

SEXUAL VIOLENCE AND MISCONDUCT, RELATIONSHIP VIOLENCE, AND STALKING

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

- I. Policy Against Sexual Assault, Sexual Violence and Sexual Misconduct, Relationship Violence, and Stalking.**
 - A. Murray State expressly condemns acts of sexual violence and misconduct, relationship violence and stalking against its students, faculty and staff. These condemned acts include sexual assault, including rape, fondling, incest and statutory rape; domestic violence; dating violence; stalking and sexually exploitative behavior.
 - B. Procedures for institutional disciplinary action in cases of alleged sexual harassment including sexual violence and misconduct, relationship violence and stalking:

(b) the institution's procedures for the accused and the victim to appeal the

dating violence, sexual assault and stalking all of which defined offenses, as they may affect Murray State students and employees, are encompassed

(c)

disseminated at all of Murray State's campuses in accordance with law. The President is authorized, without additional approval, to make any amendment to this policy as may be deemed necessary. The only exception to the preceding is that the Board of Regents must approve any amendment which changes the person or entity who formally adjudicates a complaint. The Board of Regents will be advised of any such changes.

The President, or his or her delegee, will further ensure that information in this Policy is kept current and will provide for current and accurate references to policies, laws, offices, methods of reporting and links. Updated information will be provided as needed.

IV. Off-Campus Conduct

Students, faculty and staff who believe they are victims of sexual violence and misconduct, relationship violence or stalking are encouraged to report prohibited actions regardless of whether any such act occurred off campus.

V. Retaliation Prohibited

No officer, employee or agent of Murray State University shall retaliate against, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising rights or responsibilities under this policy or 20 U.S.C. §1092(f).

APPENDIX I

B. Suffer substantial emotional distress.

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

4. As used in this Murray State policy, “consent” is informed, freely given and mutual.
- A. If coercion, intimidation, threats or physical force are used there is no consent;
 - B. If a person is mentally or physically incapacitated, or impaired, so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol, drug consumption, being asleep or unconscious;
 - C. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim;