

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 process.

In order to impose any sanction related to off campus conduct, there must be a finding that the

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

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- **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 restitution ma9

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

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