confidentiality of victims to the extent permissible by law by (i) completing publicly available recordkeeping without inclusion of personally identifiable information about the victim and (ii) maintaining as confidential any accommodation or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair Murray State University's ability to provide the accommodation or protective measures.

OTHER ACTIONS BY COMPLAINANTS

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

AMENDMENTS

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