



Michael Minger Act Crime and Fire Report for 2017



Presented by:
Morehead State University Police Department – Division of Student Success

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Morehead State University

The Michael Minger Act Crime & Fire Report for 2017 Activity Reported for Calendar Year 2016

PREPARATION OF THE ANNUAL SECURITY REPORT

AND DISCLOSURE OF CRIME STATISTICS

The Morehead State University Police Department publishes the Annual Security and Fire Safety Reports to inform the Morehead State University community about campus security policies, initiatives to prevent and respond to crime and emergencies, the occurrence of crime on campus and required fire safety and education information. This report complies with the The Michael Minger Act and uses information maintained by the University Police, information provided by other University offices such as Student Success, Athletics, Human Resources/Title IX Coordinator, Residence Life, and information provided by local law enforcement agencies surrounding MSU campuses. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by MSU. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The University distributes a notice of the availability of this Annual Security and Fire Safety Report by September 1st of each year to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the University Police at (606) 783-2035 or by visiting:
http://www.moreheadstate.edu/crime_stats

Morehead State University is located in the scenic natural beauty of the foothills of eastern Kentucky. The University and surrounding city of Morehead is a safe community. It is an ideal setting to live, work, study and raise a family. However, bad things can occur in even the safest places. With this in mind, MSU has and continues to take action to reduce, and prevent crime, fires and other life threatening incidents.

MSU is a "StormReady University" through the National Weather Service, indicating that MSU is better prepared to save lives from severe weather through advanced planning, education and awareness. MSU maintains, updates and exercises an Emergency Operation Plan in order to respond to major incidents, both natural and man-made.

Section 1: Campus Security Authority

List campus security authority personnel (definition at KRS 164.948(2)):

All Morehead State University Division of Student Success administrators meet the definition of Campus Security Authority Personnel. This includes, but is not limited to, the Vice President for Student Success, the Assistant VP/Dean of Students, the Director of Housing and Residence Education and all full-time employees of the Morehead State University Police Department.

Describe the extent and nature of enforcement authority of campus security authority personnel:

The Morehead State University Police Department is a public safety and security department organized in accordance with KRS 164.950 - KRS 164.980. Police officers are serving at the pleasure of and appointed by the MSU Board of Regents. In accordance with KRS 164.955, Morehead State University police officers have general police powers. The police officers possess all of the Common Law and Statutory powers, privileges and immunities of Sheriffs. Morehead State University police officers exercise police powers upon any real property owned or occupied by the institution, including streets passing through and adjacent thereto. The powers may be exercised in any court of the Commonwealth where Morehead State University owns or occupies property. In addition, MSU police officers have jurisdiction in Rowan County in accordance with an agreement signed by the Sheriff of Rowan County as provided for in KRS 164.955. Also, MSU police officers have jurisdiction to conduct investigations anywhere on the property controlled by Morehead State University. Morehead State University police officers must successfully complete a basic police training course approved by the Kentucky Law Enforcement Council. In addition, each police officer must complete an annual forty (40) hour in-service course conducted and approved by the Kentucky Law Enforcement Council.

Describe the working relationship of campus security authority personnel with state and local police agencies:

Morehead State University Police Department works with state and local law enforcement agencies within Rowan County. Under a mutual aid agreement, other agencies respond to campus situations and the university police assist with off campus situations. Morehead State University has established the following policies and procedures to enhance the security of the campus community:

Academic and administrative buildings have normal operating hours posted on entrances. Persons remaining after the posted hours must have appropriate identification and authorization. Faculty and staff members are permitted within facilities twenty-four (24) hours per day.

Faculty and staff will be required to produce their Medeco key and a University ID card, when so requested by a member of the MSU Police Department. Students must obtain the approval of the department chairperson and possess an approved "After Hour Facility Utilization Slip". Students must have their copy of the slip and a valid University ID card in their possession and present same upon request.

Residence halls permit entry through the main entrance requiring card access twenty-four (24) hours a day. MSU Police employ student workers as cadets that operate the Student Shuttle and perform other support roles. Anyone present in a residence hall may be asked to show an MSU ID card to prove residency and their right to use the facilities. Failure to produce proper identification upon request by MSU Police or any MSU employee may result in disciplinary action.

Section 2: Description of Information Programs

Describe programs that inform students and employees about:

(a) Campus safety and security

The University Office of Student Success utilizes both on-campus and off-campus resources to make students aware of the dangers they may encounter throughout their college experience. The Morehead State University Police Department presents regularly scheduled programs at orientations and in residence halls promoting crime prevention and security awareness. Topics include, but are not limited to; theft, rape, drugs, alcohol and personal & property security. Crime reporting is stressed in all programs by the MSU Police Department. Engravers are made available for students, faculty, and staff to engrave valuable personal property. A crime alert program provides for campus notices to be posted in specific areas. Voice and e-mail bulletin systems are used to make announcements to the University community as needed. Media releases to the campus population are made in coordination with the Office of Media Relations.

(b) How to report a crime:

The Morehead State University Police Department maintains a twenty-four (24) hours a day, seven (7) days per week operation. Sworn police officers and state certified dispatchers are on duty to respond to any crime, suspected crime, or incidents, requiring police attention. Emergency phones are available throughout the campus. The MSU Police Department actively participates in programs to promote crime awareness and reporting. If you are the victim of a crime, suspect that a crime has been committed, or have witnessed a crime, report this to the MSU Police Department at 100 Laughlin Health Building or call 911.

Beginning in the spring of 2016 MSU students and staff can utilize the LifeSafe app. This free app allows users to directly communicate with MSU Police personnel via text and voice calls. More information at: www.moreheadstate.edu/livesafe

(c) How to prevent crimes:

Unauthorized persons are not permitted in residence halls and should be reported to the residence hall staff or the MSU Police Department at 606-783-2035. If you believe a crime has been or is about to be committed, contact the MSU Police Department immediately. Specific guest and visitation policies are contained in the Eagle Student Handbook. Campus safety and assessment surveys will be conducted twice annually (normally May and September).

The Chief of Police, the Director of Risk & Compliance, or their designated representatives, shall conduct a campus survey at night to determine lighting adequacy needs. They will accomplish the survey on foot and make every effort to observe all possible routes used by the University community, including parking lots. The Chief of Police will create a comprehensive report of all items identified and share the report with the Vice President for Administration and Fiscal Services, the Director of Risk & Compliance, the Assistant Vice President for Facilities Management, and the Vice President for Student Success.

Section 3: Statements of Policies and Procedures

(a) Provide the institution's policy statement on making special reports to the campus community of crimes that present a safety or security threat to students or employees. KRS 164.9481(d)

The Morehead State University Police Department is designated to inform the University community in a timely manner of crimes committed on campus and to heighten safety awareness, as well as to request information that will assist University Police and the local police departments in arresting and convicting the perpetrator when crimes have been committed against persons or property. When a crime that represents a threat to the safety of the members of the University community is reported to University Police or the local police department, the University Police Department will issue a Campus Crime Alert. Every attempt will be made to issue the alert within 24 hours of the incident being reported, however, the release of the alert is subject to the availability of facts concerning the incident. The alert will be distributed through a network of on-campus offices, buildings, and residence halls. To also provide the University with a more immediate notification, this information may be viewed on our website. To access this alert, please visit our website at www.moreheadstate.edu/police.

(b) If the institution provides student housing facilities, describe the institution's procedure for disclosing the existence or nonexistence of automatic fire suppression systems in on-campus housing facilities. KRS 164.9492

As each student checks into housing, they must sign a form that is in accordance with Kentucky Senate Bill No.63 passed during the 2004 Regular Session as enacted on March 26, 2004. It states that Morehead State University has equipped all residential facilities with automatic fire suppression systems with the exception of the University Farm Housing. The University Farm Housing are equipped with smoke-detector systems and meets all state fire codes for buildings of their size. All other residential facilities include both fire detection and suppression systems.

(c) If the institution provides student housing facilities, provide the institution's policy for giving students with disabilities priority for first-floor housing. KRS 164.9495 (1)

Application and Appeals Process for Students with Disabilities Who Have Special Housing Needs:

The Housing Office strives to provide and maintain safe housing accommodations for students with disabilities. The following steps are taken if special accommodations are needed:

Housing Application Process

1. Applicants with disabilities who have special housing needs should request either special accommodations or an exemption to live off campus (if required by University regulations to live on campus).
2. The Housing Office will make the appropriate room assignment, with regard to any special accommodations request.
3. If the room assignment is not acceptable or if a waiver to live off campus is not granted, the student, their parent/ guardian, or their advocate (as defined in the 504/ADA Guidebook) may appeal the assignment.

(d) If the institution provides student housing facilities, describe the institution's policy for maintaining a record of any on-campus housing assignment for students with disabilities, and the procedure for alerting safety and emergency personnel of the location of students with disabilities. KRS 164.9495 (2)

Each semester a list of students is compiled that are living on campus and have disclosed a disability to housing staff. This list is distributed to various campus officials and to the Morehead Fire Department.

Daily Crime Log

The Morehead State University Police Department maintains a Daily Crime Log of all reported crimes, which is updated on a daily basis. The log includes the nature, date and time reported, and general location of each crime reported to our department.

The University Police Department's Daily Crime Log contains information on all crimes and arrests, which occur on campus property and its geographical area of responsibility in accordance with federal laws. The Daily Crime Log is available 24 hours a day to review at our main office, located at 100 Laughlin Health Building and available on the web at www.moreheadstate.edu/police. The University Police Department strongly recommends that you remain alert and aware of what is going on around you, and remain security conscious and involved. If you see or hear something suspicious, please report the situation immediately. Thefts and other violations do at times occur. However, all of us can reduce the risk by thinking about our personal safety and taking practical precautions.

Crime Prevention and Awareness Programs



The Morehead State University Police Department offers the Rape Aggression Defense program. This self-defense class, designed specifically for women, is a national recognized course that gives women the skills they need to prevent and survive a violent attack. The University Police Department offers a RAD program each semester with two certified RAD instructors. Please visit the University Police Department for more information about course scheduling.



The Morehead State University Police Department maintains and controls Emergency Phones in various locations throughout the campus. The Emergency Phones may be used for any emergency situations, information, or for requesting the evening shuttle van. After the button has been pushed, one of our certified Police Dispatchers will answer and take any necessary action to assist you. If there is no reply to the 911 Telecommunications Center after the phone has been activated, a Police Officer will be sent to check the area for a reason for the activation.

Notification to the University Community

All currently enrolled students and employees are encouraged to register their cell phones for emergency text messages through **EAGLE ALERTS**, located at: <http://www.moreheadstate.edu/e2campus/>

In the event of an emergency (including weather and safety alerts), Morehead State University will utilize a number of communications tools and strategies to communicate with the campus community. Depending upon the nature of the announcement, any or all of the following methods may be used:

- Text messaging and e-mail alert system (**EAGLE ALERTS**); sign up is voluntary but is strongly recommended.
- Mass campus e-mail
- Campus-wide voicemail
- Posting on University Web site and portals
- Radio, TV and other media outlets, including Morehead State Public Radio
- Digital information system/digital signs
- Posted printed notices in residence halls and in administrative/academic buildings.
- LiveSafe app, sign up is voluntary but is strongly recommended.

Timely Warnings/Safety Alerts

The Morehead State University Police Department is designed to inform the University community in a timely manner of crimes committed on campus and heighten safety awareness as well as request information that will assist University Police and local police departments in arresting and convicting the perpetrator when crimes have been committed against persons or property.

When a crime that represents a threat to the safety of the members of the University community is reported to the University Police or the local police department, the University Police Department will issue a Campus Crime Alert. Every attempt will be made to issue the alert within 24 hours of the incident being reported, however, the release of the alert is subject to the availability of facts concerning the incident. The alert will be distributed through a network of on-campus offices, buildings and residence halls and via the MSU website at www.moreheadstate.edu

Evening Shuttle Service

To promote safety after dark, the University Police Department provides uniformed student cadets to drive the evening shuttle van to parking lots or vehicles, depending upon the availability of resources. Students, faculty and staff who need this service should call the main office number at (606) 783-2035, (606) 783-8747 (3-TRIP) or **911** from any emergency phone. Escorts to an off campus location will only be provided in the event of an emergency situation or other mitigating circumstances with the approval of the Chief of Police. We also recommend that you use the “buddy system”, organize groups and walk together to your destination. This small measure can make a big difference in your personal safety.

Sex Offender Registry

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the Morehead State University Police Department provides a link to the Kentucky State Police Sex Offender Registry. The Kentucky State Police has full responsibility for maintaining this registry. To access the registry, visit <http://www.kentuckystatepolice.org/sor.htm>

Campus Map

Morehead State University’s campus map is available on-line to view. If you would prefer to have a hard copy of this map, you may stop by the Morehead State University Police Department between the hours of 8:00 am – 4:30 pm, or you may print this map from the web at www.moreheadstate.edu/campusmap. Visitors are required to obtain a Visitor’s Pass, at no charge, when visiting the campus. These passes may be obtained at the University Police Department, Howell-McDowell Administration Building and the Adron Doran University Center.

Lost and Found

Lost & Found property can be turned over to the nearest uniformed officer on duty or brought directly to the University Police Department. Inquires about lost and found property should be made at the Laughlin Health Building, room 100. Lost articles will be kept for a period of at least 90 days depending on the value of the item.

Reporting a Crime Anonymously

Individuals with any information that may lead to the conviction or arrest of a suspect(s) are urged to contact the Morehead State University Police Department *immediately*. You may do this anonymously by calling our anonymous tip line at (606) 783-2111 or by visiting our web site at www.moreheadstate.edu/police and clicking on “Anonymous Tip”. All information will remain confidential with the Morehead State University Police Department.

Morehead State University Regional Campuses

If you are a current Morehead State University student and attend classes at any of the following regional campuses and you need to report a crime or emergency, do so by contacting local law enforcement agencies.

- Morehead State University at Ashland Regional Campus
Ashland City Police Department: (606) 327-2020
- Morehead State University at Jackson Regional Campus
Jackson City Police Department: (606) 666-2424

- Morehead State University at Mt. Sterling Regional Campus
Mt. Sterling City Police Department: (859) 498-8720
- Morehead State University at Prestonsburg Regional Campus
Prestonsburg City Police Department: (606) 886-1010

Morehead State University Statement of Compliance as a Drug-Free Institution

Morehead State University is committed to providing a healthy and safe environment for its students, faculty and staff. The University has defined conduct in relation to the possession, use, dispensation, distribution, or manufacture of alcohol and/or other drugs. Conduct which is violate of this definition poses unacceptable risks and disregard for the health, safety and welfare of members of the University community and shall result in disciplinary action up to and including suspension or termination.

As a recipient of federal grants and contracts, Morehead State University gives this notice to students, faculty and staff that it is in compliance with and shall continue to be in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. Students, faculty and staff are herein notified of the standards of conduct which shall be applicable while on Morehead State University property, on University business, and/or at University sponsored activities.

Alcohol/Other Drugs Policy

No student or visitor shall have in his or her possession or consume alcoholic beverages in public or on University-owned or controlled grounds or exhibit drunken behavior on University-owned or on controlled property, except at events as pre-approved by the President and in accordance with state licensing requirements. The use, possession, transfer, or sale of drug paraphernalia, marijuana, controlled and/or illegal substance on University-owned or controlled property, including residence halls is prohibited.

Weapons Policy

The Morehead State University Deadly Weapons on Campus Policy sets forth the University's prohibitions as it relates to weapons on campus. In Kentucky Revised Statute §237.115, the Kentucky General Assembly explicitly recognizes the authority of the University to control the possession of deadly weapons on any property owned, leased or controlled by the University, including the right to prohibit possession of such weapons by any person or entity using University property or premises.

For purposes of this policy, "deadly weapon" means:

- A weapon of mass destruction;

- Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
- Any knife other than an ordinary pocket knife;
- Billy, nightstick, or club;
- Blackjack or slapjack;
- Nunchaku karate sticks;
- Shuriken or death star; and,
- Artificial knuckles made from metal, plastic, or other similar hard material.

The Kentucky Supreme Court issued an opinion in *Mitchell vs. University of Kentucky* defining the parameters of an institution's ability to control weapons on its campus. To comply with expressed legal mandates set forth in the opinion, a comprehensive campus weapons policy is recommended.

Possession, concealed or otherwise, use or storage of deadly weapon as defined above such as firearms, explosives, dangerous chemicals or other dangerous weapons or the brandishing of any weapon or any other object in a menacing or threatening manner is strictly prohibited on any property owned, leased, operated, or controlled by Morehead State University, including University housing and University vehicles.

The following are exceptions to this policy:

- Possession of deadly weapons by peace officers acting in the course of official duties;
- Possession of deadly weapons as a part of legitimate academic, athletic, or work-related activities (e.g., historical preservation, law enforcement training, ROTC activities, rifle team, etc.);
- Possession of a knife as part of a legitimate cutlery set (or individual piece of cutlery) as may be reasonably necessary by the possessor for food preparation;
- Possession of a deadly weapon by a person licensed to carry a concealed deadly weapon pursuant to KRS 237.110, if the firearm is contained in his or her vehicle and is not removed from the vehicle (KRS 527.020(4));
- Possession of a deadly weapon if it is located in a non-University motor vehicle and in an enclosed container, compartment, or storage space installed as original equipment in the motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism (KRS 527.020(8));
- Possession of a deadly weapon by persons who are specifically authorized by KRS 527.020 to carry concealed deadly weapons on or about their persons at all times and at all locations within the Commonwealth. Such persons include but are not limited to: Commonwealth's Attorneys, judges of the Court of

Justice, conservations officers of the Department of Fish and Wildlife, elected sheriffs, and peace officers from other jurisdictions. For a complete listing of persons authorized to carry concealed deadly weapons within the Commonwealth and the conditions for which the carrying of the deadly weapon is authorized, see KRS 527.020;

- Possession of deadly weapons by a person specifically authorized in writing to have such possession by the President, or his or her designee, but only if such person fully complies with any and all restrictions imposed upon such possession by the President, or his or her designee. Authorization for possession shall be for a time certain, but in no case longer than six months unless specific written authorization is again obtained.

Students who possess deadly weapons in violation of this prohibition are guilty of violations of the Student Conduct Code and are subject to disciplinary action under that Code, including expulsion from the University, and all other appropriate legal actions. Faculty and staff employees who possess deadly weapons in violation of this prohibition are guilty of misconduct and subject to corrective action under the appropriate University Policy, including termination of employment and all other appropriate legal actions. Others who possess deadly weapons in violation of this prohibition shall be directed to remove their weapons or themselves from the University's property or premises and shall be subject to all other appropriate legal actions.

Morehead State University's policy on Title IX

UAR NUMBER: 337

TITLE: Sexual Misconduct

ORIGINATORS: General Counsel and Human Resources

INITIAL ADOPTION: **June 22, 2015**

REVISION:

PURPOSE: Provide sexual misconduct and harassment regulations for campus including procedures for hearing and appeals.

PROCEDURAL REFERENCES FOR: Title VII, as well as Title IX and related laws including the Jeanne Clery Act (Clery Act), the Violence Against Women Reauthorization Act (VAWA) including the Campus Sexual Violence Elimination Act (SaVE Act)

SCOPE: All students, faculty, and staff

DESCRIPTION: Morehead State University is committed to complying with state law, Title VII, as well as Title IX and related laws including the Jeanne Clery Act (Clery Act) and the Campus Sexual Violence Elimination Act (SaVE Act). This University Administrative Regulation (UAR) is adopted to prevent, investigate and respond to incidents of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to all members of the University community. The University will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this UAR on Sexual Misconduct.

APPLICATION:

This UAR applies to all employees and students of the University, including volunteers, guests and subcontractors of the University.

Morehead State University is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Morehead State University will not tolerate sexual misconduct as defined in this UAR, in any form. Such acts of violence are prohibited by University rules, as well as state and federal laws. Individuals who the University determines more likely than not engaged in these types of behaviors are subject to penalties up to and including dismissal or separation from Morehead State University, regardless of whether they are also facing criminal or civil charges in a court of law.

Nothing contained herein shall be construed to supplant or modify existing laws of the Commonwealth of Kentucky and the United States. This UAR shall not be used to remedy acts which are crimes under the laws of the Commonwealth of Kentucky or the United States.

DEFINITIONS:

A. MSU DEFINITIONS

MSU prohibits gender discrimination. Sexual misconduct is a form of gender discrimination. Different forms of sexual misconduct are explained in this UAR. The determination of what constitutes sexual misconduct will vary with the facts and circumstances of each case.

Sexual Harassment can take one of two forms. The first form involves unwelcome verbal, electronic, physical and/or visual conduct based on sex, which both (1) unreasonably interferes with a person's work or educational performance, and (2) creates an environment that both a reasonable person and the specific person being harassed would find intimidating, hostile or offensive. This form may come from a supervisor, one's educator or from any other person at the institution. The second form involves either (1) submission to unwelcome advances of a supervisor or educator as an express or implied condition of receiving work or educational benefits, or (2) a tangible work or educational detriment resulting from a person's failure or refusal to submit to sexual demands of a supervisor or educator. Examples of sexual harassment include (but are not limited to):

- Unwelcome sexual flirtation or advances
- Offering employment, promotions, grades or other benefits in exchange for sexual favors
- Making or threatening reprisals for refusing sexual advances
- Unwelcome visual and/or electronic conduct such as leering; making sexual gestures
- displaying sexually suggestive objects or pictures, cartoons or posters; and suggestive or obscene letters, notes or invitations;
- Unwelcome verbal or electronic conduct such as derogatory comments; epithets; slurs; sexual innuendo; sexual jokes; graphic verbal commentaries about a person's body; and sexually degrading words used to describe a person
- Unwelcome physical conduct such as unwarranted, suggestive or offensive touching; and impeding or blocking movement.

Sexual Assault refers to any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the survivor is incapable of giving consent, as well as incest or statutory rape. Examples of sexual assault for MSU purposes include but are not limited to:

- Intentional touching of another person's intimate parts without that person's consent;
- Other intentional sexual contact with another person without that person's consent;
- Coercing, forcing or attempting to coerce or force a person to touch another person's intimate parts without that person's consent

- Rape, which is penetration, no matter how slight, of the vagina or anus of a person by any body part of another person or by an object the mouth of a person by a sex organ of another person, without that person's consent.

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the survivor;
- A person with whom the survivor shares a child in common;
- A person who is or was residing in the same household as the survivor; or
- Any person against someone who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor.

Stalking occurs when someone engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Sexual exploitation occurs when someone takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation for purposes of this policy include but are not necessarily limited to:

- Prostituting another person;
- Recording images (e.g., video, photographs) or audio of another person's sexual activity, intimate body parts or nakedness without that person's consent;
- Distributing images (e.g., video, photographs) or audio of another person's sexual activity, intimate body parts or nakedness if the person distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and Viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

Unwelcome conduct does not have to include intent to harm, be directed at a specific target or involve repeated incidents, and can involve persons of the same or opposite sex. Participation in conduct or the failure to complain does not always mean the conduct was welcome. The fact that a person has welcomed some conduct does not necessarily mean a person welcomed other conduct. Similarly, the fact that a person may have invited, requested or otherwise consented to conduct on one occasion does not necessarily mean the conduct is welcome on a later occasion.

Consent as used in this UAR is defined as follows:

- Consent is informed. Consent is an affirmative, knowing, unambiguous, and conscious decision by each participant to engage in mutually agreed upon sexual activity.
- Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Even though consent does not necessarily need to be verbal, relying purely on non-verbal communication can lead to misunderstandings. So, a spoken agreement is the most clearly indicated form of consent. It may not, in any way, be inferred from silence, passivity, lack of resistance or lack of an active response alone. Assuming that consent was given by the absence of a “no” is wrong.
- Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.
- Consent cannot be given when a person is incapacitated. A person cannot consent if he/she is unconscious or coming in and out of consciousness. A person cannot consent if he/she is under the threat of violence, bodily injury or other forms of coercion.

A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. Consent must be given with rational and reasonable judgment, so if the survivor was physically incapacitated from the consumption of alcohol or drugs, unconsciousness, or any other kind of inability, consent cannot be obtained.

B. CRIMINAL DEFINITIONS

Section 304 of the Violence Against Women Reauthorization Act (VAWA), known as the SaVE Act provision, obligates MSU’s policy to include the definitions used by Kentucky’s penal code (KRS Chapters 500 to 534) for “domestic violence,” “dating violence,” “sexual assault,” “stalking,” and “consent” with respect to sexual offenses. Kentucky’s penal code does not define domestic violence or dating violence, although other crimes may apply to those circumstances. Kentucky’s penal code defines sexual abuse in lieu of sexual assault, stalking, and lack of consent, which are set forth below. Please note that the Kentucky penal code definitions are for your information only as required by federal law. For purposes of applying this UAR, the definitions in Part A will govern.

510.110 Sexual abuse in the first degree

(1) A person is guilty of sexual abuse in the first degree when:

(a) He or she subjects another person to sexual contact by forcible compulsion; or

(b) He or she subjects another person to sexual contact who is incapable of consent because he or she:

Is physically helpless;

Is less than twelve (12) years old; or

Is mentally incapacitated; or

(c) Being twenty-one (21) years old or more, he or she:

Subjects another person who is less than sixteen (16) years old to sexual contact;

Engages in masturbation in the presence of another person who is less than sixteen (16) years old and knows or has reason to know the other person is present; or

Engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate; or

(d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she, regardless of his or her age, subjects a minor who is less than eighteen (18) years old, with whom he or she comes into contact as a result of that position, to sexual contact or engages in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.

510.120 Sexual abuse in the second degree

(1) A person is guilty of sexual abuse in the second degree when:

(a) He or she subjects another person to sexual contact who is incapable of consent because he or she is an individual with an intellectual disability;

(b) He or she is at least eighteen (18) years old but less than twenty-one (21) years old and subjects another person who is less than sixteen (16) years old to sexual contact; or

(c) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who is at least eighteen (18) years old and who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact.

(2) In any prosecution under subsection (1)(b) of this section, it is a defense that:

- (a) The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and
- (b) The other person was at least fourteen (14) years old; and
- (c) The actor was less than five (5) years older than the other person.

510.130 Sexual abuse in the third degree

(1) A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent.

(2) In any prosecution under this section, it is a defense that:

- (a) The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and
- (b) The other person was at least fourteen (14) years old; and
- (c) The actor was less than eighteen (18) years old.

508.130 Definitions for KRS 508.130 to 508.150

As used in KRS 508.130 to 508.150, unless the context requires otherwise:

(1) To "stalk" means to engage in an intentional course of conduct:

- (a) Directed at a specific person or persons; which seriously alarms, annoys, intimidates, or harasses the person or persons; and which serves no legitimate purpose.
- (b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

(2) "Course of conduct" means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose. One (1) or more of these acts may include the use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including computers, the Internet or other electronic network, cameras or other recording devices, telephones or other personal communications devices, scanners or other copying devices, and any device that enables the use of a transmitting device. Constitutionally protected activity is not included within the meaning of "course of conduct." If the defendant claims that he was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.

(3) "Protective order" means:

- (a) An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;
- (b) A foreign protective order, as defined in KRS 403.7521(1);
- (c) An order issued under KRS 431.064;
- (d) A restraining order issued in accordance with KRS 508.155; and
- (e) Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender.

508.140 Stalking in the first degree

(1) A person is guilty of stalking in the first degree,

(a) When he intentionally:

1. Stalks another person; and

2. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:

a. Sexual contact as defined in KRS 510.010;

b. Serious physical injury; or

c. Death; and

(b) A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice; or A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice; or The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or The act or acts were committed while the defendant had a deadly weapon on or about his person.

508.150 Stalking in the second degree

(1) A person is guilty of stalking in the second degree when he intentionally:

(a) Stalks another person; and

(b) Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:

Sexual contact as defined in KRS 510.010;

Physical injury; or Death.

510.020 Lack of consent

(1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.

(2) Lack of consent results from:

(a) Forcible compulsion;

(b) Incapacity to consent; or

(c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(3) A person is deemed incapable of consent when he or she is:

(a) Less than sixteen (16) years old;

(b) An individual with an intellectual disability or an individual that suffers from a mental illness;

(c) Mentally incapacitated;

(d) Physically helpless; or

(e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.

(4) The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

TITLE IX COORDINATOR

MSU's Title IX Coordinator and Deputy Coordinators play the main role in carrying out MSU's commitment to provide a positive learning, teaching and working environment for the entire MSU community. By providing training on preventing sexual misconduct and retaliation, the Title IX Coordinator and Deputy Coordinators strive to maintain a safe campus and provide a good MSU experience for all.

The responsibilities and functions of the Title IX Coordinator and Deputy Coordinators are set out in this UAR, but in general, the Title IX Coordinator and Deputy Coordinators receive and oversee MSU's response to reports and complaints that involve possible gender discrimination, including sexual misconduct, to monitor outcomes, identify and address patterns, and assess effects on the campus climate so MSU can address issues that affect the wider MSU community.

More specifically, the Title IX Coordinator and Deputy Coordinators monitor compliance with the reporting, complaint, investigation, hearing and appeals processes outlined in this UAR. Upon a finding of prohibited sexual misconduct, the Title IX Coordinator and Deputy Coordinators determine whether campus-wide remedies are needed in response, including but not limited to revision of policies and UARS; increased monitoring, supervision or security; and increased education and prevention efforts.

The Title IX Coordinator and Deputy Coordinators also review sanctions issued under this policy to ensure that they, along with any interim measures and long-term measures taken, are reasonably calculated to stop the sexual misconduct and prevent its re-occurrence.

The name, office and contact information for MSU's Title IX Coordinator and Deputy Coordinators are:

Title IX Coordinator for MSU: Human Resources Director

Deputy Coordinators: As appointed by the President and identified in the Appendix

If any person has a question, complaint or concern he/she believes is covered by these policies and procedures or some other aspect of Title IX, he/she should contact either the Title IX Coordinator or one of the Deputy Coordinators. Reports of sexual misconduct can also be made to "Responsible Employees" as described in this policy.

REPORTING:

MSU strongly encourages persons who have experienced sexual misconduct, or knows of someone who has experienced sexual misconduct, to report the incident to MSU per this UAR. In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911 or 606-783-2035. Calling 911 will put the caller in touch with local police. Calling 606-783-2035 will put the caller in touch with university police.

(A.) Responsible Employees

In addition to the Title IX Coordinator and Deputy Coordinators, MSU considers certain people to be “Responsible Employees” which means they are MSU employees who are required to report alleged sexual misconduct to the Title IX Coordinator or a Deputy Coordinator. Victims are encouraged to speak with a Responsible Employee to make reports of sexual misconduct. The following persons are “Responsible Employees” under this policy: MSU’s Title IX Coordinator, MSU’s Deputy Title IX Coordinators, the President of MSU, members of the President’s Cabinet, General Counsel, fulltime President’s Office staff, fulltime Provost’s Office staff, all Vice Presidents’ offices staff, Academic Deans and Chairs, Faculty, Dean of Students, Director of Student Activities, Inclusion & Leadership Development and staff, Coordinator of Student Organizations Leadership Development and Greek Life and staff, Coordinator of Student Activities Programming & Student Engagement and staff, Coordinator of Student Leadership & Advocacy and staff, the Director and Assistant Director of Housing & Residence Education and staff, all residence hall personnel including student staff members, all administrators and staff of the Craft Academy, all advisors to students, all university advisors to student organizations, all academic staff in student support programs, the Athletic Director, Assistant Athletic Directors, Athletic Trainers, all Athletic Coaches, Human Resources Staff, Disability Services Coordinator, International Student Services Director and staff, Career Services staff, and all Campus Police personnel.

Any member of the MSU community can file a report with the Title IX Coordinator, Deputy Coordinators or Responsible Employees. If a survivor shares an incident of sexual misconduct with a Responsible Employee, he or she needs to know that it is the Responsible Employee’s obligation to notify the Title IX Coordinator or Deputy Coordinator of the incident immediately.

(B.) Reporting Timeframe

Any person may file a complaint of sexual misconduct at any time. Early reporting is encouraged to preserve evidence and provide the survivor with information regarding rights, options and resources available under this UAR and federal/state laws.

The Title IX Coordinator or Deputy Coordinator will provide survivors of sexual misconduct with information about available support services and resources, and also assist survivors in notifying law enforcement, including the local police, if a survivor elects to do so. Survivors are not required to report to area law enforcement in order to receive assistance from or pursue options within MSU. Reporting sexual misconduct to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the survivor decides to proceed with criminal charges.

(C.) Reporting Options

This section addresses options for reporting sexual misconduct. MSU may investigate sexual misconduct even without a formal complaint whenever it is known or there is reasonable cause to believe that sexual misconduct in violation of this UAR has occurred.

Official Report: Persons are strongly encouraged to make an official report of any incident of sexual misconduct to the Title IX Coordinator or a Deputy Coordinator regardless of whether the incident occurred on or off campus. Official reports can be made directly to the Title IX Coordinator or a Deputy Coordinator through a written statement or an appointment. Official reporting initiates a course of immediate action. In cases where a complainant states he/she does not want to pursue a formal complaint, the ability of MSU to investigate may be limited. Even if a complainant does not want to pursue an investigation, under some circumstances the Title IX Coordinator or Deputy Coordinator may have a legal obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. When determining whether to go forward with an investigation, the Title IX Coordinator or Deputy Coordinator may consider factors such as the seriousness of the allegation, the age of the complainant, whether there have been other complaints or reports against the accused, and the rights of the accused to receive information about the complainant and the allegations if a hearing and possible sanctions may result from the investigation.

If a person decides to make an official report, a detailed (written, typed, emailed, or handwritten) statement of the alleged incident(s) should be submitted to the Title IX Coordinator or Deputy Coordinator. This formal statement should be signed and dated. The statement should be as specific as possible; including dates, times, locations, a description of the alleged misconduct and the name(s) of the accused person(s).

It should further provide a list of any person(s) who may have information that would be helpful to the investigation and review. The Title IX Coordinator or Deputy Coordinator will promptly investigate all formal reports.

Confidential Disclosure: Despite MSU's strong interest in having persons report complaints of sexual misconduct, it is understood that not everyone is prepared to make an official report to MSU. Help may be sought from certain resources that are not required to reveal private, personally identifiable information unless there is cause for fear for the survivor's safety or the safety of others. If a person desires that details of the incident be kept confidential, contact should be made with counselors or other providers who can maintain confidentiality, such as MSU Counseling and Health Services and the Sexual Assault Response Team (SART). Such professionals generally are not legally required to report personally identifiable information given in confidence unless given permission. If the survivor chooses not to pursue a judicial process option (e.g., criminal charges), generally no further action will be taken unless the professional who receives the concern believes there is an imminent threat to the survivor or others. Persons who disclose incidents of sexual misconduct to counselors, clergy or other providers who can legally maintain confidentiality should discuss whether to have that counselor, advocate or provider report the misconduct to MSU and request interim measures required by Title IX, or request discretionary support measures from MSU without reporting the nature of the conduct.

Requests via a Counselor, Clergy or other Provider: A survivor may have his/her counselor, clergy or other provider who can legally maintain confidentiality request interim measures from MSU on the survivor's behalf. The request may trigger MSU's obligation to investigate.

To the extent a counselor, clergy or other provider makes a disclosure but, consistent with the survivor's wishes, asks MSU not to investigate or otherwise notify the accused of the report, the Title IX Coordinator or Deputy Coordinators will consider whether he/she can honor the request while still providing a safe and nondiscriminatory environment for all students, faculty and staff, and to take interim measures to protect the survivor as needed.

(D.) Confidentiality

Reports and personal information will be kept as confidential as possible to the extent the law allows and to the extent confidentiality is consistent with MSU's need to protect the safety of the MSU community. Complete confidentiality cannot be promised as MSU will need to thoroughly investigate the case and may need to share some information with relevant administrators of MSU in order to further protect and prevent incidents. Reports to law enforcement may be shared with MSU's Title IX Coordinator or Deputy Coordinators. MSU may be required by law to publish non-identifying information in campus crime statistics.

All MSU employees (with the exception of those who may be bound by confidentiality laws or privileges such as counselors) must share all reports of sexual misconduct with the Title IX Coordinator or a Deputy Coordinator so the matter may be investigated and a determination made whether steps are needed to ensure the safety of the MSU community. It is the survivor's choice as to whether he/she participates in an investigation; however, MSU may proceed with an investigation without the survivor's participation.

E. Drug and Alcohol Amnesty

MSU offers amnesty (immunity) to students who may have violated MSU's policies concerning the use of drugs and/or alcohol at the time of the incident when he/she became a survivor of, or witnessed, sexual misconduct. Therefore, no MSU alcohol or drug charges are applied to a student who reports that he or she was under the influence of alcohol and/or drugs at the time of a sexual misconduct incident.

The purpose of this section is to encourage reporting. Survivors or bystanders (witnesses) should not let their use of alcohol or drugs deter them from reporting an incident. When conducting the investigation, MSU's primary focus will be addressing the sexual misconduct violation and not alcohol/drug use violations that may be discovered or disclosed. However, MSU may provide referrals to counseling and may require educational options on drugs and alcohol, rather than disciplinary sanctions, in such cases.

BYSTANDER INTERVENTION

MSU strongly encourages bystanders to "step up" on behalf of another person's wellbeing and safety. The reporting options listed in this policy are available for bystanders as well. There are also safe and positive options for bystanders who intervene during an incident in order to prevent harm when there is a risk or act of violence. All persons should:

- Be aware of their surroundings, trust their instincts, assume personal responsibility and take verbal or physical action. Persons should not assume that someone else will help.

- Assess the situation. Decide the safest response for all involved. Gauge whether the situation requires calling authorities. When deciding to intervene, personal safety should be the #1 priority. When in doubt, call for help. Other possible people to contact for assistance in helping are faculty, staff, supervisors, counselors, etc.
- Decide whether to use direct or indirect action to resolve the problem. For example:

Direct Actions:

- Point out someone's behavior in a manner that will help de-escalate the situation;
- Talk to a friend to ensure he/she is okay;
- Call the police.

Indirect Action:

- Make up an excuse to help someone get away from a potential offender and call the local authorities.

Intervene – with reinforcements.

- If it is determined that it is safe to intervene, bystanders are likely to have a greater influence on the parties involved when they work together with one or more other persons. Safety is increased when bystanders stay with a group of friends they know well.
- Intervene in a compassionate, non-threatening manner.
- Be aware of available resources for assisting persons on campus and in the community.
- Encourage victims to seek assistance and offer them resources for assistance.
- Remember 911 is often the best way to intervene if there is a question of safety for anyone.

WRITTEN NOTICE OF RIGHTS AND OPTIONS

Any person who reports an incident of sexual misconduct, regardless of whether the incident occurred on or off campus, shall receive a written explanation of his/her rights and options as provided under this UAR. These rights and options include the right(s) of a survivor to:

- File a domestic abuse or dating violence complaint in court requesting an order restraining the attacker from further abusing, and/or an order directing the attacker to leave the victim's household, building, school (including MSU) or workplace.
- Seek a criminal complaint for threats, assault and battery, or other related offenses.
- Seek medical treatment (the police will arrange transportation for the victim to be transported to on campus medical facilities or the nearest hospital or otherwise assist the victim in obtaining medical treatment if the victim desires). Though victims have choices of hospital facilities, primary care providers and community mental health, students are able to receive holistic services including forensic

examinations and related health care, file a police report, receive advocate services, crisis and continued counseling and referrals all on campus. MSU's Sexual Assault Response Team (SART) oversees and coordinates services and is available at 606-776-0076.

- Request the police remain at the scene until the victim's safety is otherwise ensured.
- Request that a police officer assist the victim by arranging transportation to a safe place, such as a shelter or a family or friend's residence.
- Obtain a copy of the police incident report at no cost from the police department.

PROCEDURES SURVIVORS SHOULD FOLLOW

If an incident of sexual misconduct occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

- The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he/she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and taken to the hospital when treatment is sought. If the survivor is still wearing the clothes that he/she was wearing during an assault, he/she should bring a change of clothes with him/her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.
- Evidence of violence, such as bruising or other visible injuries following an incident of sexual assault should be documented by photographs. Evidence of stalking, including any communications such as written notes, email, voicemail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

INTERIM MEASURES AND ACCOMMODATIONS

The Title IX Coordinator and Deputy Coordinators have the right to take necessary measures to protect a person's rights and personal safety. Therefore, interim measures will be available to protect persons from any kind of retaliation or threatening situations during and after the investigation process. These measures include but are not limited to changes in class schedules; living or working arrangements; safety escorts; parking arrangements; dining arrangements; and resources for professional counseling. Regardless of whether a person reports an incident of sexual misconduct to law enforcement or pursues any formal action, if a report of such an incident is made to MSU, MSU is committed to providing a victim a learning or working environment that is as safe as possible.

The Title IX Coordinator or Deputy Coordinator determines which measures are appropriate for survivors on a case-by-case basis. Upon receiving a report of sexual

misconduct, the Title IX Coordinator or Deputy Coordinator will ask the survivor or his/her counselor, provider or advocate what interim measures, if any, are sought.

If the survivor or his/her counselor, provider or advocate identifies an interim measure that is not already provided by MSU, the Title IX Coordinator or Deputy Coordinator will consider whether the request can be granted. In those instances where interim measures affect both a survivor and the accused, the Title IX Coordinator or Deputy Coordinator will minimize the burden on the survivor wherever appropriate.

When a survivor's off-campus counselor, provider or advocate seeks any of the above-listed interim measures without disclosing that sexual misconduct is the basis for the request, the Title IX Coordinator or Deputy Coordinator will consider the request consistent with its general policy of allowing counselors, providers and advocates to seek such measures for survivors of trauma without requiring that the nature of trauma be disclosed.

MSU is also committed to ensuring that orders of protection issued by courts are upheld on all MSU-owned, used and controlled property, as well as properties immediately adjacent to MSU. Therefore, if any member of the MSU community obtains an order of protection or restraining order, he/she should promptly inform the Title IX Coordinator or Deputy Coordinator and provide him/her with a copy of that order so MSU can enforce it. MSU is also committed to protecting survivors from further harm, and if the Title IX Coordinator or Deputy Coordinator determines that a person's presence on campus poses a danger to one or more members of the MSU community, he/she can issue an institutional "No Contact" or "No Trespass" order barring that person from MSU property.

INVESTIGATION AND HEARING PROCESS

MSU's Title IX Coordinator or Deputy Coordinator will investigate alleged violations of this UAR regardless of whether the conduct is alleged to have occurred on-campus or off-campus. Each report must be evaluated on a case-by-case basis, taking into account the relevant circumstances of each case. The investigation process may include interviews, reviewing student and/or employee files, and gathering and examining other relevant evidence. The investigation process will be balanced and fair and give both the accused and the complainant the chance to discuss his/her involvement in the reported incident. Allegations of sexual misconduct will not be referred to informal mediation.

If the investigation concludes that evidence exists to suggest that a violation of this UAR more likely than not occurred, the Title IX Coordinator or Deputy Coordinator will refer the case for a hearing before MSU's Sexual Misconduct Hearing Panel which shall consist of five members of the Sexual Harassment Hearing Board chosen by the Title IX Coordinator or a Deputy Coordinator designated by the Title IX Coordinator. The MSU General Counsel or his/her designee shall serve as legal advisor to the Sexual Misconduct Board and the Hearing Panel.

The Sexual Misconduct Hearing Board shall be appointed annually by the President and shall consist of no less than five faculty members, five staff members and three students. If vacancies exist during the school year, the President may appoint a person of the appropriate category to fill the vacancy. Members may be reappointed from year to year at the President's pleasure.

The President may request names from the Faculty Senate Chair, the Staff Congress Chair and the Vice President for Student Success to consider for appointment to the panel from their constituencies. All panel members must attend Sexual Misconduct Hearing Board training as designated by the Title IX Coordinator in order to serve on the Board.

If a hearing involves a student, at least one member of the Hearing Panel selected to hear the case shall be a student, and at least one faculty member and one staff member shall serve on the panel. If a faculty member is involved in the case, at least three faculty members shall be selected to serve on the panel to hear the case. If a staff member is involved in the case, at least two staff members shall be selected to the panel. The Title IX Coordinator or a designated Deputy Title IX Coordinator shall select one of the five chosen panel members to serve as the panel chair for the case. In the event of a conflict of interest, a Hearing Panel member will recuse himself/herself from the Panel, and the Title IX Coordinator or designee shall appoint a new panel member to serve.

Each party will have the following hearing rights:

- The right to notice of the specific allegations at issue, including notice of anticipated witnesses and evidence to be addressed at the hearing.
- The right to access information and evidence directly related to him/her within a reasonable time before the hearing.
- The right to attend the hearing and speak on his/her own behalf. Invoking the right not to speak will not be considered an admission of responsibility.
- The right to have an advisor of his/her choice present at the hearing. Advisors may not directly participate in the hearing.
- The right to introduce evidence and question witnesses at the hearing, provided, however, that the complainant and the accused will not be allowed to directly question each other. Such questions may be supplied to the chair who may ask the questions.

The panel members may ask questions of the witnesses at the hearing.

Hearings will be closed to the public. Hearings shall be recorded, and testimony shall be sworn. The Title IX Coordinator may accommodate concerns for the personal safety, well-being and/or fears of participants during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, video conference or other means as appropriate.

Following a hearing, the Sexual Misconduct Panel will deliberate in private and determine whether, given the evidence and testimony presented, it is more likely than not that a violation of this policy occurred. Possible hearing outcomes for students include, but are not limited to changes to class schedules; changes to living arrangements; suspension, separation or expulsion from MSU; and for all reporting the incident to MSU police. Faculty

and staff may be reprimanded, suspended without pay, or removed from employment. The measure taken will depend upon the individual circumstances:

- The Title IX Coordinator will inform both parties in writing of the outcome of the investigation and/or hearing within seven (7) business days of the investigation and/or hearing's conclusion. Notice of the outcome will include key findings and any penalties or protective measures directly related to the party.
- If the measure taken by the Sexual Misconduct Panel includes suspension or removal of a faculty or staff member, the Title IX Coordinator will also forward the decision to the President. If the measures involve a student, the outcome will be reported to the Vice President for Student Success.
- As a general rule, MSU will complete the investigation and hearing process within sixty (60) calendar days from receipt of a report. However, MSU may extend that time frame under special circumstances such as complex cases requiring extensive investigation and breaks occurring between academic periods making relevant parties or officials unavailable. MSU will work to keep extensions to a minimum and will keep the parties informed of the status of their case.
- Survivors always have the option to file a criminal report in addition to or in lieu of a report under this policy. In no case should a survivor be dissuaded from reporting sexual misconduct to law enforcement. Regardless whether a survivor elects to file a criminal report, MSU will conduct a separate investigation of its own consistent with this policy. If the accused is not affiliated with MSU, an investigation will still be conducted. The Title IX Coordinator or Deputy Coordinator may issue a No Contact or No Trespass order to an accused unless and until the accused is found not responsible. If the accused is a student or faculty from a visiting institution, MSU reserves the right to contact that institution for further investigation.
- Throughout the process, arrangements will be made to prevent the parties from having direct contact or communication with each other.
- The Title IX Coordinator will keep a record of the hearing and investigation process for each case.

APPEAL PROCESS

Once a decision has been made and both parties have been notified of the outcome, either party may appeal that outcome (including punishment) to MSU Appeals Board, which will consist of three members of the Sexual Misconduct Hearing Board that have not served on the case. If a case involves a student, at least one member of the Appeals Board shall be a student and likewise with Faculty and Staff.¹ Appeals must be received by the Title IX Coordinator no later than five (5) calendar days after the date the underlying decision is issued. Appeals received after the deadline will not be processed. Appeals should be marked "confidential" and submitted by hand delivery or by email or mail to the Title IX Coordinator.

In the event of a conflict of interest, the board member who has the conflict will recuse himself/herself from the committee and the Title IX Coordinator (or designee) will appoint a replacement.

Both parties will be notified in writing by the Title IX Coordinator that an appeal was received. The burden of proof lies with the appellant.

MSU Appeals Board will assess and decide the appeal based on the investigation and hearing record from the previous levels within twenty-one (21) calendar days of receiving the appeal, unless circumstances require more time, in which case the Title IX Coordinator will advise the parties of the need for more time. Grounds for appeal are limited to the following:

- MSU made a procedural error, which could have significantly affected the outcome.
- Previously unavailable and relevant evidence was found that could impact the final result.
- The determination of whether a violation occurred was arbitrary and unjustified by the evidence presented at hearing.
- The penalties imposed or other protective measures taken are too severe based on the evidence of record.
-

The Title IX Coordinator will notify the parties of the outcome of the appeal. All decisions by the MSU Appeals Board and all decisions of the Hearing Board that are not appealed shall be final with the exception of the following:

- Sanctions which include student suspension or expulsion, which may be further appealed to the President and Board of Regents in the same manner as provided by the MSU Eagle Student Handbook for Student Disciplinary Committee decisions.
- Sanctions which include suspension or dismissal of a staff member which may be appealed to the President who will review the record and determine if dismissal or another penalty is appropriate. The President's decision shall be final.
- Sanctions which include faculty termination/removal, which may be further appealed to the President and Board of Regents.
- Sanction involving suspension without pay, may be appealed to the President. The President shall review the record and determine whether suspension or dismissal is appropriate. The decision of the President shall be final if he/she determines suspension or another penalty is appropriate. If the President determines removal is appropriate, he/she shall refer the case to the Board of Regents who shall review the case on the record de novo. The Board may either remove the faculty member or may determine if a lesser penalty is appropriate. The decision of the Board shall be final.
- The Title IX Coordinator will keep a record of the appeal process.

NO RETALIATION OR DETERRENCE FOR FILING REPORTS

MSU strictly prohibits retaliation for making a report under this policy or participating in an investigation or hearing under this policy. Examples of retaliation include, but are not limited to a face-to-face threat, a digital message and/or physical intimidation. Retaliation

can be by someone other than the accused. Any person who feels they have been retaliated against as a result of a report under this UAR should contact the Title IX Coordinator or a Deputy Coordinator immediately.

RESOURCES

Numerous resources both on and off campus are available and shall be set forth in the Appendix to this UAR. The resources shall be updated as appropriate without necessity to amend this UAR.

TRAINING AND EDUCATION

All students, faculty and staff must complete MSU-sponsored training on sexual misconduct issues within the dates and times arranged by the Title IX Coordinator and as frequently as designated by the President. Failure to do so may result in discipline.

APPENDIX

Title IX Coordinator
Harold Nally
305 Howell McDowell
Morehead, KY 40351
606-783-2097
h.nally@moreheadstate.edu
Assistant Title IX Coordinators

VICTIM RESOURCES

Health
MSU Sexual Assault Response Team (SART) (606) 776-0076
112 Allie Young Hall
Morehead, KY 40351

MSU Counseling and Health Services (606) 783-2055
112 Allie Young Hall
Morehead, KY 40351

St. Claire Regional Medical Center (606) 783-6615 (Emergency Department)
222 Circle Drive (606) 783-6500 (Main Hospital Operator)
Morehead, KY 40351

Mental Health/Counseling/Advocacy
On Campus Resources
MSU Counseling and Health Services (606) 783-2123
112 Allie Young Hall
Morehead, KY 40351
After hours, evenings, weekends contact (606) 783-2035 (This is the MSU Police Dept. and they have the on-call schedule for licensed counselors.)

MSU Sexual Assault Response Team (SART) (606) 776-0076

112 Allie Young Hall
Morehead, KY 40351

Off Campus Resources

St. Claire Regional Medical Center (606) 783-6805
Counseling
475 Clinic Drive
Morehead, KY 40351

Pathways (606) 784-4161 ext. 4401
321 East Main Street
Morehead, KY 40351

Pathways Rape Crisis Center (606) 784-4161 ext. 4401
325 East Main Street (800) 562-8909
Morehead, KY 40351

DOVES of Gateway, Inc. (606) 784-6880
P.O. Box 1012 (800) 221-4361 (Crisis #)
Morehead, KY 40351

KCADV (502) 209-5382
Kentucky Coalition Against Domestic Violence
111 Darby Shire Circle
Frankfort, KY 40601

24-hour Crisis Line (800) 562-8909
National Domestic Violence Hotline (800) 799-SAFE
National Sexual Assault Hotline (800) 656-HOPE

Police Department Contacts
MSU Police Department (606) 783-2035 or 911 on campus
100 Laughlin Bldg.
Morehead, KY 40351

Morehead Police Department (606) 784-7511
105 East Main Street
Morehead, KY 40351

Kentucky State Police (Post 8) (606) 784-4127

1595 Flemingsburg Road
Morehead, KY 40351

Rowan County Sheriff's Office (606) 784-5446
600 W Main Street
Morehead, Ky 40351

Online Resources

If a person feels the need to pursue further help and counseling, there are institutions and charity groups that are specialized and specifically trained to aid survivors of different violent crimes. A formal report is not required to access these resources. These are some nationwide websites that provide help:

National Domestic Violence Hotline
<http://www.thehotline.org/>

Stalking Resource Center
<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

National Sexual Assault Hotline
<http://www.rainn.org/get-help/national-sexual-assault-online-hotline>

Girls Health Website
<http://www.girlshealth.gov/safety/saferrelationships/daterape.html>

Clery Center for Security on Campus
<http://clerycenter.org/help-victims>

When a Sexual Assault Occurs

The victim should take one of the following actions **immediately**:

Report to the Morehead State University Police Department by calling 911 from a campus phone or 606-783-2035; the Morehead City Police 911 or 606-784-7511; the Kentucky State Police 911 or 606-784-4127 as appropriate.

Seek Medical Attention at the Caudill Health Clinic on campus, or at St. Claire Regional Medical Center or through EMS (911). Tests are administered that will alleviate fears about sexually transmitted diseases and pregnancy. Evidence will be collected which can be used if the victim chooses to prosecute.

Contact a Crisis Counselor by calling the University Counseling Center at (606) 783-2123 or after hours by calling the Morehead State University Police Department at (606) 783-2035 or 911 and request to speak with a crisis counselor. A crisis counselor will be able to provide immediate psychological support and refer the victim for medical attention. Additional support will be provided should the victim choose to report the crime to a law enforcement agency.

Statements to Victims of Sexual Assaults

1. *We will treat you and your particular case with courtesy, sensitivity, dignity, understanding, and professionalism.*
2. *If you feel more comfortable talking with a female or a male officer, we will do our best to accommodate your request.*
3. *We will meet you privately, at a place of your choice in this area to take a complaint report.*
4. *We will consider your case seriously, regardless of your gender or the gender of the suspect.*
5. *Our officers will not prejudge you and you will not be blamed for what occurred.*
6. *We will assist you in arranging for any hospital treatment or other medical needs.*
7. *We will assist you in privately contacting a counselor and/or other available resources.*
8. *We will fully investigate your case and will help you to achieve the best outcome. This may involve arrest and full prosecution of the suspect responsible. You will be kept up-to-date on this progress of the case.*
9. *We will continue to be available for you, answer your questions, explain the systems and process involved, and be a willing listener.*

Counseling and Health Services

Victims of a sexual assault, who are MSU students, are eligible to the services at the Office of Counseling and Health Services, located on the first floor of Allie Young Hall. This Caudill

Health Clinic is open 8:00 am – 5:00 pm, Monday through Friday during the fall and spring semesters. Hours of operation at other times are 8:00 am – 4:30 pm, Monday through Friday.

Sexual Assault Policy

Morehead State University will not tolerate sexual offenses in any form. Where there is probable cause to believe that University regulations prohibiting sexual offenses have been violated, campus disciplinary action can be pursued. Campus disciplinary action can include suspension or dismissal from the University.

If the victim chooses not to prosecute, the University can pursue disciplinary action at the request of the victim. It should be remembered that Morehead State University has an obligation to uphold the laws of the larger community of which it is a part.

While the activities covered by the laws of the larger community and those covered by MSU's Code of Student Conduct may overlap, it is important to note that the community's laws and MSU's Code of Student Conduct operate independently and that they do not substitute one for another. Morehead State University may pursue enforcement of its own rules whether or not legal processing are underway or may use information from a third party source, such as law enforcement agencies and the courts, to determine whether University rules have been broken.

At the request of the victim, MSU will make every reasonable effort to change a victim's academic and living situation after an alleged sex offense. The victim will be notified of these options by University officials in the reporting and counseling process.

SART (Sexual Assault Response Team)

Counseling and Health Services at Morehead State University will be home to the Sexual Assault Response Team. Dr. Shannon Smith-Stevens DNP, APRN-BC, also a Sexual Assault Nurse Examiner (SANE) is working with Police Chief Merrell Harrison (S.A.R.T. trained) and Pathways to provide a comfortable, safe environment for victims. Sexual assault examination and counseling services from licensed therapists are available for students, faculty and staff on campus. The services provided by the Health Clinic are free of charge and are available 24 hours a day. The Sexual Assault Response Team consists of law enforcement, victims advocate and a health care professional. The health care professional has been licensed as a sexual assault nurse examiner and can perform physical examinations and forensic-medical examination if necessary.

Victims have the right to determine whether to report the assault to law enforcement, except when reporting abuse and neglect of a child, spouse and other vulnerable adult as set forth in Kentucky law. No victim shall be denied an examination because the victim chooses

not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.

If the victim decided to prosecute (which is not required), a prosecutor will also be a part of the SART. All services are confidential. There are also free services available through the rape advocacy office at Pathways at (606) 784-4161. To learn more about the resources for victims of sexual assault in Kentucky, visit <http://kyasap.brinkster.net/>. To request a sexual assault exam, call (606) 776-0076 or for more information contact (606) 783-2123.

Monitoring & Recording Off-Campus Criminal Activity

The Morehead State University Police Department maintains an excellent relationship with City of Morehead Police Department, Rowan County Sheriff's Office, Kentucky State Police and other Public Safety organizations. MSUPD meets with these agencies and others monthly to share information. Additionally, MSUPD attends quarterly Rowan County Risk Assessment meetings. MSUPD is notified about incidents involving students, staff and property from local agencies.

Campus Safety, Facility Access and Security Policies

Morehead State University has established the following policies and procedures to enhance the security of the campus community:

- Academic and administrative buildings have normal operating business hours posted on entrances. Persons remaining after the posted hours must have appropriate identification and authorization. Faculty and staff members are permitted within facilities 24-hours per day.
- Faculty and staff will be required to show their Medeco key and a University ID card when so requested by a member of the Morehead State University Police Department. Students must obtain the approval of the department Chairperson and possess an approved "After Hour Facility Utilization Authorization Slip". Students must have their copy of the slip and a valid University ID card in their possession and present same upon request. Residence halls normally permit entry through the main entrance and require key access after midnight Sunday-Thursday and 1:00 am on weekends.
- The Morehead State University Police Department employs student workers as Student Cadets to enhance residence hall security, campus security and at special events.
- Uniformed Security Personnel check security related issues, including the security of doors and public areas. Anyone present in a residence hall may be asked to show a MSU ID card to prove residency and their right to use the facilities. Failure to produce proper

identification upon request of residence hall staff, Morehead State University Police Department or any Morehead State University staff member may result in disciplinary action.

- Unauthorized persons are not permitted in residence halls and should be reported to the residence hall staff or the Morehead State University Police Department by calling (606) 783-2035. If you believe a crime has been or is about to be committed, contact the Morehead State University Police Department immediately. Specific guest and visitation policies are contained in the *Eagle Handbook* for students.
- Campus safety and security surveys will be conducted twice annually (normally in May and September). The Chief of Police and the Director of Risk & Compliance, or their designed representatives, shall make a campus survey at night to determine lighting adequacy and needs.
- They will accomplish the survey on foot and make every effort to observe all possible routes used by the University community, including parking lots. A list of needs will be identified to the Vice President of Administration and Fiscal Services for forwarding to the Vice President for Facilities Management. This survey will also cover shrubs, sidewalks and other issues impacting the overall safety and security of the campus.

Missing Person Policy & Procedures

The following procedures will be implemented prior to and when a student living on campus is determined to be missing in accordance with the Higher Education Opportunity Act of 2008:

Student Notification

On an annual basis, all students living in campus housing facilities will be informed of their right to identify a person as a confidential contact in the event the student is reported as a missing person. In addition, off-campus students may use established methods to identify a person as a confidential contact in the event the student is reported as missing person. The

Assistant Vice President/Dean of Students or designees will notify the confidential contact no later than 24 hours after the time a student has been classified as missing by the Morehead State University Police Department.

If a student does not identify a confidential contact, designated University personnel may contact parents/guardians as deemed necessary and/or appropriate if the student is classified as missing by the Morehead State University Police Department.

Registration

Students who wish to submit information related to a confidential contact may do so by following the directions outlined via the student portal and distributing by housing staff members.

Definition of a Missing Person

A student will be defined as “missing” when a report has been made with the Morehead State University Police Department, they have investigated the circumstances and validity of the allegation, and they determine a student should be classified as a missing person.

Contact Notification

If a student has been classified as a missing person by the Morehead State University Police Department, the Assistant Vice President/Dean of Students or designee will communicate with the confidential contact person within a 24 hour period. For non-emancipated students under the age of 18, the Assistant Vice President/Dean of Students or designee will notify a custodial parents or guardian (as listed in official University records) no later than 24 hours after the time a student has been classified as missing by the Morehead State University Police Department.

The classification of a student as missing may activate the Emergency Operations Plan and result in the notification of other personnel as designated by established University protocol.

Information Accuracy

Once a student submits the name of a contact, he/she is responsible for providing information updates as appropriate or necessary via e-mail at missingperson@moreheadstate.edu

Procedures

- Any allegations that a student is missing must be immediately reported to the Morehead State University Police Department (606) 783-2035.
- The Morehead State University Police Department will conduct an investigation to determine the credibility of the allegations and if the student should be classified as a missing person.
- If a student is classified as a missing person, the Morehead State University Police Department will contact the Assistant Vice President/Dean of Students.
- Within a 24 hour time period, the Assistant Vice President/Dean of Students or designee will attempt to communicate with the confidential contact or parent/guardian via telephone. If the Assistant Vice President/Dean of Students or designee is unsuccessful in communicating via telephone, an e-mail message will be sent to the confidential contact or parent/guardian. If an e-mail is sent, the Assistant Vice President/Dean of Student or designee will continue to call the confidential contact or parents/guardian until successful.

Questions related to this policy should be directed to the Assistant Vice President/Dean of Students via e-mail (missingperson@moreheadstate.edu) or telephone at (606) 783-2070.

Fire Safety Policy

Morehead State University emphasizes the important of fire safety and fire prevention to all residents. All residential facilities with the exception of the University Farm are equipped with automatic fire suppressing systems that will activate in the event of a fire. Additionally, all residential facilities are equipped with smoke detector systems. Each residence hall has emergency procedures, which students should know. Emergency evacuation procedures are posted for each residence hall, and fire drills are held each semester to keep residences familiar with the process. For everyone's safety, students must cooperate completely with the staff when an evacuation occurs. Because of the serious nature of fire, the following regulations are necessary:

- A person who pulls a fire alarm or falsely reports an emergency to police or the fire department will be punished under the Kentucky Revised Statute 512.040. If convicted of this Class B misdemeanor, it means up to a \$500 fine and/or 90 days in jail.
- Students must follow emergency evacuation procedures.
- Due to fire hazards, students may not possess or burn candles, incense, etc., except in connection with a hall program, which required prior approval from the residence hall director.

- Flammable fluids may not be used or store in the residence halls.
- No loft construction or overstuffed furnishings are permitted.
 - Torchiere-style halogen lamps manufactured prior to March 1997 are not permitted in residence halls. Halogen lamps manufactured after March 1997, which meet the Underwriter's Laboratories (UL 153) safety standards, are permitted for student use in residence halls.
- Items such as clothes hangers, decorations, etc. must not be placed on the sprinkler device in the residence hall room. Doing so can activate the sprinkler system, resulting in water damage.

Appliances

Because more than one residence hall room/apartment share the same circuit, there is a possibility of an electrical overload; students should be considerate and conscious of the number and frequency of appliances they use. Students should also limit the number of extension cords used in a room. Microwave ovens (700 watts maximum) and student owned refrigerators with a size capacity of 4.5 cubic feet are permitted (one per room). Small hand appliance, such as coffee pots, blenders, mixers, crock pots, grills (Like the George Foreman Grill) and other personal care appliance are permitted in rooms. These appliances should have enclosed heating elements and the Underwriters Laboratory approval.

