



AGENDA

EASTERN KENTUCKY UNIVERSITY
BOARD OF REGENTS

QUARTERLY MEETING

September 10, 2020



Eastern Kentucky University
Board of Regents

Quarterly Meeting
Agenda

September 10, 2020

Via Video Teleconference*

Public Viewing Link: <https://epresence.eku.edu/bor-meeting>

9:00 a.m.

- I. Swearing in of New Student Regent (Robert Blythe)
- II. Swearing in of Regent Alan Long (Robert Blythe)
- III. Call to Order
- IV. Information Items
 - A. University Reports
 - 1. COVID-19 Update (**Dr. Bryan Makinen**, Executive Director, Public Safety & Risk Management);
 - 2. Student Success & Enrollment Update (**Dr. Tanlee Wasson**, Vice President) 4
 - 3. Strategic Plan Overview (**Dr. David McFaddin**, President; **Dr. Jennifer Wies**, Associate Provost; **Dr. Bethany Miller**, Senior Director, Institutional Effectiveness & Research).....15
 - 4. Academic Affairs (**Dr. Jerry Pogatshnik**, Executive Vice President & Provost);
 - 5. Department of Athletics (**Matt Roan, J.D.**, Vice President and Athletics Director);
 - 6. Diversity, Equity and Inclusion Update (**Dr. Dannie Moore**, Vice President); 25
 - 7. Development and Endowment Update (**Betina Gardner**, Vice President)35
 - 8. Financial Update (**Barry Poynter**, Senior Vice President).....40
 - 9. Construction Update (**Brian Wilcox**, Associate Vice President, Facilities Services and Capital Planning).....48
 - B. Additional Reports to the Board
 - 1. Written Reports;
 - a. Faculty Senate Update64
 - b. Staff Council Update65
 - 2. Dr. David T. McFaddin, President;
 - 3. Lewis Diaz, J.D., Chairman of the Board;
- V. Action Items
 - A. Approval of the Minutes for the Full Board Meeting on June 30, 2020, the Special Meeting on August 20, 2020, and the Presidential Search Committee Meeting on August 10, 2020; (**Lewis Diaz**).....66
 - B. Personnel Actions (**Dr. David T. McFaddin**)83
 - C. Recommendations for Promotion and Tenure for 2019-2020 (**Dr. Jerry Pogatshnik**)90
 - D. Approval of Degree Candidates for October 2020 (**Dr. Jerry Pogatshnik**)91
 - E. Approval of OVC Form (**Dr. David T. McFaddin**).....92
 - F. Policy Updates (**Haley Norberg, J.D.**)
 - Approval of Model Lab Policy Updates.....93
 - Approval of Administrative Policies
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*In accordance with OAG 20-05, no primary physical location is identified.

The general public may view the meeting at the following website: <https://epresence.eku.edu/bor-meeting>

1.5.3, University State of Emergency	136
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11.2.1, University Communications via University Email Accounts (Repeal)	
11.2.2, Code of Ethics for Computing and Communications (Repeal)	
11.2.6, Web Governance.....	159
F. Approval of Resolution Regarding Bond Refunding (Lewis Diaz)	168

VI. Executive Session

VII. Adjournment

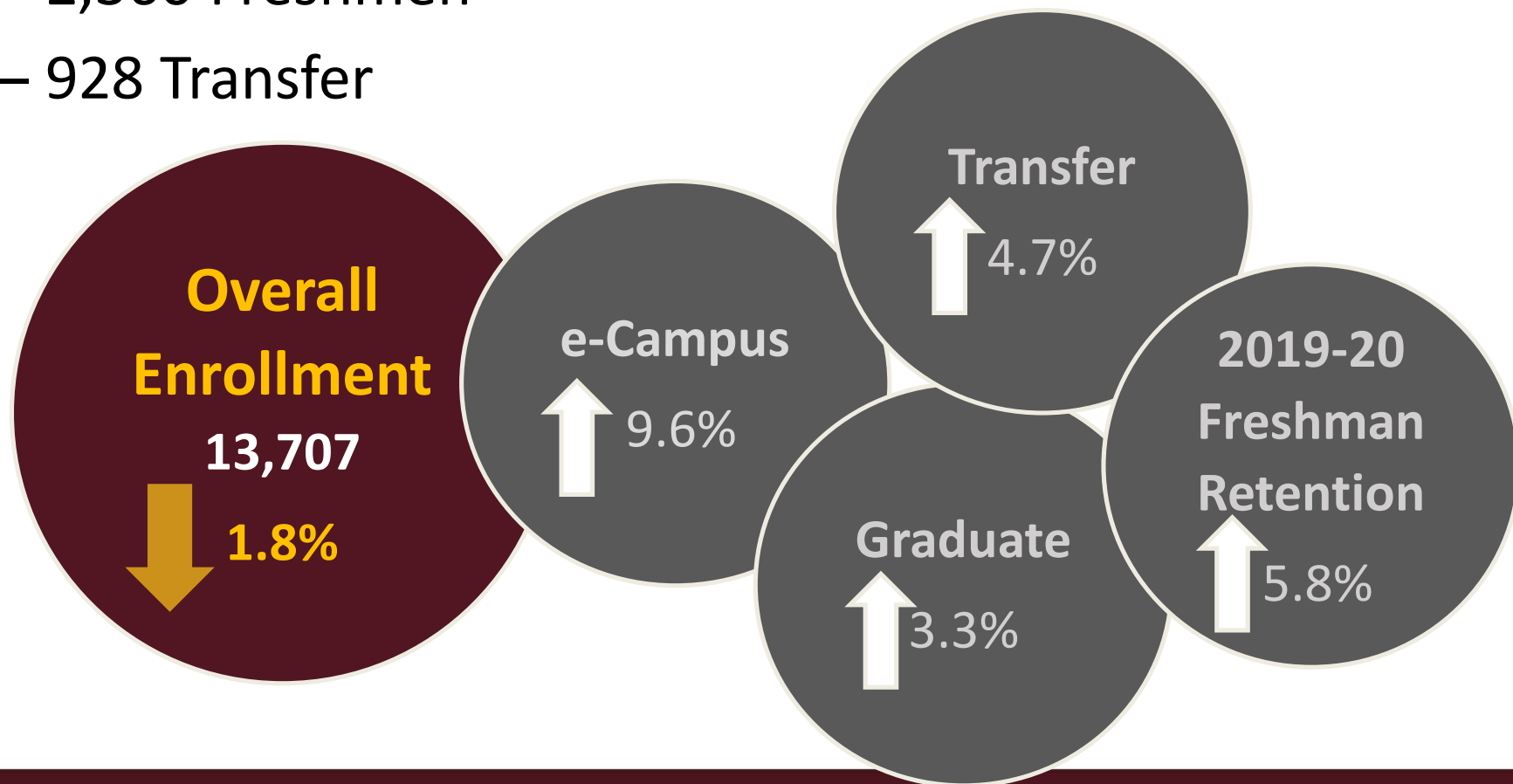


Eastern Kentucky University

Enrollment Update Fall 2020

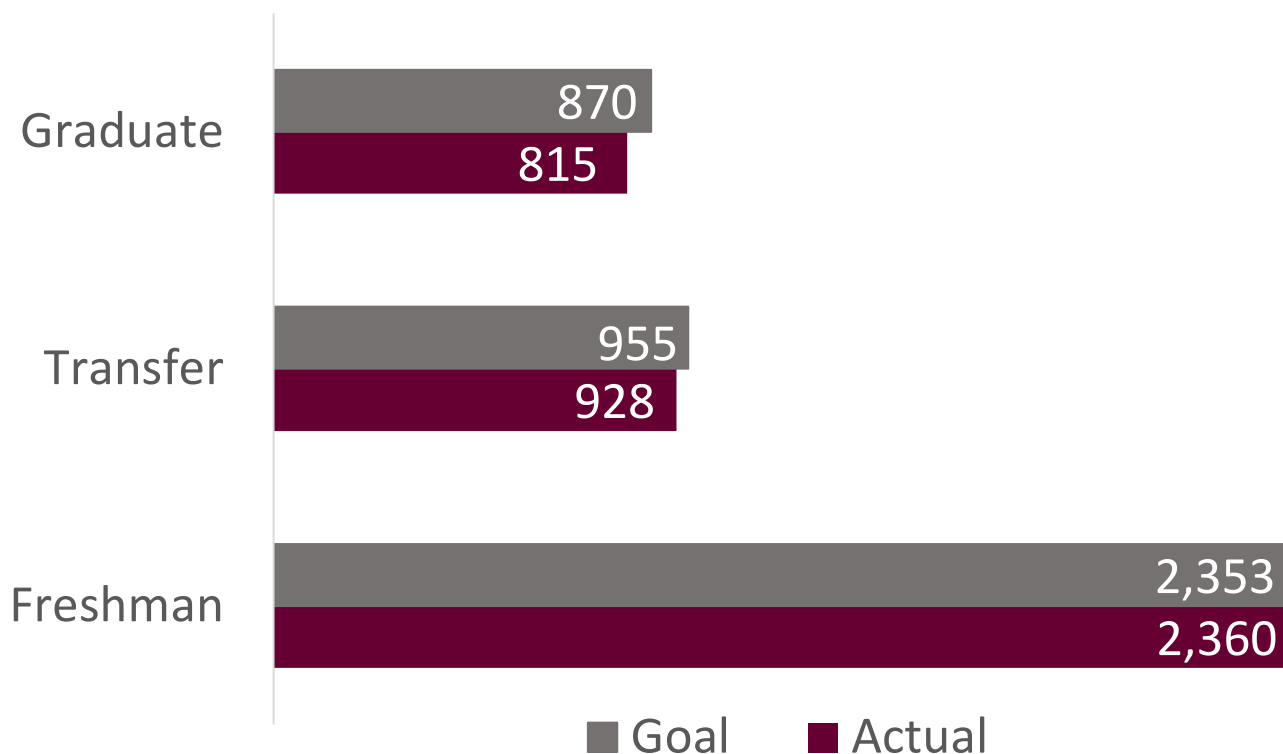
Fall 2020 Enrollment

- Over 3,200 New Undergraduate Students
 - 2,360 Freshmen
 - 928 Transfer



Fall 2020 Enrollment Goals

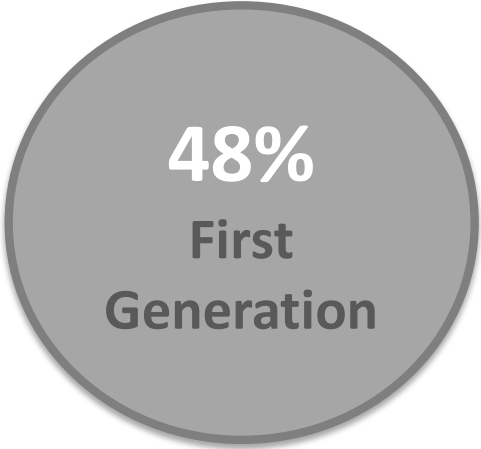
Incoming Student Enrollment Goal to Actual




Freshman Profile



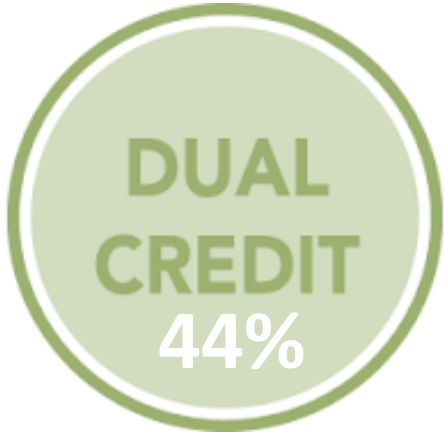
85%



48%
First
Generation



45% Merit Aid



DUAL
CREDIT
44%



VETERANS
242



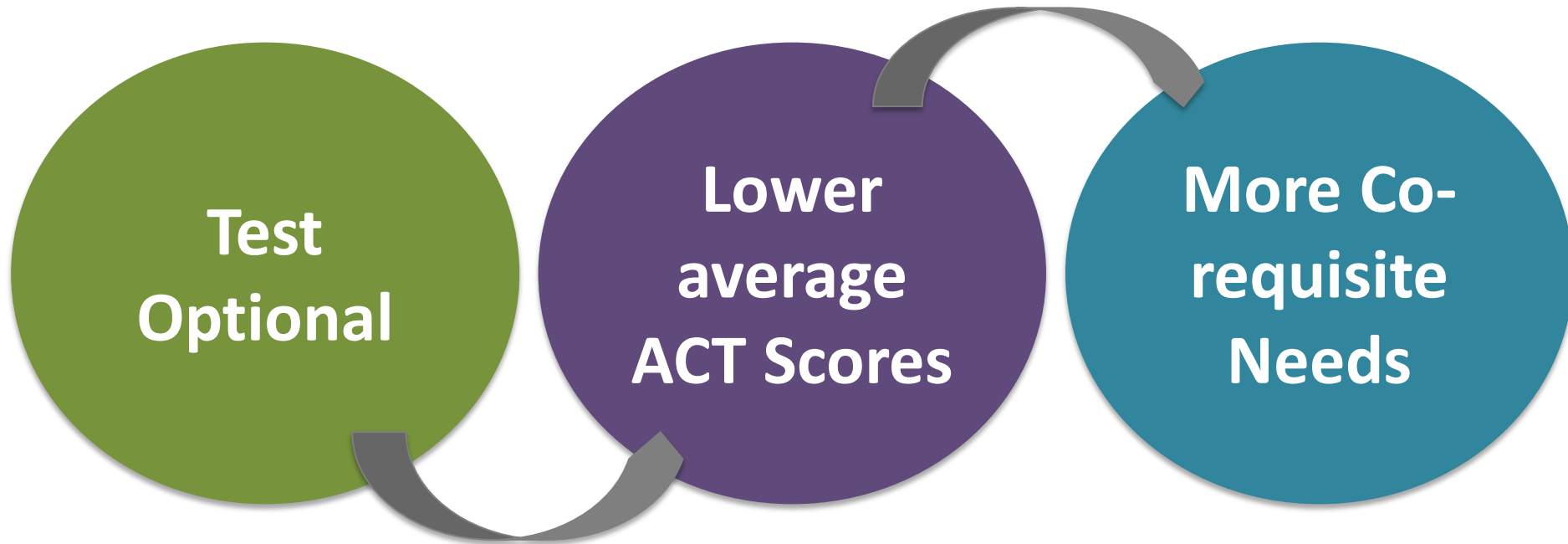
67%

Under-represented
Minority



17%

Freshman Profile



2020 Average Composite ACT = 21.9

2019 Average Composite ACT = 22.6

Fall 2019 Freshman Retention

- ① All Freshman = 75.1% (up 5.8)
- ① Freshman Cohort = 80.2% (up 4.7)
- ① URM Cohort = 80.7% (up 15.6)
- ① Low Income Cohort = 75.2% (up 6.2)
- ① Persistence for the Fall 2018 cohort is also up 2.4 percentage points compared to the previous cohort



All
time
High



SAFE

**Student Assistance
Fund for Eastern**

150

**Students
Awarded**

\$356

**Average
Award**

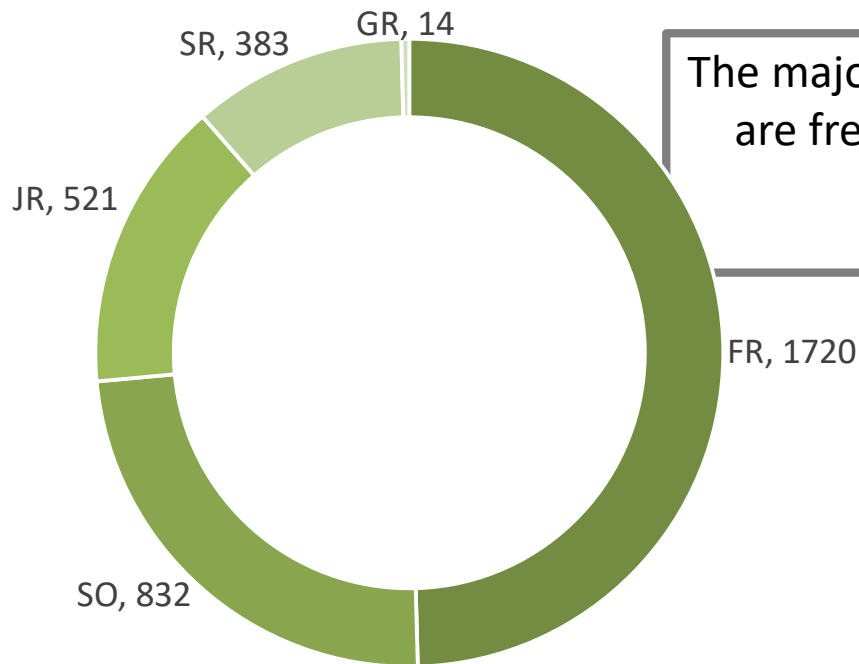
**Total
Awarded
\$53,390**

**Job Loss
Housing
Healthcare
Childcare
Food
Utilities**

Serving ECU Students

- We are all recruiters
- We are all retainers
- We all contribute to the education of our students
- Together we shape the Eastern Experience

Residential Population



The majority of residential students are freshmen and sophomores

74%

Residential Freshmen Retention at
77.2%

■ New ■ Continuing

Fall 2020



Fall 2019



The residential population is smaller this year by

18%

Looking Ahead to Fall 2021

Leveraging the
EKU advantage



Revising the
scholarship
model



Modified
application cycle



Virtual and
in-person
recruitment

Questions?



www.eku.edu

Strategic Planning 2022: Valuing our Strengths and Collaborating for the Future

Jennifer R. Wies, Ph.D. | Associate Provost & Professor of Anthropology

Bethany L. Miller, Ph.D. | Senior Director, Institutional Effectiveness & Research

Make No Little Plans: 2016-2022

Six Goals:

- Academic Excellence
- Student Success
- Institutional Distinction
- Financial Strength
- Campus Revitalization
- Service to Communities & Region

Results:

EKU continues to make deliberate, positive progress particularly in Academic Excellence and Student Success, despite financial constraints and challenges resulting from the COVID-19 pandemic.

Strategic Planning

- Process for telling our story and sharing our successes
- Activity for visionary thinking and leadership growth
- Pathway for units to identify connections to a broader purpose

Strategic Planning Guiding Tenets

- Values-driven approach
- Strengths-based evaluation
- Evidence-informed decision making
- Responsive and responsible leadership and management

2022 Plan Priorities

- Position
 - Success and recognition
 - Opportunities for achievement and growth
- Align
 - Budget and resources to strategic priorities
 - Internal and external processes
- Collaborate
 - Direction and decision-making
 - Internal and external stakeholders

Phase I: Fall 2020 (Dialogue)

- Strengths assessment
- Stakeholder listening sessions
- Form Strategic Planning Action Team (Advisory Committee)

Phase II: Spring 2021 (Create)

- Evaluate ECU Mission and Vision
- Develop and affirms Goals
- Craft Strategic Initiatives
- Identify Strategies
- Prepare a portfolio of objectives and aligned metrics for unit-level plans

Phase III: Fall 2021 (Engage)

- Share drafts with stakeholders and elicit feedback
- Develop metric language and methods for interim reporting
- Prepare implementation plans

Spring-Fall 2022 (Plan)

- January 2022- Approve ECU Strategic Plan
- January-May 2022
 - Develop unit level plans
 - Establish reporting cycles and expectations
- August 2022
 - Formal Strategic Plan launch and celebration

Strategic Planning 2022

Questions and feedback are welcome and encouraged.

