Student Conduct Policiesand Procedures

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

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

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

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

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

h. Disruptive Activities (see policy on Disruptive Activities) –

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

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

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

1. Any weapon from which a shot, readily capable of producing death or otherserious physical injury, may be discharged. This includes firearms, and ammunition for firearms, and BB and pellet guns
2. Any knife, other than an ordinary pocket knife with a blade less than 4 inches long, or a sword
3. Billy, nightstick, or club
4. Blackjack or sap jack
5. Nunchaku karate sticks
6. Shuriken or death star
7. Artificial knuckles made from metal, plastic, or other similar hard material
8. Any bow and arrow

ii. **For purposes of this policy, "dangerous materials" is defined as:**

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

to carry a concealed deadly weapon pursuant to KRS 237.110 if the weapon is contained in a private or university-owned vehicle and is not removed from the vehicle.

4. The Policy Statement does not prohibit the possession of a firearm, whether or not loaded, ammunition or other weapon with lawful authority if it is located in and not removed from a private or university-owned vehicle and is kept in an enclosed container, compartment, or storage space installed as original equipment in the vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, and regardless of whether the container, compartment, or storage space is locked, unlocked, or does not have a locking mechanism.

5. The Policy Statement does not prohibit the possession by individuals listed in KRS 527.020 of weapons under the conditions referenced in that statute. Reference should be made to the statute for a complete listing of the individuals and applicable circumstances.

6. The Policy Statement does not apply to the extent that the presence or use of any weapons or dangerous materials is authorized by the president under terms and conditions that are consistent with law and any applicable standards and will protect the safety of persons and property at Murray State University. The president's authority may be delegated as he/she deems appropriate.

7. The reference in this Policy to particular weapons and dangerous materials is not intended to condone the presence of other devices, items, or materials which pose a risk of harm to persons and property at Murray State University.

t. Sexual Harassment, Sexual Violence, Sexual Misconduct, Relationship Violence, or
.65 Tm icy Statement does not apply mfF0hs/P <000912exual Misconduct, Relat3(onduc)4(t, R)-44ers

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

b. Legal Sanctions - Alcohol and Other Drugs

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

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

iv. Low to moderate amounts of alcohol may also increase the incidence of a variety of aggressive acts, including domestic violence and child abuse.

v. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information.

vi. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, such as Valium or Xanax, much lower doses of alcohol will produce the effects just described.

vii. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening.

viii. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol spectrum disorder (FASD). These infants can have irreversible physical and mental abnormalities.

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

3. Fine System for Alcohol and Drug Policy Violations
   a. Category A:
      i. Possession and/or consumption of alcohol by a person under 21
      ii. Intoxication in a public place
      iii. Collections of containers that contain or previously contained alcohol
      iv. Possession or use of alcohol-related paraphernalia
      v. Possession of drug-related paraphernalia
      vi. Misrepresentation of age or possession of false documentation of age

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

   c. Category C:
      i. Hosting a gathering in the residence halls that involves alcohol (hosting is defined as having more persons than triple the room's occupancy present)
      ii. Possession of a keg in a residence hall or university apartment
      iii. Possession of a controlled substaEMC /P <</M 0 g 0 G [( )] TJ ET ,10<0

d. Category D:
   i. Providing or selling alcohol to a person under 21
   ii. Distribution of acontrolled substance, including but not limited to, methamphetamine, any narcotics, LSD (lysergic acid diethylamide), PCP (phencyclidine), GHB (gamma hydroxybutyric acid),

a. Tail

VI.