When using a cooking appliance, students must always be in the room and appliances must be turned OFF before leaving the room in order to prevent fires. Electric skillets are not included in this category and are not permitted in residence halls. Residents may have a television with a power usage limitation of 1.6 amps or 175 watts or less. No appliances with open heating elements are permitted in residence halls. During fire and safety inspections, University officials will require the removal of prohibited appliances or materials. Also, sun lamps and personal air conditioners are not allowed.

Tobacco

In accordance with University Policies, the use of tobacco products in any University residential facility is prohibited. Students found in violation of University and/or residence hall policies and regulations can expect appropriate disciplinary measures to be imposed. Disciplinary measures for violations include community restitution assignments, education programming assignments, residence hall dismissal, loss of visitations, or other

appropriate sanctions. Students who are found in violation of residence hall policies and are issued the sanction of dismissal from the residence hall will forfeit residence hall fees.

Tobacco Policy

In an effort to promote healthy employees and a healthy environment, Morehead State University implemented UAR 902.01 in the summer of 2011. Specifically, UAR 902.01 prohibits the use of all tobacco products on University owned or controlled property. This policy is in effect for all persons, at all times, who are attending classes, working, living, visiting, attending/participating in athletic events, programs, and all activities and programs on University owned, leased, or controlled property and in campus owned, leased, or rented vehicles. This includes University property outside the main campus such as farm facilities, golf courses, art galleries, parking lots, performance venues, and sporting venues, and functions that are held in these facilities and venues.

While Morehead State University remains committed to maintaining a healthy campus environment and encouraging members of the campus community to engage in healthy behaviors there are two designated tobacco use areas for the campus. This has become necessary as members of the University community have not respected private and city property adjacent to the campus, portraying a less than positive image of Morehead State University to our neighbors, visitors, and guests.

Two areas have been developed as designated tobacco use areas. ***It is in these areas only that tobacco use will be permitted.*** The areas have seating and receptacles for the proper disposal of trash and tobacco waste.

The locations are:

- On the west end of campus - the concreted area in the backyard of the faculty house on the corner of Second Street and Battson-Oates, across Second Street from Lappin Hall. This area is accessed from Second Street. Stairs enter the yard from the south side of the Second Street sidewalk. Gravel will designate a walkway to the tobacco use area until concrete can be poured as weather allows.
- In the east-central area of campus – an area on the south side of Alumni Hall adjacent to a fenced area where the loading dock of Alumni Tower is located.

Violators of the Tobacco Use Policy are subject to fines and progressive disciplinary actions. Alleged violations which involve employees will be addressed through the Office of Human Resources and appropriate supervisory personnel. Alleged violations which involve students will be addressed by the Assistant Vice President/Dean of Students as outlined in the on-line version of the *Eagle Student Handbook* (See “*Scope of Authority*”, page 27 and “*SCC 3200*”, pages 68-69).

It is expected that all MSU faculty, staff, and students will adhere to and assist in the enforcement of the University Tobacco Use Policy. Tobacco use must be confined to the designated areas. Individuals who utilize the designated areas should be mindful of cleanliness, disruptions, and University image. Individuals should use proper receptacles to

dispose of all tobacco waste, garbage, etc... In addition, designated tobacco use areas should not be utilized in a manner which could cause disruption to others (i.e. amplification of music, etc...) or create a negative image for the University (i.e. littering, obstruction of pedestrians or vehicles, etc...).

Violations of the University Tobacco Policy should be reported to the Office of Human Resources (employees) and the Assistant Vice President/Dean of Students (students).

Reporting Violations of the MSU Tobacco Policy

It is expected that all MSU faculty, staff, and students will adhere to, and assist in the enforcement of UAR 902.01 (Tobacco Use Policy). Individuals who witness violations of UAR 902.01 are expected to file a report with the Office of Human Resources (employees) or the Assistant Vice President/Dean of Students (students).

Confronting others regarding behaviors that are contrary to University policies can be a difficult task. However, it is a critical element of the educational environment in which we live and work. The following is an outline of how faculty, staff, and students should address violations of UAR 902.01:

If you are a direct witness to the behavior:

- Initiate a conversation with the person by introducing yourself.
- Ask the individual if s/he is an employee or a student.
- If the person answers in the affirmative, ask him/her if s/he is aware of the campus Tobacco Policy.
- If the individual states that s/he is not aware, share that MSU is a tobacco-free campus.
- If the person is an employee or student, ask him/her to provide his/her name and ID number.
- If the person refuses to cooperate, call MSUPD (783-2035)
- If the person is not an employee or student, ask him/her to provide his/her name.
- Share with the person that we have two designated tobacco use areas on campus.
- If the person is an employee, share the information with the Office of Human Resources.
- If the person is a student, or has no connection to MSU, share the information with the Assistant Vice President/Dean of Students (m.ammons@moreheadstate.edu).

If you are not able to address the behavior in person:

An example of this would include seeing a person smoking in a non-designated zone while driving in your car. You would not stop to confront the person; however, you are still encouraged to report your observation.

- If you know the name of the person, and s/he is an employee, share the information with the Office of Human Resources.
- If you know the name of the person, and s/he is a student, share the information with the Assistant Vice President/Dean of Students (m.ammons@moreheadstate.edu).
- If you know nothing about the person, share the information with the Assistant Vice President/Dean of Students (m.ammons@moreheadstate.edu).

Consequences of Violating the Tobacco Use Policy

Alleged violations of UAR 902.01 will be addressed by the Office of Human Resources (employees) and the Assistant Vice President/Dean of Students (students) using established University policies and protocol. Students found to be in violation of UAR 902.01 are subject to the following sanctions:

- First Violation - \$25.00 Fine
- Second Violation - \$50.00 Fine
- Third Violation - \$100.00 Fine

In addition to the aforementioned fines, students may be required to complete other sanctions as outlined in the on-line version of the *Eagle Student Handbook*. Employees found to be in violation of UAR 902.01 are subject to the following sanctions: Individuals will meet with their supervisors and/or the Office of Human Resources to determine an appropriate course of action. Each alleged incident, and subsequent decision, will be documented in the personnel file of the employee as maintained by the Office of Human Resources.

Fire/Arson

If any staff member observes anything that has been burned or sees a student light something on fire anywhere on the MSU campus, this is considered arson. Please contact the University Police Department immediately and block off the area. If no students are around, the University Police Department will confiscate the burned property.

If the students, who lit fire to the object is/are still around, do not let the student(s) leave the scene. Arson is a felonious offense along with possible dismissal from MSU.

Fire Alarms

In the events of a fire alarm all RA's (Resident Advisor) whether on-duty or not should immediately report to the front office of their assigned building. If the supervisor of the building is not present, the Housing Response Team (HRT) should be called for assistance. RA's should put their name tag on and an emergency vest so emergency response personnel will know they are a resource person who can assist with the evacuation of the building. Residents will need to exit the building and report to their assigned evacuation point.

The supervisor of the building or the HRT will access the black box that stores the master keys and will issued the keys to staff. Once the fire department has given the ok to the building supervisor, RA's will go to each floor and check rooms in a fast but thorough manner. RA's should do a visual sweep of the room once they have entered and make a note of any policy violations that are seen. The RA should not be opening closets/drawers, etc. If a student is found in a room the RA should document his/her name and send the student to the lobby.

All staff members should lock the resident's room once the room has been checked. Once all rooms have been cleared, the RA should return to the lobby and give the master keys back to the professional housing staff member who is there to assist. At the conclusion on the fire alarm, RA's should remain at the front desk to assist students with any lock outs that may have results from the fire alarm. Lockouts should not be assessed to the student at this time. Evacuation locations; each residence hall has a designated area where residents should report to when there is a fire alarm. Residents of the floor should be informed of the reporting location during the first floor meeting. Do not post the location on your floor or in the building.

Statistics for 2016 Calendar Year

Residence Hall	Number of Fires	Cause of Fire	Number of Deaths	Number of Injuries	Property Damage
Alumni Tower	0	0	0	0	0
Andrews Hall*	0	0	0	0	0
Butler Hall	0	0	0	0	0
Cartmell Hall**	0	0	0	0	0
Fields Hall	0	0	0	0	0
Thompson Hall	0	0	0	0	0
Cooper Hall	0	0	0	0	0
East Mignon Hall	0	0	0	0	0
Mignon Hall	0	0	0	0	0
Mignon Tower	0	0	0	0	0
West Mignon Hall	0	0	0	0	0
Nunn Hall	1	Electrical	0	0	0
Eagle Lake Apts.	0	0	0	0	0
Mays Hall Apts.	0	0	0	0	0
Normal Hall Apts.	0	0	0	0	0

Although MSU is only required to report Fire Safety for Residence Halls, for 2016, MSU had a total of 1 actual reported fires from all properties owned, leased or controlled by the institution.

- MSUPD Incident# 2016-0057: Morehead Fire Department responded. Small electrical fire in heating unit on **Campus Property**, Location Nunn Hall, no injuries, deaths or MSU property damage. Fire was extinguished prior to Fire Department's arrival. State Fire Marshall notified.

*Andrews Hall was in service 11/16 - 12/16 during the calendar year.

**Cartmell Hall was in service 01/16 - 11/16 during the calendar year.

Statistics for 2015 Calendar Year

Residence Hall	Number of Fires	Cause of Fire	Number of Deaths	Number of Injuries	Property Damage
Alumni Tower	0	0	0	0	0
Butler Hall	0	0	0	0	0
Cartmell Hall	0	0	0	0	0
Fields Halls	0	0	0	0	0
Thompson Hall	0	0	0	0	0
Cooper Hall	0	0	0	0	0
East Mignon Hall	0	0	0	0	0
Mignon Hall	0	0	0	0	0
West Mignon Hall	0	0	0	0	0
Nunn Hall	0	0	0	0	0
Eagle Lake Apts.	0	0	0	0	0
Mays Hall Apts.	0	0	0	0	0
Normal Hall Apts.	0	0	0	0	0

Although MSU is only required to report Fire Safety for Residence Halls, for 2015, Morehead State University had a total of 6 actual reported fires from all properties owned, leased or controlled by the institution.

- MSUPD Incident# 2015-0914: Morehead Fire Department responded. Vehicle fire on **Campus Property**, Location University Blvd. and Bell Tower, no injuries, deaths or MSU property damage.

Fire was extinguished prior to Fire Department's arrival.

Statistics for 2014 Calendar Year

Residence Hall	Number of Fires	Cause of Fire	Number of Deaths	Number of Injuries	Property Damage
Alumni Tower	1	Accidental	0	1	0
Butler Hall	0	0	0	0	0
Cartmell Hall	0	0	0	0	0
Fields Halls	0	0	0	0	0
Thompson Hall	0	0	0	0	0
Cooper Hall	0	0	0	0	0
East Mignon Hall	0	0	0	0	0
Mignon Hall	0	0	0	0	0
West Mignon Hall	0	0	0	0	0
Nunn Hall	0	0	0	0	0
Eagle Lake Apts.	0	0	0	0	0
Mays Hall Apts.	0	0	0	0	0
Normal Hall Apts.	0	0	0	0	0
*Waterfield Hall	0	0	0	0	0

Although MSU is only required to report Fire Safety for Residence Halls, for 2014, Morehead State University had a total of 6 actual reported fires from all properties owned, leased or controlled by the institution.