- Website: strategicplanning.eku.edu
- jennifer.wies@eku.edu
- bethany.miller@eku.edu



Eastern Kentucky University

Division of Diversity, Equity, and Inclusion

Introduction

Dannie Moore, Ed.D.

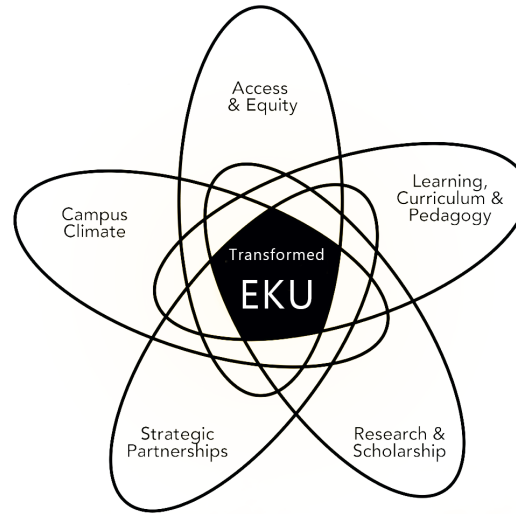
*Vice President for Strategic Initiatives and
Chief Diversity, Equity, and Inclusion Officer*



Newly Created Inclusive Excellence Statement (Draft)

Eastern Kentucky University (EKU), is deeply committed to enriching diversity, equity, and inclusion through on-going efforts to cultivate a sense of belonging for all members of the community. For us, diversity, equity, and inclusion are more than numbers. They are essential to our mission as a school of opportunity. We strive to provide an inclusive academic curriculum, promote equity and access in recruitment and retention, and develop mutual partnerships with our diverse region. As an institution of higher education, we pledge to engage in meaningful dialogue that result in action that thoughtfully responds to the changing realities of a diverse and global world.

Involvement of entire campus



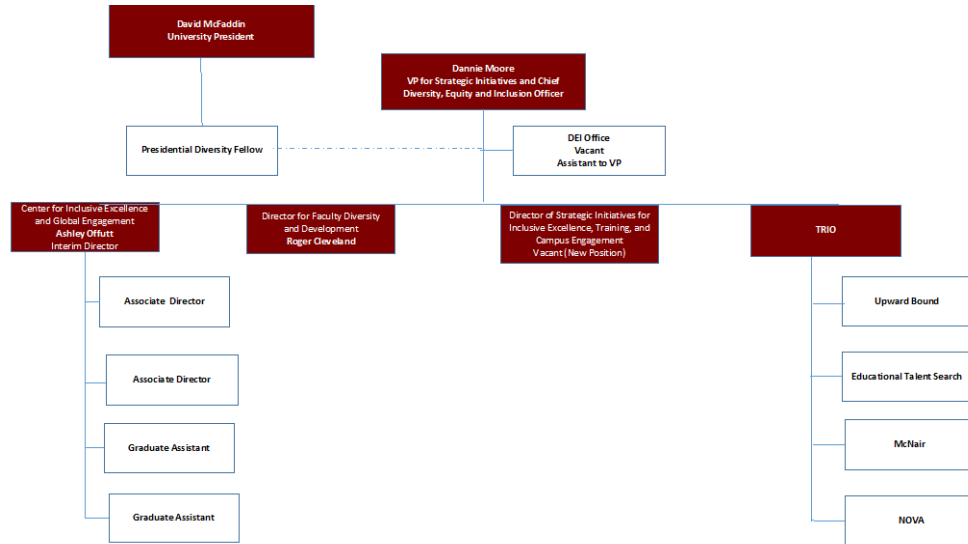
FOUNDATION

Vision &
Strategy

Leadership &
Accountability

Assessment
& Outcomes

Division of Diversity Equity and Inclusion



Staff Updates

Director for Faculty Diversity and Development

- Dr. Roger Cleveland will start on September 15th and will play an integral role in recruiting and retaining diverse faculty and staff, and building and expanding diversity and inclusion curriculum.

Director of Strategic Initiatives for Inclusive Excellence, Training, and Campus Engagement (Posted)

- This position will play an integral role in coordinating campus-wide training and development on issues related to diversity, equity, and inclusion.

Goals and Initiatives for FY 21

- Facilitate implementation of the CPE Inclusive Excellence Plan – Annual report due to CPE in March

(Preliminary conversation at President Cabinet on September 8th to discuss process and timeline)

- Develop, facilitate, and sponsor workshops and trainings
 - Diversity & Inclusion Dialogues
 - Culturally inclusive teaching practices
 - Implicit Bias Training
- Networking opportunities for URM faculty and staff

Goals and Initiatives for FY 21

- Faculty/Staff Diversity Recruitment & Retention Initiatives
- Bias Response Reporting Protocol
- Ongoing assessment of campus climate

President's Inclusive Excellence Advisory Council

Steering Committee Members

Co-Chairs:

Kristi Middleton and Dr. Abbey Poffenberger

- Dr. Melissa Bartsch
- Betina Gardner
- Dr. Wardell Johnson
- Dr. Ida Kumoji
- Dr. Tom Otieno
- Dr. Socorro Zaragoza



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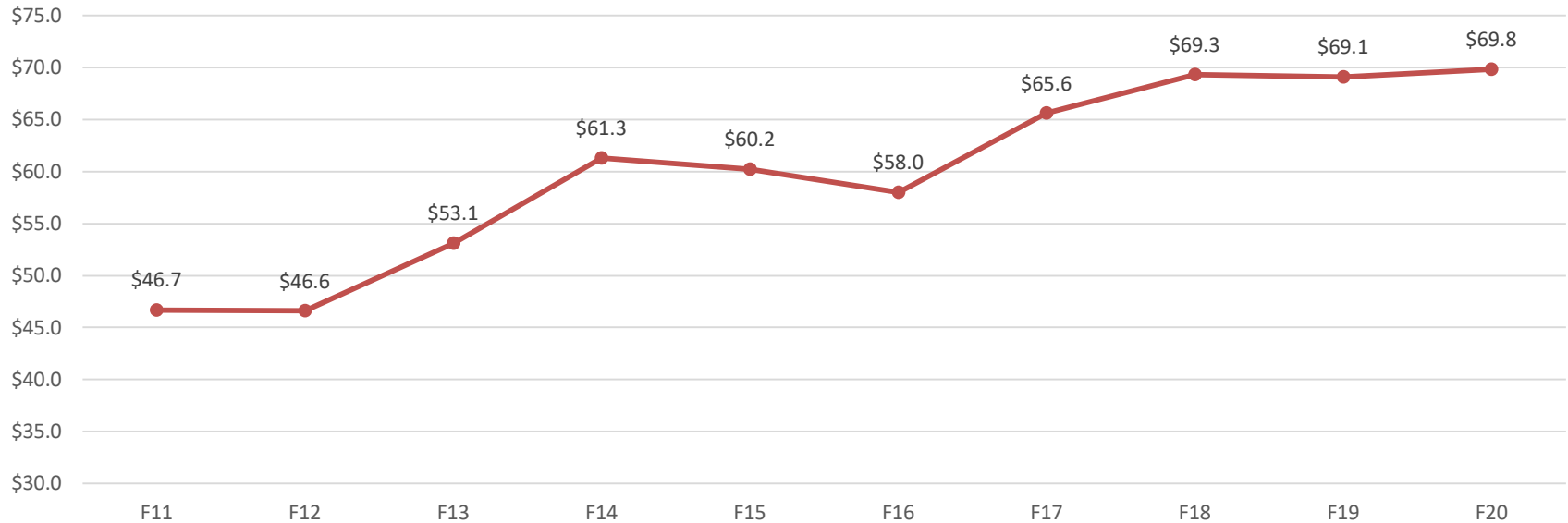


Eastern Kentucky University

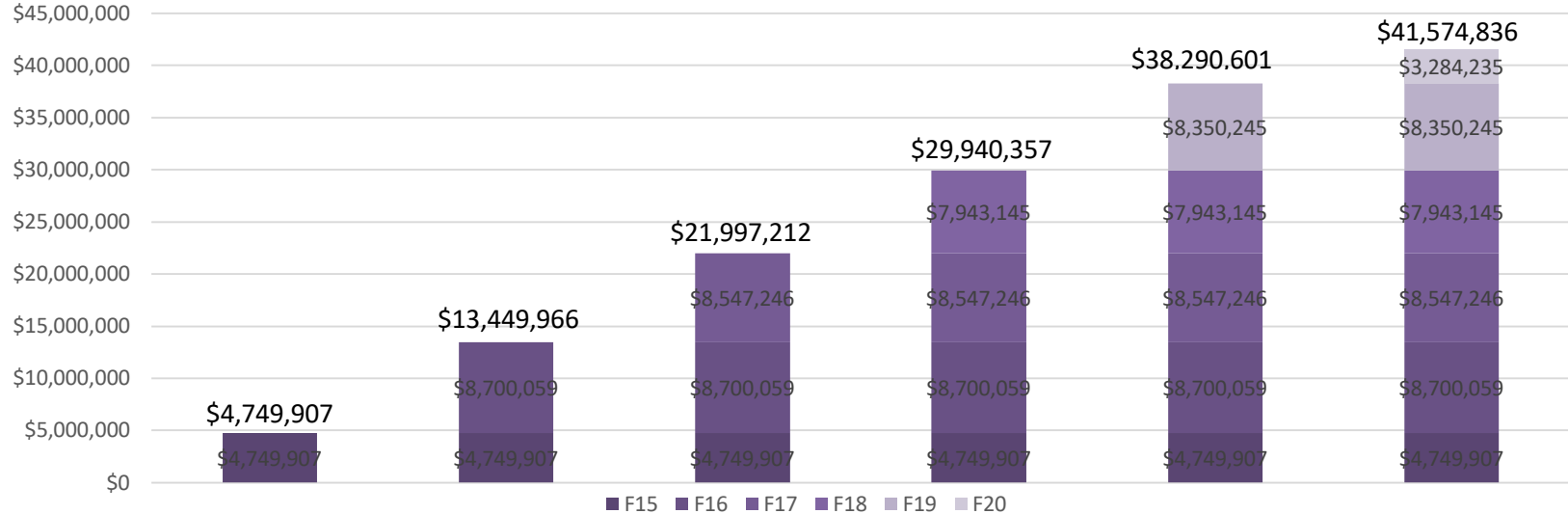
Development and Alumni Engagement
Betina Gardner