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

c. If the Coordinator of Student Conduct and Special Projects still believes the Complaint states no claim, the Complaint will be dismissed and the Complainant and Responder/Respondent Organization will be provided with a decision in writing.

d. Either party may seek further review of the decision of the Coordinator of Student Conduct and Special Projects by giving notice in writing to the Coordinator of Student Conduct and Special Projects, Murray State University, 425 Wells Hall, Murray, KY 42071 no later than five working days after the date of the decision. Additional procedures are discussed below under "Appeal from dismissal by Coordinator of Student Conduct and Special Projects or from Informal Proceedings."

e.

c. The university shall maintain an administrative file to include all documents in the university's possession or control relative to the alleged violation including exculpatory evidence and documents provided by a participant. This file shall also include an audio or video (plus audio) recording of the hearing or a transcript of the hearing. The file shall not include privileged documents or internal memorandums not used as evidence at the hearing.
d. A participant shall be provided reasonable access to the administrative file and the ability to make copies of all evidence or documents at least seven business days prior to an administrative hearing. PII may be redacted as appropriate.
e. The university shall maintain the administrative file permanently if a student is expelled, and in all other matters at least three years after the respondent's last date of attendance or after the sanctions are met, whichever is later.
f. A participant shall have the right to be represented by counsel, at the participant's expense, at all phases of the disciplinary process including informal hearing procedures. The university, when properly notified, shall direct correspondence to both the participant and counsel.

5. Informal Hearing Procedures.
   a. If an informal administrative hearing is held, a Student Affairs staff member shall meet with the parties who will be able to present information in support of their position. Informal procedures pertaining to allegations of sexual harassment or sexual misconduct are established by the Title IX/IDEA Office.
   b. If the parties are able to agree upon a resolution, the agreement will be put in writing and provided to all parties.
   c. If the parties are unable to agree upon a resolution, the staff member may take one of the following courses of action, except in complaints involving sexual harassment or sexual misconduct:
      i. Find for or against the Respondent or Respondent organization. A finding against the Respondent/Respondent organization will be based upon a preponderance of the information presented.
      ii. Impose the sanctions of warning, referral, loss of privileges, probation, and/or restitution as defined under "University Judicial Board Authority and Jurisdiction."

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

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

    i. Prior to any hearing, the parties will be required to provide copies of any documents or other information to be used at the hearing and a list of any witnesses. This information will be available to the other party, to members of the University Judicial Board and the hearing officer, and to other appropriate University officials

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

vii. Additional rules applicable when a violation or violations may result in suspension longer than three days, expulsion from the university or university housing, or when sexual harassment or misconduct is alleged.

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

participant is not violated or would substantially
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Affairs and, in the case of a sanction of disciplinary suspension or expulsion, to the University Appeals Board. The decision of the University Judicial Board will include the rationale for its decision, including any sanctions. A copy of any decision related to sex discrimination, including allegations of sexual harassment, or sexual violence and misconduct, relationship violence, or stalking will be sent to the University's Title IX Coordinator. The decision letter shall contain information regarding each party's right to appeal and a copy of the procedures for an appeal. In the event the decision found in favor of the student or organization charged with a violation, the complainant will be advised of his/her appeal rights.

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

vii. Any sanctions and corrective action taken in the event of a finding of discrimination based on sex or sexual orientation, including sexual harassment, or sexual violence and misconduct, or relationship violence, or stalking including matters which occur off

vi. Self-Improvement and Educational Programs. A program of self development or educational development to assist students in realizing the significance of their behavior.

vii. Program Exclusion. Permanent or temporary exclusion from a University program, including a course of study.

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

1. Prejudicial procedural or other errors occurred with respect to the previous proceedings;
2. The decision of the Coordinator of Student Conduct and Special Projects or Student Affairs staff member is arbitrary on the basis of the information in the whole record;
3. Any imposed sanction is inappropriate for the violation the charged student/charged student organization was determined to have committed; or
4. Newly discovered evidence, which could not with reasonable diligence have been presented to the Coordinator of Student Conduct and Special Projects or during the informal proceedings, is sufficient to affect the decision of the Student Affairs staff member.