- MSUPD Incident# 2014-0993: Location: on **Campus Property**, Sidewalk of West Mignon. Unknown object the size of a small saucer on fire, no injuries or deaths. Staff extinguished with water. State Fire Marshall notified.
- MSUPD Incident# 2014-1135: Morehead Fire Department notified. Mulch smoldering. Location: on **Campus Property**, Butler Hall & Vaughn Drive (Landscape feature), no injuries or deaths. Staff extinguished with water.
- MSUPD Incident# 2014-1397: Morehead Fire Department notified/responded. Mulch smoldering. Location: on **Non-Campus Property**, Center for Health, Education and Research (C.H.E.R.). (Landscape feature), no injuries or deaths. Staff extinguished with water.
- MSUPD Incident# 2014-2377: Morehead Fire Department notified/responded. Mulch smoldering. Location: on **Campus Property**, Butler Hall & Vaughn Drive (Landscape feature), no injuries or deaths. Staff extinguished with water.
- MSUPD Incident# 2014-2730 : Morehead Fire Department notified/responded. Food services cooking fire on gas grill top. Location: on **Campus Property (residential facility)**, Alumni Tower (Food Court area, non-residential floor), minor injuries to 1 employee, and no deaths. Staff extinguished with fire extinguisher. Origin of fire was from employee cleaning cooking surface. State Fire Marshall's Office notified.
- MSUPD Incident# 2014-2791: Morehead Fire Department notified. Trash can smoking. Location: on **Campus Property**, Parking Lot Baird Hall (Trash can in smoking area), no injuries or deaths. Staff extinguished with water.
- *Waterfield Hall was in service 08/2013 - 05/2014 only

The following definitions are used for reporting crimes:

As per the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program:

Murder

The willful (non-negligent) killing of one human being by another (FBI, 1992, p. 17).

Manslaughter

The killing of another person through negligence (FBI, 1992, p. 17).

Reckless Homicide

Recklessly causing the death of another person.

Assault

Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Group A Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Menacing

Menacing: Intentionally placing another person in reasonable apprehension of imminent physical injury.

Wanton Endangerment

Wanton Endangerment in the first degree: When under circumstances manifesting extreme indifference to the value of human life, a person wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person.

Wanton Endangerment in the second degree: Wantonly engaging in conduct that creates a substantial danger of physical injury to another person.

Terroristic Threatening

Group A Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Stalking

Stalking in the first degree: Intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious injury, or death; and a protective order has been issued, or a criminal complaint is currently pending, or the defendant has been convicted of a Class A misdemeanor against the same victim.

Stalking in the second degree: Intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious injury, or death.

Sex Offenses, Forcible

Sex Offense: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Group A Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Group A Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or incapacity.

Group A Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

Group A Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of this/her youth or because of his/her temporary or permanent mental or physical .

Sex Offenses, Non-Forcible

Unlawful, non-forcible sexual intercourse.

Group A Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Group A Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. (*If this is non-forcible, then rape, sodomy, and sex abuse that are only statutory are non-forcible.*)

Burglary

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Criminal Damage to Property

Part II Vandalism The willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. This offense covers a wide range of malicious behavior directed at property, such as: cutting auto tires, drawing obscene pictures on public restroom walls, smashing windows, destroying school records, tipping over gravestones, defacing library books, etc. Count all arrests for above, including attempts.

Arson

Part I Arson: Any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Theft

Group A Larceny/Theft Offenses: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

Group A Pocket-Picking: The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.

Group A Purse-Snatching: The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

Group A Shoplifting: The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

Group A Theft from Motor Vehicle: The theft of articles from a motor vehicle, whether locked or unlocked.

Group A Theft of Motor Vehicle Parts or Accessories: The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.

Group A Theft from Building: A theft from within a building which is either open to the general public or where the offender has legal access.

Group A Theft from a Coin-Operated Machine or Device: A theft from a machine or device which is operated or activated by the use of coins.

Group A All other Larceny: All thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Motor Vehicle Theft

Group A Motor Vehicle Theft: The theft of a motor vehicle. A motor vehicle is defined for UCR purposes as a self-propelled vehicle that runs on land surface and not on rails and which fits one of the following property descriptions: automobiles, buses, recreational vehicles, trucks, or other motor vehicles.

Robbery

Group A Robbery: The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Weapons Possession

Group A Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Include violations such as the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. silencers; and furnishing deadly weapons to minors.

Drug-related Violations

General definition of Drug/Narcotic Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

Liquor Law Violations

Group B Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. Driving under the influence and drunkenness violations are excluded. Included are violations of laws/ordinances prohibiting the maintenance of unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor; using a vehicle for the illegal transportation of liquor, etc.

Other Alcohol Violations

Driving under the Influence: Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic. This offense includes driving while intoxicated and operating a bus, train, streetcar, boat, etc., while under the influence.

Drunkenness

To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Included are drunk and disorderly, common drunkard, habitual drunkard, and intoxication.

Geographical Locations

Total Campus Property Crimes – Is the sum of; *On-Campus, Non-Campus Building or Property and Public Property*

On-Campus – Defined as (1) any building or property owned or controlled by an institutional within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor). Dormitories or other residential facilities for students on campus is a subset of the on-campus category.

Non-Campus Building or Property – Defined as (1) any building or property owned or controlled by a student organization that is officially recognized by the institutional; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property – Defined as all public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Table 1 – Crimes

<u>Crime Category</u>	<u>Total Campus Property Crimes</u>	<u>Residential Facility Crimes</u>	<u>Recognized, Leased, Owned, Controlled Property Crimes</u>	<u>Public Property Crimes</u>
Arson	0	0	0	0
Assault (Aggravated)	0	0	0	0
Assault (Simple)	6	5	1	0
Burglary	13	6	0	0
Criminal Damage	13	7	0	0
Manslaughter	0	0	0	0
Menacing	0	0	0	0
Motor Vehicle Theft	1	0	0	0
Murder	0	0	0	0
Reckless Homicide	0	0	0	0
Robbery	0	0	0	0
Sex Offenses - Forcible	2	2	0	0
Sex Offenses - Non-forcible	0	0	0	0
Stalking	2	2	0	0
Terroristic Threatening	3	2	0	0
Theft	43	18	0	0
Wanton Endangerment	1	0	0	0
Weapons Possession	0	0	0	0
Prejudice: Bias - Race	0	0	0	0
Prejudice: Bias - Gender	0	0	0	0
Prejudice: Bias - Religion	0	0	0	0
Prejudice: Bias - Sexual Orientation	0	0	0	0
Prejudice: Bias - Ethnic	0	0	0	0
Prejudice: Bias - Disability	0	0	0	0
Arrest Only: Drug-related Violations	7	5	0	2

Arrest Only: Liquor-law Violations	2	1	0	0
Arrest Only: Other Alcohol Violations	15	8	0	1

Table 2 – Criminal Attempts

<u>Crime Category</u>	<u>Total Campus Property Crimes</u>	<u>Residential Facility Crimes</u>	<u>Recognized, Leased, Owned, Controlled Property Crimes</u>	<u>Public Property Crimes</u>
Arson	0	0	0	0
Assault	0	0	0	0
Assault (Simple)	0	0	0	0
Burglary	1	0	0	0
Criminal Damage	0	0	0	0
Manslaughter	0	0	0	0
Menacing	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder	0	0	0	0
Reckless Homicide	0	0	0	0
Robbery	0	0	0	0
Sex Offenses - Forcible	0	0	0	0
Sex Offenses - Non-forcible	0	0	0	0
Stalking	0	0	0	0
Terroristic Threatening	0	0	0	0
Theft	0	0	0	0
Wanton Endangerment	0	0	0	0
Weapons Possession	0	0	0	0
Prejudice: Bias - Race	0	0	0	0
Prejudice: Bias - Gender	0	0	0	0
Prejudice: Bias - Religion	0	0	0	0
Prejudice: Bias - Sexual Orientation	0	0	0	0
Prejudice: Bias - Ethnic	0	0	0	0
Prejudice: Bias - Disability	0	0	0	0

Table 3 – Incidents Reported by Non-Law Enforcement Officials

<u>Crime Category</u>	<u>Total Campus Property Crimes</u>	<u>Residential Facility Crimes</u>	<u>Recognized, Leased, Owned, Controlled Property Crimes</u>	<u>Public Property Crimes</u>
Arson	0	0	0	0
Assault	0	0	0	0
Assault (Simple)	6	5	1	0
Burglary	13	6	0	0
Criminal Damage	13	7	0	0
Manslaughter	0	0	0	0
Menacing	0	0	0	0
Motor Vehicle Theft	1	0	0	0
Murder	0	0	0	0
Reckless Homicide	0	0	0	0
Robbery	0	0	0	0
Sex Offenses - Forcible	2	2	0	0
Sex Offenses - Non-forcible	0	0	0	0
Stalking	2	2	0	0
Terroristic Threatening	3	2	0	0
Theft	43	18	0	0
Wanton Endangerment	1	0	0	0
Weapons Possession	0	0	0	0
Prejudice: Bias - Race	0	0	0	0
Prejudice: Bias - Gender	0	0	0	0
Prejudice: Bias - Religion	0	0	0	0
Prejudice: Bias - Sexual Orientation	0	0	0	0
Prejudice: Bias - Ethnic	0	0	0	0
Prejudice: Bias - Disability	0	0	0	0
Drug-Related Violations	4	4	0	1
Liquor-law Violations	1	0	0	0
Other Alcohol Violations	7	6	0	0

**The Michael Minger Act Report for 2017
Activity Reported for Calendar Year 2016
Morehead State University Regional Campuses**

Ashland Regional Campus
Mt. Sterling Regional Campus
Prestonsburg Regional Campus

There were no reportable crimes for any of the Morehead State University Regional Campuses for 2016.

Notes for Preceding Charts

1. Page 24 of this document provides guidance in defining crimes committed.
2. Assistance in defining campus property may be found in 34 CFR § 668.46(a).
3. Number of crimes that occurred in institution residence halls, student apartment housing, or Greek sponsored housing facilities, if appropriate. These numbers are included in the on-campus property totals.
4. Non-Campus Property is any of the officially recognized/owned/leased/controlled institution properties that are located off the main campus area. Assistance in defining non-campus property may be found in 34 CFR § 668.46(a).
5. Assistance in defining public property may be found in 34 CFR § 668.46(a).
6. Category of Prejudice - These are not additional crimes. These are crimes already reported in the various crime categories that also fall into one of the reportable categories as required by KRS 164.948(3), or other crimes in which the victim was intentionally selected because of an actual or perceived prejudice.