Endowment Market Values

EKUF Endowment Market Value
(in millions)



Campaign Totals



FY 20 Fundraising Report

	<u>F15</u>	<u>F16</u>	<u>F17</u>	<u>F18</u>	<u>F19</u>	<u>F20</u>	<u>Total</u>
Gifts Received	\$3,624,907	\$3,784,106	\$4,362,227	\$2,804,301	\$2,712,445	\$2,369,235	\$19,657,220
Bequest Expectancies (FV)	\$1,050,000(2)	\$3,127,579(10)	\$2,948,586(12)	\$4,725,000(6)	\$5,487,800(8)	\$610,000(4)	\$17,948,965
New Pledges	\$75,000	\$1,788,374	\$1,236,433	\$413,844	\$150,000	\$305,000	\$3,968,651
TOTAL (FV)	\$4,749,907	\$8,700,059	\$8,547,246	\$7,943,145	\$8,350,245	\$3,284,235	\$41,574,836
Bequest Expectancies (PV)	\$719,180(2)	\$2,090,787(10)	\$2,334,359(12)	\$2,851,896(6)	\$2,416,818(8)	\$453,156(4)	\$10,866,197

Questions?



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Eastern Kentucky University

Financial Update

September 10, 2020

Budget to Actual Summary

* Preliminary / Draft - Unaudited

June 30 FY 2019-20	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual Revenue	Percent Realized	Revised Expense Budget	Actual Expense	Percent Realized	
Fund							
Education & General	232,876,335	229,293,997	98.46%	241,684,031	215,515,656	89.17%	13,778,341
Auxiliary	28,738,284	23,947,154	83.33%	28,738,284	27,072,676	94.20%	(3,125,522)
Total	261,614,619	253,241,151	96.80%	270,422,315	242,588,331	89.71%	10,652,820

June 30 FY 2018-19	Revenue			Revenue			Change in Net Position
	Revised Revenue Budget	Actual Revenue	Percent Realized	Revised Expense Budget	Actual Expense	Percent Realized	
Fund							
Education & General	238,696,790	234,573,835	98.27%	249,933,299	227,468,506	91.01%	7,105,329
Auxiliary	27,417,642	30,477,682	111.16%	27,417,642	32,377,719	118.09%	(1,900,037)
Total	266,114,432	265,051,517	99.60%	277,350,941	259,846,226	93.69%	5,205,292

E & G Revenue by Classification

** Preliminary / Draft - Unaudited*

Revenue Source	FY 2019-20			FY 2018-19			Variance
	Revised Budget	Actual	Percent Realized	Revised Budget	Actual	Percent Realized	
Tuition & Class Fees	152,118,641	149,382,967	98.20%	155,045,935	150,614,490	97.14%	(1,231,523)
State Appropriations	63,753,600	63,753,600	100.00%	64,189,000	64,189,000	100.00%	(435,400)
Government Grants & Contracts	5,315,912	4,828,046	90.82%	5,487,177	5,009,824	91.30%	(181,778)
Private Gifts, Grants & Contracts	1,309,400	1,337,350	102.13%	1,626,867	1,669,059	102.59%	(331,710)
Educational Sales & Services	5,911,590	5,421,919	91.72%	6,087,752	6,451,605	105.98%	(1,029,686)
Other Sources	4,467,192	4,570,115	102.30%	6,260,059	6,639,857	106.07%	(2,069,742)
Total	232,876,335	229,293,997	98.46%	238,696,790	234,573,835	98.27%	(5,279,838)

E & G Expense by Classification

** Preliminary / Draft - Unaudited*

Expense Classification	FY 2019-20			FY 2018-19			Variance
	Revised Budget	Actual	Percent Realized	Revised Budget	Actual	Percent Realized	
Instruction	88,437,210	79,950,320	90.40%	92,190,579	85,840,199	93.11%	(5,889,879)
Research	652,904	158,408	24.26%	480,392	147,222	30.65%	11,186
Public Service	3,307,025	2,880,530	87.10%	3,635,432	3,458,872	95.14%	(578,341)
Academic Support & Libraries	25,754,299	24,236,467	94.11%	29,021,683	26,383,233	90.91%	(2,146,766)
Student Services	18,794,394	17,493,317	93.08%	17,793,540	18,093,735	101.69%	(600,418)
Institutional Support	41,786,142	28,667,017	68.60%	41,718,872	29,608,395	70.97%	(941,378)
Operation & Maintenance of Plant	24,958,529	22,004,958	88.17%	24,786,301	22,371,112	90.26%	(366,154)
Scholarships & Fellowships	37,993,528	40,124,640	105.61%	40,306,501	41,565,740	103.12%	(1,441,100)
Total	241,684,031	215,515,656	89.17%	249,933,299	227,468,506	91.01%	(11,952,850)

Budget to Actual Summary - Auxiliary

* Preliminary / Draft - Unaudited

June 30 FY 2019-20	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual	Percent Realized	Revised Expense Budget	Actual	Percent Realized	
Auxiliary Unit							
Housing	19,669,406	16,347,638	83.11%	19,669,406	19,636,117	99.83%	(3,288,479)
Recreation Center	1,699,000	1,424,602	83.85%	1,699,000	1,055,588	62.13%	369,014
Printing Services	850,000	835,050	98.24%	850,000	776,926	91.40%	58,124
EKU Center for the Arts	2,513,279	1,428,506	56.84%	2,513,279	2,072,712	82.47%	(644,206)
Parking Operations	1,699,500	1,802,707	106.07%	1,699,500	1,413,132	83.15%	389,575
White Hall State Historic Site	90,000	87,743	97.49%	90,000	147,066	163.41%	(59,323)
Adams Tennis Center	67,000	63,519	94.80%	67,000	49,421	73.76%	14,098
University Club at Arlington	1,680,000	1,510,787	89.93%	1,680,000	1,473,395	87.70%	37,392
Airport FBO	470,099	446,465	94.97%	470,099	448,182	95.34%	(1,717)
Total	28,738,284	23,947,017	83.33%	28,738,284	27,072,539	94.20%	(3,125,522)

Budget to Actual Summary - Auxiliary

* Preliminary / Draft - Unaudited

	Revenue			Revenue			
June 30 FY 2018-19							
Auxiliary Unit	Revised Revenue Budget	Actual	Percent Realized	Revised Expense Budget	Actual	Percent Realized	Change in Net Position
Housing	19,765,742	19,375,581	98.03%	19,765,742	21,533,694	108.94%	(2,158,113)
Recreation Center	1,704,600	1,520,656	89.21%	1,704,600	1,614,063	94.69%	(93,407)
Printing Services	850,000	884,150	104.02%	850,000	867,266	102.03%	16,884
EKU Center for the Arts	1,618,000	2,900,270	179.25%	1,618,000	3,033,575	187.49%	(133,304)
Parking Operations	1,500,800	1,936,920	129.06%	1,500,800	1,606,937	107.07%	329,983
White Hall State Historic Site	-	1,592,593	0.00%	-	1,541,983	0.00%	50,610
Adams Tennis Center	-	70,911	0.00%	-	65,038	0.00%	5,873
University Club at Arlington	1,600,000	1,734,568	108.41%	1,600,000	1,644,739	102.80%	89,829
Airport FBO	378,500	462,032	122.07%	378,500	470,425	124.29%	(8,393)
Total	27,417,642	30,477,682	111.16%	27,417,642	32,377,719	118.09%	(1,900,037)

Actual Performance Comparison - Auxiliary

	Change in Net Position		
	FY 2019-20	FY 2018-19	Variance
<i>* Preliminary / Draft - Unaudited</i>			
Housing	(3,288,479)	(2,158,113)	(1,130,366)
Recreation Center	369,014	(93,407)	462,421
Printing Services	58,124	16,884	41,240
EKU Center for the Arts	(644,206)	(133,304)	(510,902)
Parking Operations	389,575	329,983	59,592
White Hall State Historic Site	(59,323)	50,610	(109,933)
Adams Tennis Center	14,098	5,873	8,225
University Club at Arlington	37,392	89,829	(52,437)
Airport FBO	(1,717)	(8,393)	6,676
Total	(3,125,522)	(1,900,037)	(1,225,484)

Questions?



