



SEXUAL VIOLENCE AND MISCONDUCT, RELATIONSHIP VIOLENCE, AND STALKING

Murray State University promotes a safe environment for its students, faculty and staff.

I. Policy Against Sexual Assault, Sexual Violence and Sexual Misconduct, Relationship Violence, and Stalking.

- A. 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.
- B. Procedures for institutional disciplinary action in cases of alleged sexual harassment including sexual violence and misconduct, relationship violence and stalking:
 - (1) Shall:
 - (a) provide a prompt, fair and impartial process from the initial investigation to the final result and resolution; and
 - (b) be conducted by officials who, at a minimum, receive annual training on the issues related to sexual harassment including 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 complainants and witnesses and promotes accountability. Officials conducting proceedings will not have a conflict of interest or bias for or against the complainant or the respondent. Training will include a review of the definition of sexual harassment, how to remain impartial, and how to review relevant evidence.
 - (2) The complainant and the respondent are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any meeting or proceeding by an advisor of their choice. Murray State may establish restrictions to the extent 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 accuser and the accused 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;

A student found to have engaged in prohibited behavior is subject to disciplinary

- (c) options regarding the involvement of law enforcement and campus authorities,
 - (i) notify proper law enforcement authorities, including on-campus and local police;
 - (ii) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (iii) decline to notify such authorities.
 - (d) protection, no contact orders, restraining orders or similar lawful orders issued by a court or by Murray State.
- (4) Murray State University will, to the extent possible under law and except as provided under this policy, keep confidential allegations, complaints, responses, investigative materials and other matters under this policy. Individuals may be provided with documents or information when necessary, if there is a need to know and if allowed by law. Murray State will protect the confidentiality of victims to the extent permissible by law by (i) completing publicly available record keeping 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 mai accommodation or protective measures.
 - (5) Students and employees will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on campus and in the community.
 - (6) Victims will be provided written notification about options for, available assistance in and how to request changes to academic, living, transportation and working situations or protective measures. Murray State will make such 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 oc

-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

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

B. Suffer substantial emotional distress.