REPORTING ALLEGATIONS OF DISCRIMINATION AND DISCRIMINATION GRIEVANCE PROCEDURES

I. Principles of Non-Discrimination at Murray State University.

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

the end of this policy. Allegations of violation of these policies as applicable are considered as allegations of discrimination under this policy.

Appendix II includes contact information for all offices mentioned in this policy and for other available resources.

II. Scope of this policy regarding Discrimination Grievance Procedures.

This policy establishes the procedures to be followed in the event of allegations of discrimination against a University employee or volunteer or against a non University individual, including the employee of a contractor at, a visitor to, or a patron of the University.

This policy also establishes the procedures to be followed in the event of allegations of discrimination against a student or student organization based upon sex or sexual orientation, including allegations of sexual harassment, sexual violence or misconduct, relationship violence, or stalking.

Murray State University is committed to investigating, in a prompt, reliable, and equitable manner, allegations and claims of discrimination in the operation and administration of its programs, services and employment practices.

This policy supersedes any other grievance mechanism with respect to issues of discrimination and affirmative action, except as the question of discrimination and affirmative action constitute a part, but only a part, of grievances or complaints filed before other hearing bodies within the University. In these latter cases, the proceedings before the hearing body shall be suspended until matters of discrimination and affirmative action have been decided in accordance with the procedure provided by this policy.

III. Reporting Allegations of Discrimination and Where to report violations

A. Where to report allegations that ***you*** have been discriminated against

Any member of the University community, including students, staff, faculty, patrons, visitors, employees of a contractor, and applicants for employment and admission, who believes he or she may have been subjected to discrimination by a University employee, student, or volunteer or non-University individual is encouraged to report it as provided below.

1. *Allegations against University employees, volunteers, and non-University individuals.*

concerned for their safety, or if a victim wishes to report an act of discrimination which occurs outside of normal University office hours. Offices listed in Appendix II can assist in contacting law enforcement.

Reports of matters related to discrimination, including discrimination based on sex or sexual orientation and including allegations of sexual harassment and sexual violence and misconduct, relationship violence, and stalking, made to the Murray State University Police Department will automatically be referred to the Executive Director of IDEA/Title IX Coordinator with personally identifying information regardless if the victim chooses to pursue criminal charges or requests confidentiality. If the matter cannot be immediately reported to the Executive Director/Title IX Coordinator, the matter must be reported as soon as possible.

Contact information for the Murray State University Police Department is: Murray State University, 101 Public Safety Building, Murray, KY 42071; telephone: (270) 809-2222.

Campus Security Authorities. Individuals may seek the assistance of University employees who

here http://www.murraystate.edu/HeaderMenu/Offices/PublicSafetyAndEmergencyManagement/PoliceDepartment/CampusSecurityAuthorities.aspx. Campus Security Authorities must report crimes to the Murray State University Police Department.

Other Resources. In addition, individuals may seek assistance, such as counseling and support and medical services, from the resources listed in Appendix II.

4. *Confidential Reporting/Requests for Confidentiality or that an Investigation not be Pursued*

Individuals are encouraged to report under this policy allegations that they have been discriminated against even if they request confidentiality or do not wish to participate in an investigation.

a. Matters reported to IDEA/Title IX Coordinator.

The Executive Director of IDEA/Title IX Coordinator 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 that law enforcement authorities not be notified, IDEA/Title IX Coordinator will immediately report the matter to the Murray State University Police Department without personally identifying information unless otherwise required by law.

In the event an individual reporting discrimination to the Executive Director/Title IX Coordinator requests confidentiality or does not wish to participate in an investigation, the Executive Director/Title IX Coordinator, or his or her designee, will still take 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 to review the allegations may be limited.

Depending upon the applicable facts and circumstances, including the nature of the allegations, as determined by the Executive Director/Title IX Coordinator, or his or her designee, it may not be possible to honor a request for confidentiality.

b. Murray State University Police Department.

If you are a victim of a crime you are not obligated to report it to the police. If you are the victim of a crime and do not want to pursue action within the University system or criminal justice system, you may still want to consider making a confidential report. Unless otherwise required by law, the Chief of the Murray State University Police Department, or his designee, can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential. Reports filed in this manner are included in campus crime statistics.