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Eastern Kentucky University

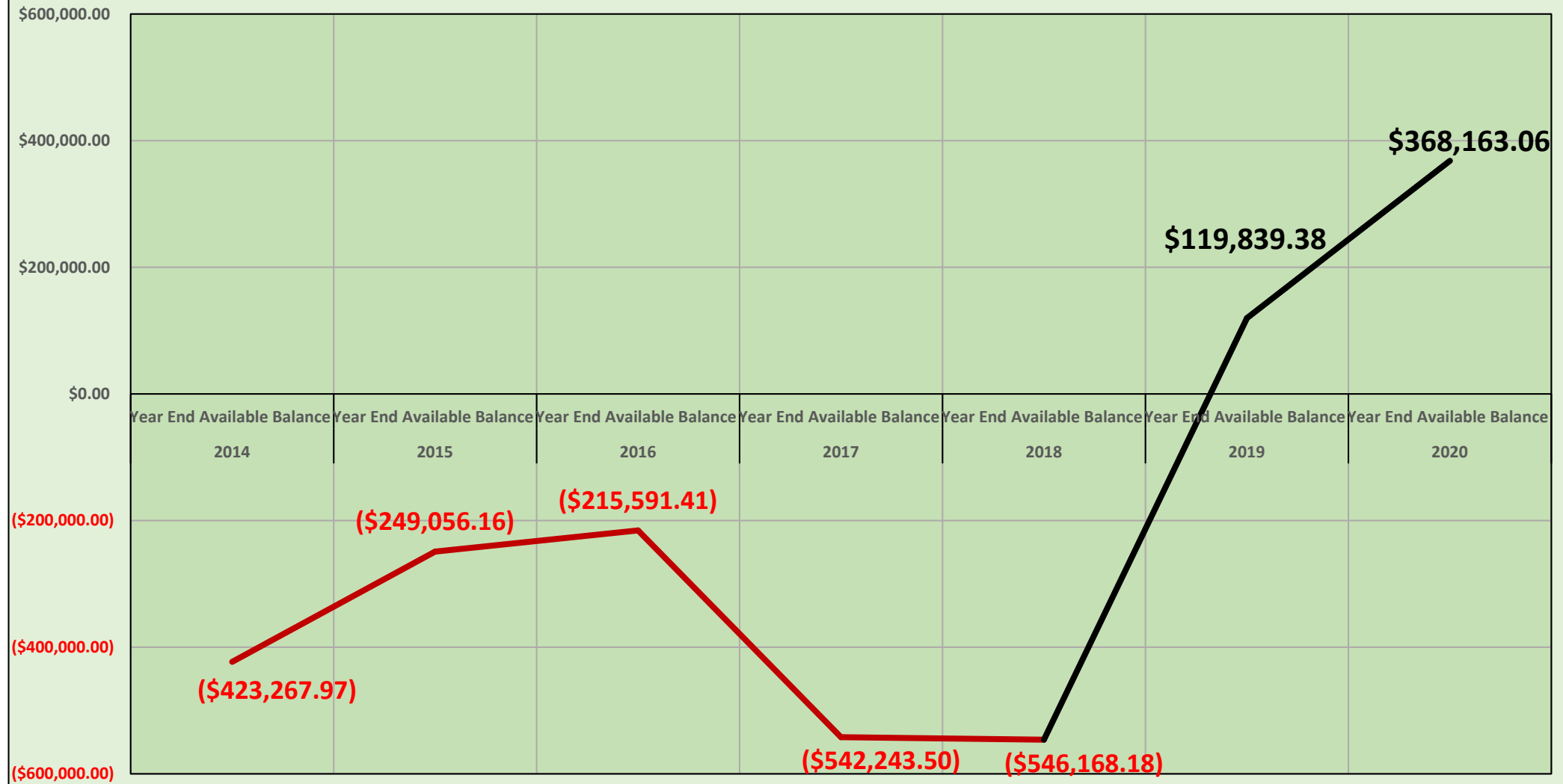
Facilities & Projects Update

September 10, 2020

Covid-19 Facilities Response - Highlights

- Have spent \$63k to date (\$100k DM Org set up)
- Re-set 300+ classroom layouts
- 374 space capacity assessments
- Germicidal wipes delivered to (and opened) 374 spaces
- Deployed 180 sanitizer stations
- Posted 9,150 signs in buildings
- 229 shields measured, created and deployed
- 1,335 HVAC filters replaced

Maintenance & Operations Year-End Position - Past 7 Years



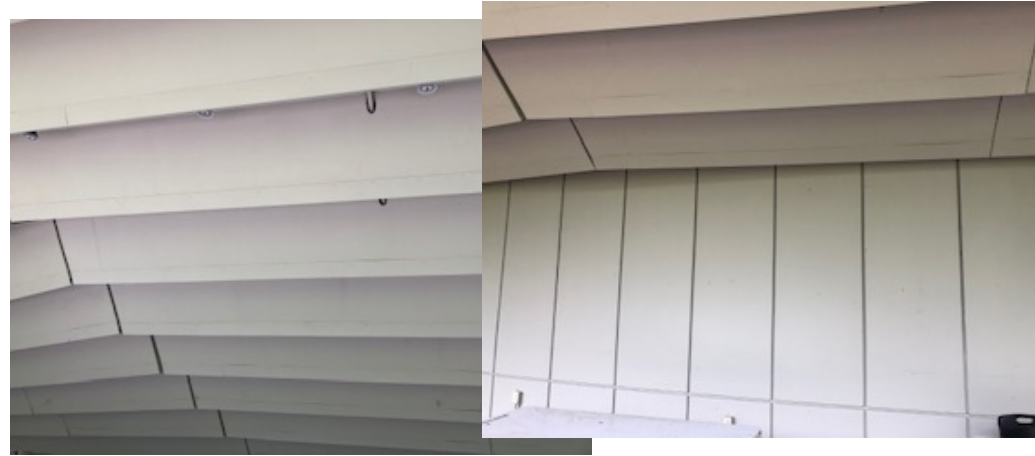
EKU NCAA Sand Volleyball Complex

(as of 08/20/20)

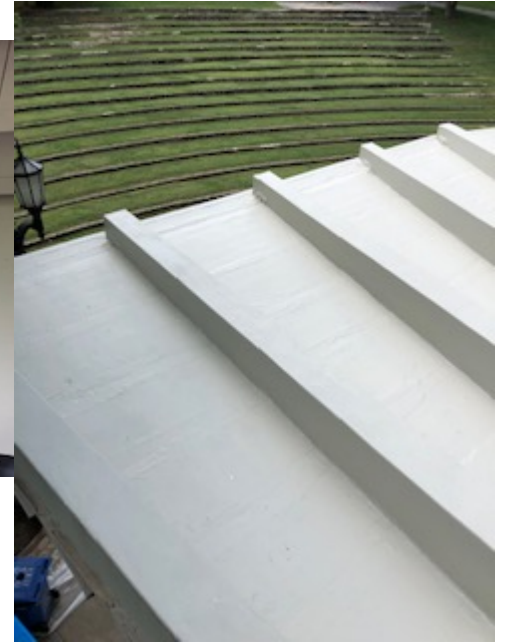


Ravine and Van Peursen Pavilion

(as of 08/24/2020)



Painted deck and back wall



New roofing membrane



Sanitary sewer line repairs

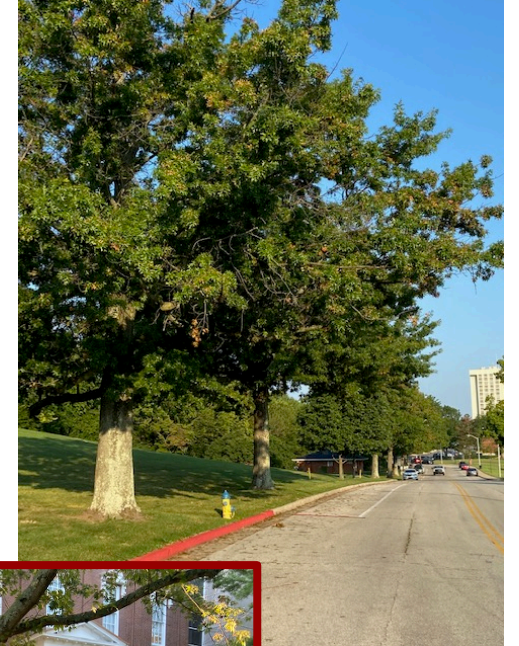
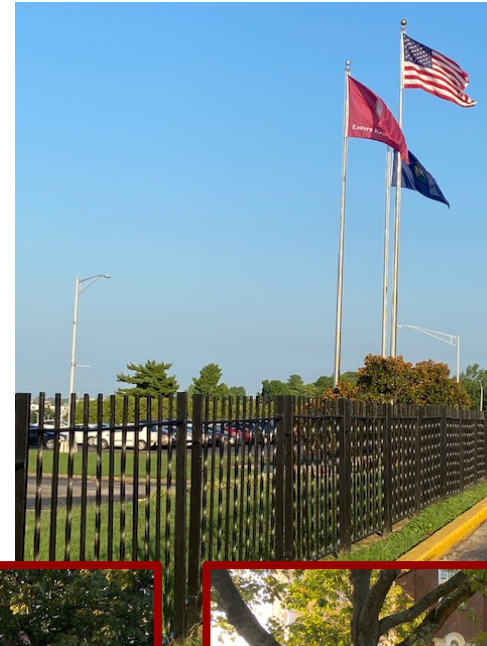


Stone repairs to seat walls and pavilion



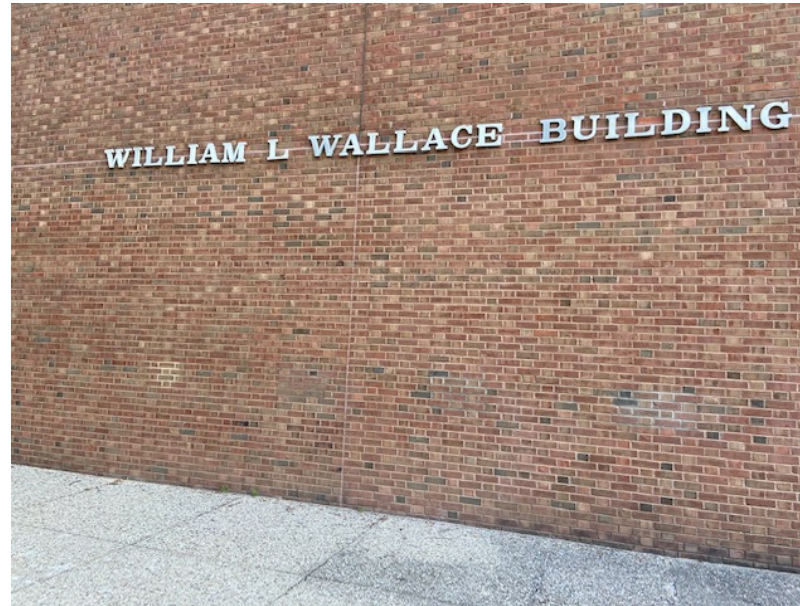
A Few Campus Updates

(as of 08/24/2020)