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

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

7. The University Appeals Board

a. Composition. The University Appeals Board shall be composed of nine members— six faculty members, and three students. Two faculty members shall be named by the Board of Regents each year to serve three year terms, and the students shall be named by the Board of Regents each year for one-year terms. A quorum of the Appeals Board shall be any five members present and voting. The Appeals Board shall elect its own chairperson.
b. Appeals Procedure. Except as otherwise provided, an,1 Tm p4(o)-9(a)0(t8,1 Tm ma

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

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

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

9. Retaliation Prohibited.

a. There will be no retaliation against any individual because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under these procedures.
b. Any individual who believes he/she has been a victim of retaliation should contact the Coordinator of Student Conduct and Special Projects if the retaliation was by a student. Contact information is: Coordinator of Student Conduct and Special Projects: Mrs. Jen Caldwell, Murray State University, 425 Wells Hall, Murray, KY. 42071; telephone: (270) 809-6833; facsimile: (270) 809-4176; Email: jcaldwell@murraystate.edu. The Executive Director of the Office of 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, Murray, KY 42071; telephone: (270) 809-3555 (voice), (270) 809-3361 (TDD); facsimile(270) 8096887; Email: cduffy@murraystate.edu

10. Murray State University will, to the extent possible under law and except as provided under this policy, keep confidential allegations, Complaints, Responses, investigative materials, and other matters under this policy. Individuals may be provided with documents or information when necessary, if there is a need to know, and if allowed by law. Murray State University will protect the confidentiality of victims to the extent permissible by law by (i) completing publicly available recordkeeping without inclusion of personally identifiable information about the victim and (ii) maintaining as confidential any accommodation or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair Murray State University's ability to provide the accommodation or protective measures.
11. Other Actions by Complainants. An individual alleging a violation of University policy has the right to pursue action with other agencies, including the right to pursue criminal charges if a crime has occurred. The University's response to allegations under this policy will, to the extent possible, not be delayed pending the outcome of any such other action.

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

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

a. Review and Investigation of Allegations.

i. Role of Institutional Diversity, Equity, and Access. Allegations of discrimination related to sex discrimination under Title IX and sexual violence and misconduct, relationship violence, and stalking, will be reviewed by IDEA. IDEA will, if possible, meet with the individual who alleges discrimination or who is reported to have been subjected to discrimination.
ii. All other (non-Title IX) complaints of discrimination against a student or student organization should be made to the Associate Vice President for

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

iv. Investigation by IDEA/Recommendations/Decision. The Office of IDEA investigates all complaints related to Title IX. If the respondent is a student, the investigatory report will be provided to Student Affairs for review. The report will include all inculpatory and exculpatory evidence discovered by IDEA. Witness credibility determinations will not be based on the status of the party or witness. If sanctions are warranted, the Student Affairs Judicial Process will be utilized.
    1. Time for Completing Initial Review Process. It is the intent of this policy that the Initial Review process should typically be completed within 60 days of the filing of the complaint. The President may extend the time for good cause. "Good cause" is defined below at Section v.5.
    2. Role of Advisors in the Initial Review Process. The parties may have an advisor, including an attorney, during the Initial Review process. Advisors may accompany a party to any meeting with the party, but will not participate in any investigations or meetings other than to advise the complainant or respondent.
    3. Further Review. Any party shall have the right to request Further Review of the final decision. The request for Further Review may relate to the determination as to whether discrimination occurred and/or the sanctions and corrective action imposed.

v. Additional Information.
    1. Burden of Proof. The burden of proof is preponderance of the ev

9. Sanctions and Corrective Action. Any sanctions and corrective action taken in the event of a finding of discrimination will include measures to stop the discrimination, prevent it from recurring, correct its discriminatory effects, and protect other members of the University community from discrimination. Under certain circumstances, training may be required for an individual or a larger group. The imposition of sanctions and corrective action under this policy does not prevent any other entity from imposing penalties.
10. Investigations will be conducted by officials who, at a minimum, receive annual training on the issues related to sexual violence and misconduct, relationship violence, and stalking, including domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Officials conducting proceedings will not have a conflict of interest or bias for or against the accuser or the accused.
11. During investigations:
    a. there will be timely and equal access to the Complainant, the Respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings;
    b. both the Complainant and the Respondent shall be simultaneously informed, in writing, of
        i. the result of any institutional disciplinary proceeding that arises from an allegation of sexual violence and misconduct, relationship violence, and stalking;
        ii. the institution's procedures for the Respondent and the Complainant to appeal the results of the institutional disciplinary proceeding, and
        iii. any change to the results that occurs prior to the time that such results become final.

12. The procedures followed by Institutional Diversity, Equity and Access for handling formal complaints are found on its website at

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