Anonymous crime reports may be sent to Murray State University Police Department, 101 Public Safety Building, Murray, KY 42071.

c. Campus Security Authorities.

If the victim contacts a Campus Security Authority and requests anonymity or that law enforcement authorities not be notified of a crime, the Campus Security Authority must immediately report the matter to the Murray State University Police Department without personally identifying information. Campus Security Authorities must also immediately report matters related to discrimination, including discrimination based on sex or sexual orientation and including allegations of sexual harassment and sexual violence and misconduct, relationship violence, and stalking, to the Executive Director/Title IX Coordinator we and4in, to the Exer12 0 612 792 reW*(

mental-health counseling, are generally not required to report any information about an incident

IDEA will, if possible, meet with the individual who alleges discrimination or who is reported to have been subjected to discrimination.

Available Assistance. IDEA will provide written information to individuals involved in allegations of discrimination, in an attempt to assist them, of measures which may be immediately available and which are appropriate under the circumstances. Examples include counseling and modifying academic, living, transportation, and working situations, a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. An individual who allegedly engaged in prohibited behavior may be removed or banned from University property or certain portions of campus to the extent consistent with law. IDEA will facilitate the implementation of such measures if requested and if they are reasonably available in consultation where necessary with the appropriate Vice President, or designee, and other offices. These measures may remain available regardless of the outcome of any complaint process.

B. Complaint Process

If the individual making allegations that he or she has been discriminated against wishes to pursue a formal complaint, the following procedures will be followed.

Time limit. A formal complaint of discrimination against a University employee or volunteer or non-University individual should be filed with the Executive Director of IDEA/Title IX Coordinator within 180 days of the last event about which a complaint is made.

1. *Initial Review*

a. Submitting a complaint

Complaints against University employees or volunteers, or non-University individuals. An individual wishing to pursue allegations against a University employee or volunteer or non-University individual for discrimination must state his/her complaint in writing with the Executive Director of IDEA/Title IX Coordinator. The complaint shall state the nature of the discrimination, the facts upon which the complaint is based, and the relief demanded.

Complaints against students or student organizations. An individual wishing to pursue allegations of discrimination against a student or student organization based upon sex or sexual orientation, including sexual harassment, sexual violence and misconduct, relationship violence, and stalking must state his/her complaint in writing with the Executive Director of IDEA/Title IX Coordinator.

All other complaints of discrimination against a student or student organization should be made to the Coordinator of Student Conduct and Special Projects for Student Affairs, where they will be addressed under different procedures.

Processing the complaint. The individual wishing to pursue a complaint should attempt to meet with the Executive Director/Title IX Coordinator, or his or her designee, before submitting a complaint. A complaint may be based upon reports previously completed by the individual, but additional information may be required.

Complaints are to be delivered to the Executive Director/Title IX Coordinator in person or by way of postal delivery and must not be sent electronically by, for example, e-

The Office of General Counsel will be kept informed of all proceedings.

Any complaint against a student which could result in suspension or expulsion will be forwarded immediately to the Office of Student Affairs for handling pursuant to procedures related to the University Judicial Board found in the **Student Life Policies, Rules, and Procedures**.

b. Notifying the Respondent

IDEA will immediately forward a copy of the complaint to the Respondent. The president and/or faculty advisor of the student organization will be notified on behalf of a student organization. The Respondent may submit a written response within 7 days from the time the complaint is hand delivered or 10 days from the date the complaint is mailed to the Respondent. The

In the event the parties are able to resolve the complaint, the
to writing for their signature. There will be no further investigation of the complaint. Any informal resolution must include measures to stop any discrimination, prevent any recurrence, correct any discriminatory effects, and protect other members of the University community from discrimination.
Any complaints against students or student organizations which are filed with IDEA but for which there is no agreement to attempt informal resolution or are not resolved informally or relate to matters not subject to informal resolution, will be forwarded to the Office of Student Affairs and will proceed under procedures related to the University Judicial Board found in the **Student Life Policies, Rules, and Procedures**.

ii. Investigation by IDEA/Recommendations/Decision

It is intended that an initial decision with respect to complaints will be made within 60 days of the initial filing of the complaint.

IDEA should complete any investigation within 35 days from the filing of any response or from the expiration of the time to file a response. The President may extend the time for good cause.