Wallace Brick & Caulking Repairs

(as of 08/26/2020)



Heat Plant 2nd Natural Gas-Fired Boiler

(as of 08/18/20)



J. Stone Walker House

(as of 08/21/20)



Vines removal in-progress



EKU Bypass Pedway

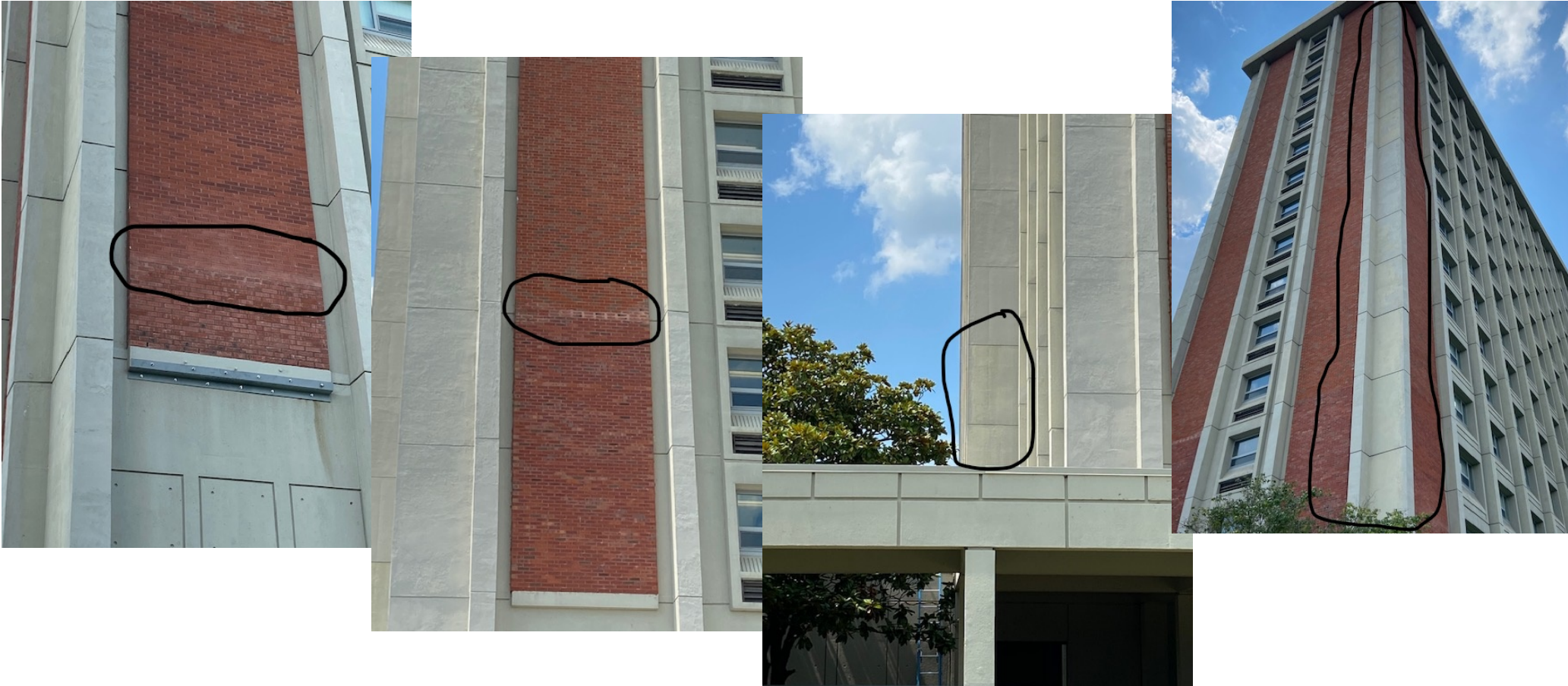
(as of 08/24/20)



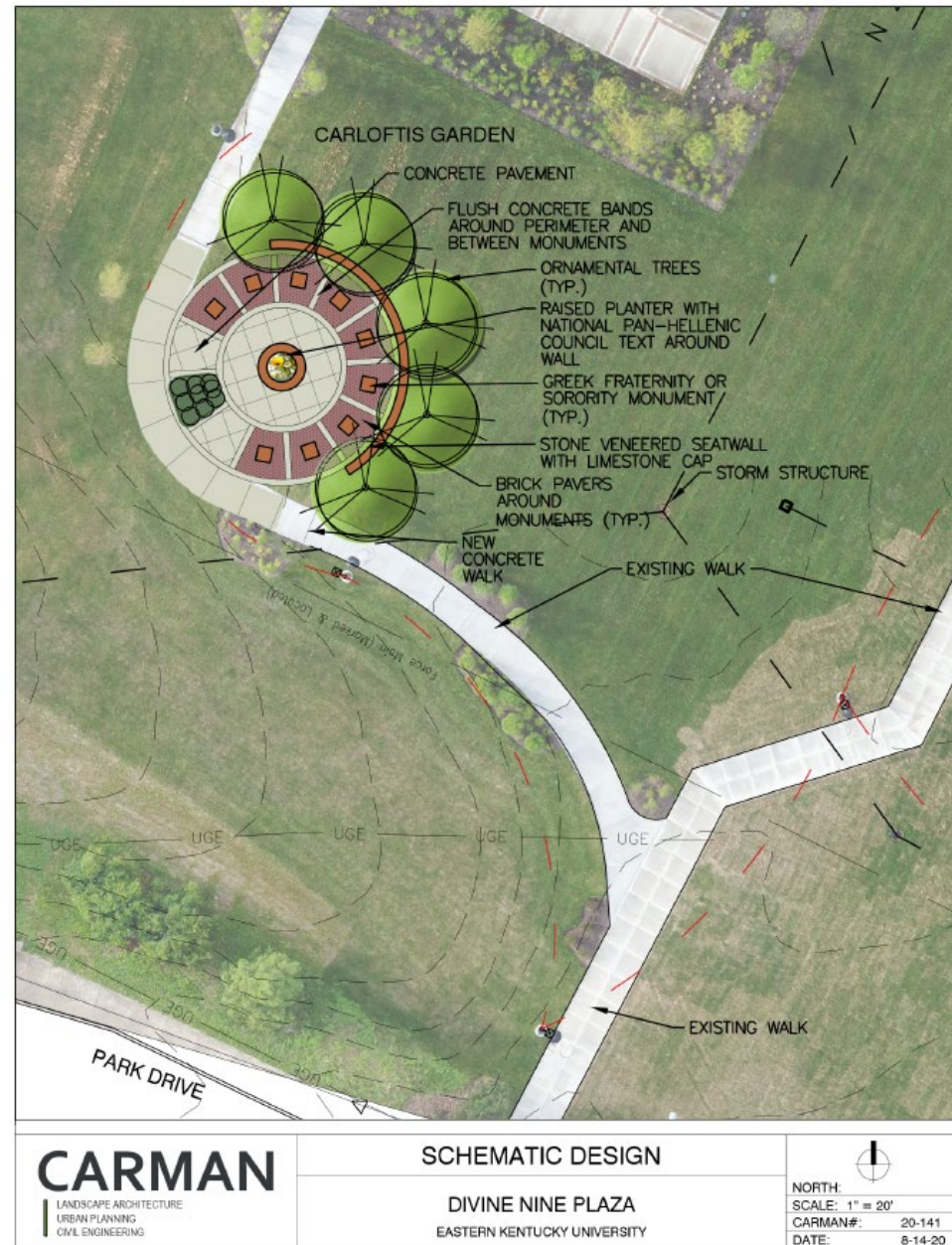
Scheduled for completion June 2021

Keene Hall Punchlist Remaining

(as of 08/13/20)



