



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

Date Adopted: August 28, 1993 (Sexual Assault Policy)



permitted by state and federal law, which are equally applicable to all parties, regarding the extent to which an advisor may participate in proceedings;

- (3) There will be timely notice of meetings at which the complainant or respondent, or both, may be present;
- (4) There will be timely and equal access to the complainant, the respondent and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- (5) Both the complainant and respondent shall be simultaneously informed, in writing, of:
 - (a) the result of any institutional disciplinary proceeding that arises from an allegation of sexual violence and misconduct, relationship violence and stalking;
 - (b) WKH LQVWLWXWLRQ¶V SURFHGXUHV IRU WKH DFF of the institutional disciplinary proceeding;
 - (c) any change to the results that occurs prior to the time that such results become Final and
 - (d) when such results become final.
- (6) Reports that a student or employee has been subjected to an act prohibited by this Policy may be made as provided in the ³⁵ Reporting Allegations of Discrimination and Discri PLQDWLRQ *ULHYDQFH SURFHGXUHV

Proceedings involving an employee or student against a student to have violated this Policy may be filed in the Office of Institutional Diversity, Equity and \$FFHVV , '(\$ DV SURYLGALG of WKH 35 Reporting Allegations of Discrimination and 'LVFULPLQDWLRQ *ULHYDQFH SURFHGXUHV of ' Complaints which do not state a claim of sexual harassment will be forwarded to the Office of Student Affairs for resolution un GHU WKH 36WXGHQW /LIH 3ROLFLHV 5XOHV DQG 3UR

Proceedings involving a student or employee against a University employee volunteer or, where necessary, a university individual alleged to have violated this Policy may be filed in IDEA as pro YLGHG Reporting Allegations of Discrimination and Discri PLQDWLRQ *ULHYDQFH SURFHGXUHV

These policies and procedures describe how to file a complaint and ET2 0.00 612 792 reW* n136.94



employees. Primary prevention programs means programming, initiatives and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually-respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in healthy and safe directions. Awareness programs means community-



dating violence, domestic violence, sexual assault and stalking, using a range of strategies with audiences throughout the institution and including information described in items II(B)(1)(a-f) above.

- (3) Information in writing will be disseminated indicating procedures victims should



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

- (7) A student or employee who reports that the student or employee has been a victim of sexual violence and misconduct, relationship violence and stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the V W X G H Q W ¶ V R U H P S O R as H C V U H S E C K W I V D S E C R S W L R Q V II(B)(3-6).

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

It is an intent of this Policy to comply with the provisions of 20 U.S.C. §1092(f), including any implementing regulations and other law. It is the responsibility of the President, with the assistance of the Vice Presidents and other appropriate offices, to provide appropriate programs and processes in order to implement these Policy statements and ensure that information related to and described in this Policy is S U R S H U O \ G L V V H P L Q D W H G D W D O O R I O X U U D A 6 W D W H President is authorized, without additional approval, to make any amendment to this policy as may be deemed necessary. The only exception to the preceding is that the Board of Regents must approve any amendment which changes the person or entity who formally adjudicates a complaint. The Board of Regents will be advised of any such changes.

The President, or his or her delegee, will further ensure that information in this Policy is kept current and will provide for current and accurate references to policies, laws, offices, methods of reporting and links. Updated information will be provided as needed.

IV. Off-Campus Conduct

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

V. Retaliation Prohibited

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



APPENDIX I

Definitions Used by Murray State University

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

1. 3 5 H O D W L R Q V K L S Y L R O H Q F H ' L Q F O X G H V

A. 3 ' D W L Q J Y L R O H Q F H i o l e n c e z k d o m i t t e d b y a p e r s o n : W R

(1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) where the existence of such a relationship shall be determined based

R Q W K H U H S R U W L Q J S D U W \ ¶ V V W D W H P H Q W D O

factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

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

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

B. 3 ' R P H V W L F Y L R O H Q F H ' Z K L F K P H D Q V S K \ V L F D O L Q M X U

abuse or assault or the infliction of fear of imminent physical injury, serious physical

injury, sexual abuse or assault or any felony or misdemeanor crime of violence

committed by a current or former spouse or intimate partner of the victim; a person

with whom the victim shares a child in common; a person who is cohabitating with,

or has cohabitated with, the victim as a spouse or intimate partner; by a person

similarly situated to a spouse of the victim under the domestic or family violence laws

where the crime of violence occurred or by any other person against an adult or youth

Y L F W L P Z K R L V S U R W H F W H G I U R P W K D W S H U V R Q ¶ V D I

laws of the jurisdiction in which the crime of violence occurred.

2. 3 6 H [X D O 9 L R O H Q F H a s d e f i n e d i n t h i s p o l i c y r e f e r s t o a n y s e x u a l a c t

directed against another person, without the consent of the victim, including instances

where the victim is incapable of giving consent and includes:

A. 3 6 H [X D O \$ - A N D X O W a t m e e t s t h e d e f i n i t i o n o f r a p e , f o n d l i n g , i n c e s t o r s t a t u t o r y r a p e .

(i) 3 5 D S t h e p e n e t r a t i o n , n o m a t t e r h o w s l i g h t , o f t h e v a g i n a o r a n u s



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

- (ii) ³) ~~R G O E T~~ ~~E T~~ Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the



B. Suffer substantial emotional distress.

³ & R X U V H R I F R O G X F W P H D O Y, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method,