In the event the informal resolution process is not used or is unsuccessful, IDEA will proceed with the investigation of the complaint.

IDEA will meet separately with the Complainant and the Respondent to gather additional facts and information about the allegations in the complaint and any response, including the identities of individuals who may have information.

IDEA will conduct such investigation as is believed is warranted. University employees and students are expected to cooperate with investigations by IDEA. All relevant files not privileged will be available to IDEA. The parties will be kept informed in writing as to the progress of the investigation.

Once the investigation is finished, a report will be prepared by IDEA. The report will review the allegations in the complaint and any response; the factual findings from the investigation; and

assertions and allegations to which the parties have had the opportunity to respond. If IDEA concludes there was discrimination, the report will include recommended sanctions and

The Answering Party may submit to the Executive Director/Title IX Coordinator a written response to the request for Further Review within 7 days from the time the request for review is hand delivered or 10 days from the date it is mailed. The President may extend the time for

Any response is to be delivered to the Executive Director/Title IX Coordinator in person or by way of postal delivery and must not be sent electronically by, for example, e-mail. The response will be deemed timely if it is postmarked within the stated time frame.

The Executive Director/Title IX Coordinator, or designee, will provide a copy of any response to the Petitioner.

C. Procedures for Further Review

Further Review will be conducted by a Review Committee composed of 3 employees of the University appointed by the President. The chair of the Review Committee shall be designated by the President. The President shall appoint the Review Committee within 10 days after receipt of the request for Further Review from the Executive Director/Title IX Coordinator or designee.

(E).

Except as otherwise provided here, the
It shall develop its rules of procedure which will include the following:

a. A de novo hearing.

b. The right to be represented by counsel.

c. The right to produce witnesses and to cross-examine witnesses presented against a party.

d. As a general practice, the Review Committee will not be obligated to conform to technical rules of evidence.

e. Timely and equal access to the parties and appropriate officials to any information that will be used during the hearing;

f. The burden of proof shall be on the Petitioner.

g. A record of the proceedings shall be retained by electronic and/or stenographic recording.

All procedures shall be applied in a manner which is consistent with due process under the circumstances of the case.
If consideration of the request for Further Review by the Review Committee reveals that if true the request provides no basis for review, it will so advise the parties and request simultaneous

of such requests for additional information and will be provided with a copy of any response along with the opportunity to provide a written reply.

The written decision of the President will be provided to the parties simultaneously, the pertinent Vice President, and the Executive Director/Title IX Coordinator. The decision of the President shall be final save and except as an appeal to the Board of Regents may be mandated by law.

VI. 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.

Allegations that a student has retaliated should be reported to the Coordinator of Student Conduct and Special Projects for Student Affairs. Allegations that a Murray State employee or volunteer, or a non-University individual has retaliated should be reported to the Executive Director of IDEA/Title IX Coordinator. Such allegations will be investigated consistent with the procedures provided in this policy.

VII. Additional Information

A. Burden of Proof

The burden of proof is on the Complainant, in the Initial Review, and the Petitioner, in proceedings for Further Review, to prove his/her allegations by a preponderance of the evidence.

B. Calculation of Time

In calculating any period of time under this policy, the last day of the period so computed is to be included unless it is a Saturday, Sunday or a Murray State University holiday, in which event the period runs until the end of the next day which is not a Saturday,

It is the express intent of this policy that all allegations and complaints be investigated and resolved in an expeditious manner and without unnecessary delay.

G. Other Action by Individuals Alleging Discrimination

An individual alleging discrimination has the right to pursue action with other agencies,

to allegations under this policy will, to the extent possible, not be delayed pending the outcome of any such other action.

H. Responsibility of the President

The President, or his or her delegee, will 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. 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 person or entity who formally adjudicates a complaint.

I. 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.

Employees or volunteers who are found to have discriminated are subject to disciplinary action including counseling/training, written warning, suspension, termination, ban from campus, and counseling/training.

A non-University individual, found to have engaged in prohibited behavior after any required hearing, is subject to disciplinary action including written warning, ban from campus, or ban from certain areas.

The imposition of sanctions and corrective action under this policy does not prevent any other entity from imposing penalties.

APPENDIX I

STUDENT LIFE POLICIES

Non-Discrimination Statement:
The statement can be found in the *Student Life Policies* under the link for Policies and Handbook on the website of Student Affairs which can be found by searching the Murray State homepage.

Policy on Combating Sexual Harassment:
The policy can be found in the *Student Life Policies* under the link for Policies and Handbook on the website of Student Affairs which can be found by searching the Murray State homepage.

Other Helpful Contact Information:

MURRAY CAMPUS

POLICE DEPARTMENTS

Calloway County Sheriff
701 Olive Street
Murray, KY 42071
Telephone: (270) 753-3151

Crime Stoppers
Telephone: (270) 753-9500

Kentucky State Police
Post One
8366 State Route 45 North
Hickory, KY 42051
Telephone: (270) 856-3721

Murray Police Department
407 Poplar Street
Murray, KY 42071
Telephone: (270) 753-1621

Murray State University Police Department
101 Public Safety Building
Murray, KY 42071
Telephone: (270) 809-2222
Email: msu.policedept@murraystate.edu

MEDICAL CARE

Murray Calloway County Hospital
803 Poplar Street
Murray, KY 42071
Telephone: (270) 762-1100

SEXUAL ASSAULT COUNSELING

Telephone: (270) 809-6466 and (270) 809-3822

Four Rivers Behavioral Health
Lakes Center
1051 North 16th Street
Murray, KY 42071
Telephone: (270) 753-6622

Merryman House Domestic Violence Crisis Center
Hotline: (800) 585-2686

Abigail Cox
C103 Oakley Applied Science Building
Murray, KY 42071
Telephone: (270) 809-3140
Email: msu.womenscenter@murraystate.edu

Psychological Center
Murray State University
401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

Purchase Area Sexual Assault and Child Advocacy Center
Telephone: (270) 753-5777
Helpline: (800) 928-7273

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu

SUPPORT SERVICES

Housing and Residence Life
Dr. J. David Wilson
206 Stewart Stadium
Murray, KY 42071
Telephone: (270) 809-2310
Email: jwilson@murraystate.edu

Institute for International Studies
Dr. Guangming Zou, Assistant Provost for International Studies
171 Woods Hall
Murray, KY 42071
Telephone: (270) 809-4223
Email: gzou@murraystate.edu

Pride Center
N101 Oakley AppliedScience Building
Murray, KY 42071
Telephone: (270) 809-5040
Email:
msu.pridecenter@murraystate.edu

Abigail Cox
C103 Oakley Applied Science Building
Murray, KY 42071
Telephone: (270) 809-3140
Email: msu.womenscenter@murraystate.edu

Office of Multicultural Affairs
S.G. Carthell, Executive Director
110A Curris Center
Murray, KY 42071
Telephone: (270) 809-6836
Email: scarthell@murraystate.edu

OTHER IMPORTANT CONTACTS

Murray State University Athletics
Matt Kelly, Senior Associate Athletic Director and Title IX Athletics Liaison
217 Stewart Stadium
Murray, KY 42071
Phone: (270) 809-4424
Email: mkelly@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
Camisha Duffy, Executive Director/Title IX Coordinator
103 Wells Hall
Murray, KY 42071
Telephone: (270) 809-3155
Fax: (270) 809-6887
TDD: (270) 809-3361
Email: cduffy@murraystate.edu; msu.titleix@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
J. Owen Butler, Deputy Title IX Coordinator and Investigator
103 Wells Hall
Murray, KY 42071
Telephone: (270) 809-3155
Fax: (270) 809-6887
TDD: (270) 809-3361
Email: jbutler9@murraystate.edu; msu.titleix@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
Blaire Bushart Gray, Deputy Title IX Coordinator and Investigator
103 Wells Hall
Murray, KY 42071
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Fax: (270) 809-6887
TDD: (270) 809-3361
Email: bbushart@murraystate.edu; msu.titleix@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
Lea Bowland, Assistant Director
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Murray, KY 42071
Telephone: (270) 809-3155
Fax: (270) 809-6887
TDD: (270) 809-3361
Email: lbowland2@murraystate.edu

Office of Student Affairs
Jennifer Caldwell, Coordinator of Student Conduct and Special Projects
425 Wells Hall
Murray, KY 42071
Telephone: (270) 809-6833
Email: jcaldwell@murraystate.edu