Divine Nine Plaza



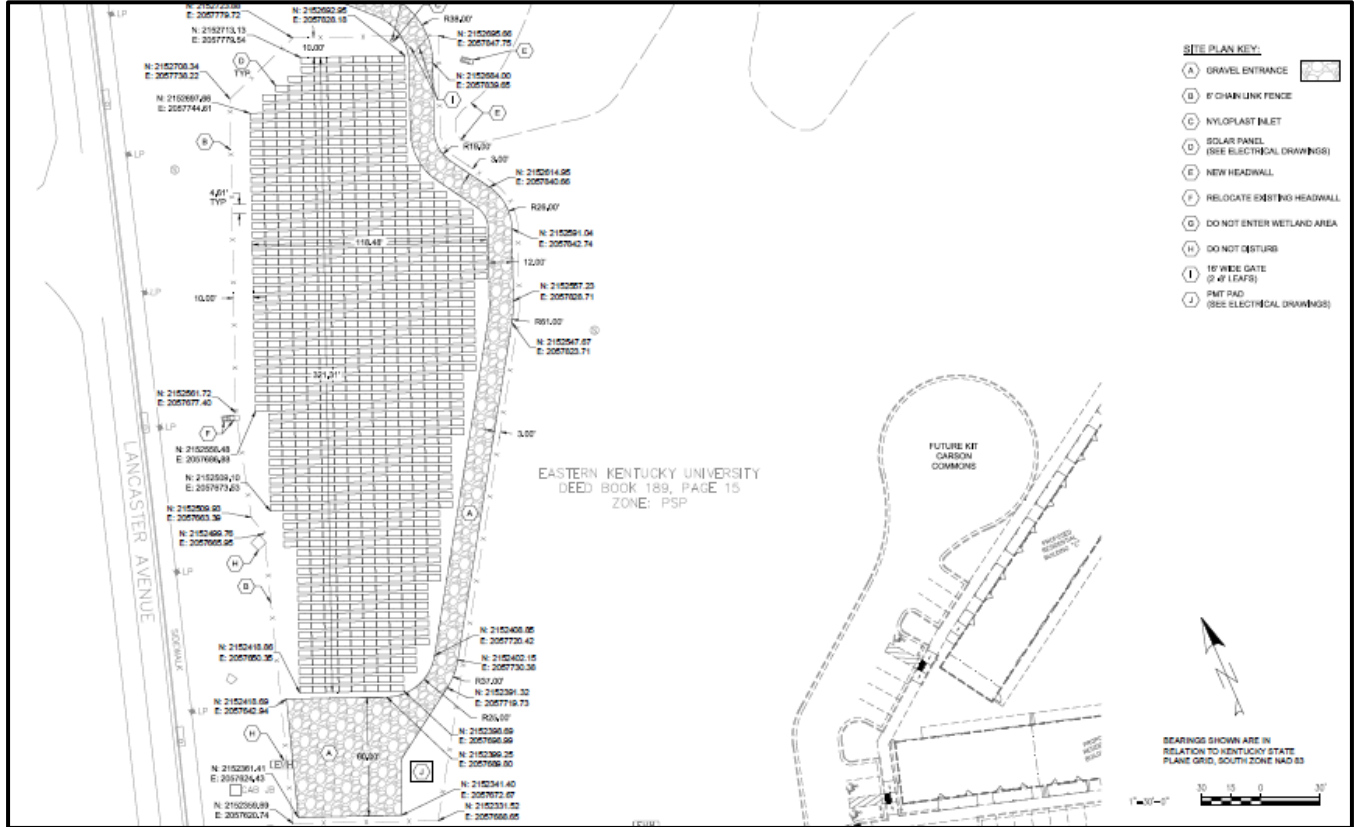
White Hall State Historic Site



Capital Project Updates

- Student Recreation and Wellness Center:
 - Punchlist Complete
 - LEED Certification Status
 - Design Reviews by USGBC – Completed
 - Construction Reviews by USGBC – scheduled for 8/27/20 thru 1/15/21
 - Certification anticipated by 2/15/21
 - Project Savings \$1,043,000
- Powell Student Center
 - Punchlist Complete
 - Project Savings \$1,442,000

Solar Farm Update



Scheduled for completion Jan 2021

Faculty Senate Chair report
Board of Regents meeting
September 10 2020
Submitted by Marco Ciocca, chair of the Senate

Senate activities: Executive Committee

Since the last meeting of Board of Regents, the Senate had its first meeting of the Executive Committee (August 24 at 3:30 PM).

During this meeting it was decided to move all Fall Semester's meeting of the Senate on-line by using the Zoom platform. This move will be revisited later in the semester with the hope of returning to face-to-face meetings in the Spring Semester.

Other items discussed were the introduction of new charges for the Senate Standing Committees and on the best way to administer and capture Senate voting. One major item of interest:

- **Open Education Resources (OER):** This Ad-Hoc Senate Committee has continued with his work, after a brief hiatus during the worst of the pandemic month. As you are all aware, the chair of this committee, Kelly Smith (Library) received a Board Innovation grant of \$25,000 to explore Alternative Textbook Resources (Free ones!). The committee has recently awarded grants to several Department and individuals on campus, with the potential of large savings for our students. Ms. Smith plans to have a presentation at the Senate meeting of September 14 with details on this extremely important initiative.

Respectfully submitted.

Marco Ciocca, Chair of the Senate

August 28, 2020.

Staff Council Report for the Board of Regents 9/10/2020

Chair Diaz, members of the Board and President McFaddin, thank you for allowing me to provide you this report on Staff Council initiatives.

Our elections and credentials committee has been hard at work to provide proposed changes in our Council's representation, and with that, amendments to our by-laws. The intention of the proposed change gives the opportunity for additional members to serve on Staff Council so that we have a greater voice and a more diverse representation. We are reviewing the size of our staff body, our current membership structure, and our elections process in hopes to have the proposed change finalized to bring to the next Council meeting for review and discussion.

I want to give a note of thanks to Staff Council Vice Chair, Ashley Thacker, for organizing the mask distribution on campus for staff and faculty. Ashley gave a great deal of time and energy to sort masks for departments and organized the campus pick-up for employees. This helped to ensure that all ECU employees could receive their facial coverings to wear on campus to be in compliance with the safety measures in place. We are truly grateful for her hard work on that task for Staff Council.

Staff Council's ad hoc committee is in the final stages of survey development. This committee has worked tirelessly over the past few months to develop a survey that will be sent to all our constituents. Important data gathered from this survey will aid in the Council's planning for the academic year and beyond. Additionally, Staff Council intends to share the results of the survey with our administration in hopes that we can continue to work collaboratively together on efforts pertaining to staff.

To that regard, we would also like to extend our gratitude to President McFaddin for his willingness to speak with Staff Council. As the mission of Staff Council indicates, we are a communication conduit between staff and the President. Having President McFaddin join Staff Council meetings to share information, listen to staff concerns, and to allow time for us to engage in questions shows his commitment to the wellbeing of our employees. For that we are truly grateful.

Chairman Diaz, members of the board, and President McFaddin, I would like to thank each of you for your continued support of Staff Council.

Respectfully submitted.

Caelin Scott, Chair of Staff Council.

August 31, 2020

**Minutes of a Regularly Scheduled Meeting
Eastern Kentucky University
Board of Regents**

**June 30, 2020
9 a.m.**

Via Video Teleconference: Zoom

Public Viewing Link: <https://www.youtube.com/watch?v=J2Zz8F98tB8&feature=youtu.be>

Call to Order

A regular quarterly meeting of Eastern Kentucky University Board of Regents was called to order by Mr. Lewis Diaz, Chair of the Board, on June 30, 2020, at 9:00 a.m. with all committee members participating via video teleconference. The public was able to view the meeting through a live stream feed. The roll was called and a quorum was established.

Present

Mr. Lewis Diaz
Mr. Juan Castro
Mr. Philip Gump
Ms. Madison Lipscomb
Mr. Alan Long
Dr. Jason Marion
Ms. Lynn Taylor Tye
Mr. Vasu Vasudevan
Ms. Laura Babbage
Ms. Nancy Collins
Mr. Bryan Makinen, Corporate Secretary

Absent

None

Others Present

Dr. David McFaddin, Interim President
Ms. Dana Fohl, University Counsel
Ms. Betina Gardner, Vice President for University Development and Alumni Engagement
Mr. Skip Daugherty, Vice President for Student Affairs and Campus Life
Mr. Barry Poynter, Senior Vice President for Finance and Administration
Ms. Elizabeth Ballou, Executive Director of Enrollment Management
Mr. Ryan Wilson, Special Assistant to the President and Senior Vice President for Operations
Dr. Jerry Pogatshnik, Executive President for Academics and Provost
Dr. Dannie Moore, Vice President for Strategic Initiatives & Chief Diversity, Equity & Inclusion Officer
Dr. Sara Zeigler, Dean

Ms. Tanlee Wasson, Vice President for Student Success and Enrollment Management
Mr. Ethan Witt, Director of Government and Community Relations
Mr. Doug Cornett, Assistant Vice President of Communications and Brand Management
Members of the faculty, staff and media

Information Items

A. University Reports

1. Dr. Bryan Makinen, COVID-19 Response

Dr. Bryan Makinen, Executive Director of Public Safety and Risk Management, gave a presentation regarding how Eastern Kentucky University has responded to the pandemic with three different task forces, a copy of which is incorporated herein and will be included with the official copy of the minutes.

2. Dr. Tanlee Wasson, Student Success & Enrollment

Dr. Tanlee Wasson, Vice President of Student Success and Institutional Effectiveness, gave a report detailing the updated enrollment data of Eastern Kentucky University, a copy of which is incorporated herein and will be included with the official copy of the minutes. Regent Jason Marion commended the work the enrollment team has achieved in the time of pandemic. Chair Diaz asked when the enrollment data becomes official. Interim President Dr. David McFaddin thanked the enrollment team for their efforts to increase the freshman enrollment rate in the midst of the pandemic.

[At 9:57 A.M., Regent Marion moved for a 5 minute recess. The motion was seconded by Regent Lipscomb. The meeting resumed at 10:04 A.M.].

3. Dr. David McFaddin, Diversity, Equity & Inclusion

Interim President McFaddin gave a presentation on equity and inclusion data as it relates to the student body and workforce. Regent Castro commended the level of diversity Eastern Kentucky University maintains regardless of the challenges of campus location.

4. Introduction of the Vice President for Strategic Initiatives and Chief Diversity Officer

Interim President McFaddin introduced the new Vice President for Strategic Initiatives and Chief Diversity, Equity and Inclusion Officer, Dr. Dannie Moore. Regent Marion suggested the population of Native Americans be added to the University's diversity data.

5. Dr. Jerry Pogatshnik, Academic Affairs

Dr. Jerry Pogatshnik, Executive President for Academics and Provost, gave a brief update on the change in academic affairs personnel, including the on-boarding of Dr. Dannie Moore, Dr. Jennifer Wies, and Dr. Tom Martin and the retirement of Dr. Victor Kappeler and Dr. Sherry Robinson.