PADUCAH CAMPUS

POLICE DEPARTMENTS

Kentucky State Police
Post One
8366 State Route 45 North
Hickory, KY 42051
Telephone: (270) 856-3721

McCracken County Sheriff
301 South Sixth Street
Paducah, KY 42003
Telephone: (270) 444-4719

Paducah Police Department
1400 Broadway
Paducah, KY 42001
Telephone: (270) 444-8550

MEDICAL CARE

401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

Purchase Area Sexual Assault and Child Advocacy Center
Telephone: (270) 534-4422
Helpline: (800) 928-7273

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851

Office of Institutional Diversity, Equity, and Access (IDEA)
J. Owen Butler, Deputy Title IX Coordinator

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Email: lbowland2@murraystate.edu

Office of Student Affairs
Jennifer Caldwell, Coordinator of Student Conduct and Special Projects
425 Wells Hall
Murray, KY 42071
Telephone: (270) 809-6833
Email: jcaldwell@murraystate.edu

MADISONVILLE CAMPUS

POLICE DEPARTMENTS **SUPPORT SERVICES**

Hopkins County Sheriff
56 North Main Street
Madisonville, KY 42431
Telephone: (270) 821-5661

Madisonville Police Department
99 East Center Street
Madisonville, KY 42431
Telephone: (270) 821-1720

MEDICAL CARE

Baptist Health Madisonville
900 Hospital Drive
Madisonville, KY 42431
Telephone: (270) 825-5100

SEXUAL ASSAULT COUNSELING

Psychological Center
Murray State University
401 Wells Hall

TDD: (270) 809-3361
Email: bbushart@murraystate.edu;
msu.titleix@murraystate.edu

Office of Institutional Diversity, Equity, and Access (IDEA)
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Email: lbowland2@murraystate.edu

Office of Student Affairs
Jennifer Caldwell, Coordinator of Student Conduct and Special Projects
425 Wells Hall
Murray, KY 42071
Telephone: (270) 809-6833
Email: jcaldwell@murraystate.edu

HENDERSON CAMPUS

POLICE DEPARTMENTS

Henderson County Sheriff
20 N. Main Street, Suite 112
Henderson, KY 42420
Telephone: (270) 826-2713

Henderson Police Department
1990 Barret Court
Henderson, KY 42420
Telephone: (270) 831-1295

MEDICAL CARE

Methodist Hospital
1305 North ElTf1 0 0 1 164.3 523.75 Tm0 G[ )]TJETQEMC /P <MCID 16>BDC q4 EMC /P <MCID 16>BDC 164

Office of Institutional Diversity, Equity, and Access (IDEA)
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Fax: (270) 809-6887
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Office of Student Affairs
Jennifer Caldwell, Coordinator of Student Conduct and Special Projects
425 Wells Hall
Murray, KY 42071
Telephone: (270) 809-6833
Email: jcaldwell@murraystate.edu

FORT CAMPBELL CAMPUS

POLICE DEPARTMENTS

Fort Campbell Military Police
123 Forrest Avenue
Fort Campbell, KY 42223
Telephone: (270) 798-2677

MEDICAL CARE

Blanchfield Army Community Hospital
650 Joel Drive
Fort Campbell, KY 42223
Telephone: (270) 798-8400

SEXUAL ASSAULT COUNSELING

SUPPORT SERVICES

Abigail Cox
C103 Oakley Applied Science Building
Murray, KY 42071
Telephone: (270) 809-3140
Email: msu.womenscenter@murraystate.edu

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103 Wells Hall
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Fax: (270) 809-6887
TDD: (270) 809-3361
Email: bbushart@murraystate.edu; msu.titleix@murraystate.edu

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Office of Student Affairs
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425 Wells Hall
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Email: jcaldwell@murraystate.edu

ONLINE STUDENTS

SEXUAL ASSAULT COUNSELING

Psychological Center
Murray State University
401 Wells Hall
Murray, KY 42071
Telephone: (270) 809-2504
Fax: (270) 809-2992

University Counseling Services
Counseling Center
C104 Oakley Applied Science Building
Murray State University
Murray, KY 42071
Telephone: (270) 809-6851
Email:
msu.counselingcenter@murraystate.edu

J. Owen Butler, Deputy Title IX Coordinator and Investigator
103 Wells Hall

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2159; Email: loneall@murraystate.edu

SUPPORT SERVICES