6. Matt Roan, Department of Athletics

Matt Roan, Athletics Director, gave a brief update about changes to the University's athletic programs since February 2020, a copy of which is incorporated herein and will be included with the official copy of the minutes. Regent Long asked all Board members to join the Colonel Club.

7. Mr. Ethan Witt, Legislative Affairs

Ethan Witt, Director of Government and Community Relations, gave a brief update on the changes in legislative affairs due to COVID-19. Interim President McFaddin commended the work Ethan Witt has done for the University in this time of uncertainty.

8. Betina Gardner and Dr. Tanlee Wasson, SAFE Funding

Betina Gardner and Dr. Tanlee Wasson gave a presentation on Student Assistance Fund for Eastern (SAFE) funding, a copy of which is incorporated herein and will be included with the official copy of the minutes. SAFE provides short-term financial assistance to students at Eastern Kentucky University who cannot meet immediate and essential expenses due to an unexpected emergency during the COVID-19 pandemic.

9. Mr. Barry Poynter, Financial Update

Barry Poynter presented a summary of the budget, a copy of which is incorporated herein and will be included with the official copy of the minutes.

B. Additional Reports to the Board

1. Written Reports

a. Marco Ciocca, Faculty Senate Chair

Dr. Marco Ciocca, Chair of Faculty Senate, submitted a written report to the Board, a copy of which is incorporated herein and will be included with the official copy of the minutes.

b. Caelin Scott, Staff Council Chair

Dr. Caelin Scott, Chair of Staff Council, submitted a written report to the Board, a copy of which is incorporated herein and will be included with the official copy of the minutes.

2. Dr. David McFaddin, Interim President

Interim President David McFaddin delivered the following report:

There is a written report for all the regents included in the Board book. I do appreciate everyone's support. It has truly been an unprecedented first six months on the job. I appreciate the Board Members and your support, but let me echo what Regent Tye said.

That is, this is a team sport, and I have the privilege to serve in this capacity with an amazing team. And as Vice President Poynter pointed out, it has taken a lot of hard work by a lot of people to get us to this position. There have also been a lot of sacrifices, and I am acutely aware of the uncertainty of the pandemic with the financial circumstances, the challenges that we face. It can create a lot of uncertainty for individuals.

So, if there is one thing that I want to make sure that everyone with us here today understands, it is that there are brighter days ahead. As an institution, ECU will be stronger day by day. We've got dedicated individuals and we've got dedicated Board Members who are willing to do the work every day to move this institution forward and ensure that we continue to be that beacon of opportunity for so many. And so, I am very humbled by the opportunity to be here serving in this capacity at this time. I know that we are going to move forward with purpose and intentionality, and that we will continue to innovate, and will continue to win.

I just appreciate each one of you for your service to this institution every day. Go ECU!

3. Lewis Diaz, Chair

Chair Lewis Diaz delivered the following report:

I will probably be a little more long-winded today than I usually am, because as we go through the meeting, you can all see that we continue to navigate through the COVID-19 pandemic. As an institution, we find ourselves at a crossroads of what is known, what is unknown, the normal, the abnormal, of moving forward, and of standing still. Often questions can outnumber answers, not just here but in all parts of our lives.

Higher education is not immune to uncertainty. Frankly, in the last few years, we have been dealt a challenging hand, and that did not get easier when institutions began to close in March. Yet, what you hear today is that we are prepared to resume activities as quickly as our government allows it. The ailing economy and social uncertainty created by the pandemic have and will continue to cause the executive team to make difficult decisions. It is a tough time everywhere, but if we can find opportunities during the difficult times, we will create our own path to success.

How we act now will have a large impact on where we land after the COVID-19 pandemic has passed. It is a test to our will and the testament of our ability to lead Eastern Kentucky University forward. In the face of challenge after challenge, when you next visit campus, you will see that we have a revitalized campus that is stunningly beautiful, up to date, and ready to provide

everything that a college experience should be. Our retention rates and graduation rates are at all-time highs, and we are likely to break the all-time record when the numbers are authenticated in October. And when you use the state's performance-based funding model, even though the model does not necessarily flatter the regional comprehensive universities, we continue to perform well.

We know that ECU is experiencing the longest interruption of on-campus instruction in its 100 plus year history. Since the disruption to our regular operations in March, I have observed the university's executive cabinet rally behind the interim president. Our outstanding faculty moved to online instruction within one week's notice. That is outstanding and amazing. Our enrollment management team transitioned its student recruitment effort, basically at the speed of business, to use virtual platforms to engage and guide new students as they consider enrolling in the fall. The team quickly process millions of dollars of housing and dining refunds to students without drawing on the university's reserves. We have also distributed millions of dollars of CAREs funding directly to students as required under the CAREs act. We have also evaluated every bond issue that the university has outstanding and revisited every P3 contract to find efficiencies and opportunities to maintain a flat increase in the cost the attendants. That is a 0% tuition increase, a 0% increase in dining plans, and a 0% increase in housing rates, which we will hear more about later. And, we continue to track top talent, like Dr. Dannie Moore. Regents, I am encouraged and humbled by what our team has achieved since January. They are amazing people, and we are lucky to have them leading our institution.

In May, I truly miss seeing our graduates walk across the stage, seeing the joy of graduation. Seeing the joy of graduates- that validates all the time that we spend in fulfilling our fiduciary responsibilities to the university. Many of our graduates are on the front lines. Programs offered at ECU, in areas like public safety, nursing, communications, teaching, supply chain management, business leadership, and so many others are vitally important to Kentucky communities. And we must continue to navigate forward to make sure that ECU graduates continue to power our communities.

This has been our normal for over a century. And today, we may have adjusted our processes, but the result of our effort will be the same. ECU will continue its mission as an institution of higher learning, and a school of opportunity for students from all walks of life. We will accomplish all of this through leadership, innovation, and informed decision making, all we are focusing on what is the best for the university as a whole, and its students.

Like all of you, I'm proud to play a part in maintaining a stable future for ECU. As a student, and now as a regent, I have discovered that Colonels are resilient, they care deeply about their mission, and care about each other, and they have an unwavering expectation to win. It's a culture that we must preserve, and that will get us through this pandemic. It will continue to allow us to emerge as a beacon for anyone who wants to transform their lives in a positive way.

I thank all the regents for allowing me to serve you, and this Board and my capacity as Chair, and I look forward to everything we are going to do to make ECU the best university that it can possibly be, and the best in the commonwealth, as we get through this pandemic together.

Action Items

[At 11:25 A.M., Regent Tye moved for a 5 minute recess. The Motion was seconded by Regent Babbage. The meeting resumed at 11:31 A.M.]. University Counsel, Dana Fohl, called the roll and established that a quorum was present, after which Chair Diaz presented to the full Board the following items on the Consent Agenda for approval:

A. Approval of the Minutes for the Full Board Meeting and all Committee Meetings on February 28, 2020

A motion was made by Regent Babbage to approve the minutes for the Full Board meeting and all committee meetings on February 28, 2020. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

B. Audit Presentation by Crowe Horwath, LLP, for the Upcoming Fiscal Year-End Annual Financial Audit & Approval of Audit Plan

Pete Ugo gave a brief presentation regarding the upcoming year-end audit. A motion was made by Regent Long to approve the Audit Plan. The motion was seconded by Regent Collins. The motion passed unanimously by voice vote.

C. Personnel Actions Report

A motion was made by Regent Collins to approve the Personnel Actions Report. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

D. Approval of Degree Candidates for Spring and Summer 2020

A motion was made by Regent Babbage to approve the Degree Candidates for Spring and Summer 2020. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

E. Approval of Report from the Council on Academic Affairs

Chair Diaz asked about any potential fiscal impact related to changes in several programs. Dr. Pogatshnik indicated there may be a small savings. Regent Babbage commended Dr. Pogatshnik and the faculty at large for their work towards creating certificate programs. A motion was made by Regent Babbage to approve the Report from the Council on Academic Affairs. The motion was seconded by Regent Collins. The motion passed unanimously by voice vote.

F. Approval of Recommendations for Promotion and Tenure for 2019-2020

Chair Diaz express gratitude for the biographies contained in the promotion and tenure presentation. A motion was made by Regent Tye to approve the recommendations for Promotion and Tenure for 2019-2020. The motion was seconded by Regent Marion. The motion passed

unanimously by voice vote. Chair Diaz noted that there was a small gift for each faculty member who has newly attained tenure.

G. Addendum to Sabbatical Approval

Dr. Pogatshnik noted that two previously-approved faculty sabbaticals have been delayed due to COVID-19 restrictions with no financial impact to the University. Chair Diaz asked Counsel Fohl if a vote was necessary. Counsel Fohl indicated that no vote was necessary.

H. Approval of Recommendations for Faculty Emeritus for 2020-2021

A motion was made by Regent Tye to approve the recommendations for Faculty Emeritus for 2020-2021. The motion was seconded by Regent Vasudevan. The motion passed unanimously by voice vote.

I. Approval of Model Lab Policy Updates

Interim President McFaddin noted that under new Kentucky law, the members of the Board serve functionally as the school board for the Model Lab School. A motion was made by Regent Tye to approve updates to the policies at the Model Laboratory School. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

J. Approval of MOU with Madison County regarding Model Lab School

A motion was made by Regent Tye to approve a memorandum of understanding between Madison County and Board of Regents regarding the Model Laboratory School. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

K. Approval of Resolution Regarding Model Laboratory School LEA Designation

A motion was made by Regent Babbage to designate the Model Laboratory School as a Local Education Agency for the purposes of receiving federal funds. The motion was seconded by Regent Collins. The motion passed unanimously by voice vote. A copy of the resolution is incorporated herein and will be included with the official copy of the minutes. Superintendent Williamson thanked Regent Tye for her continued service on model Lab School's advisory board.

L. Approval of Proposed Tuition Rates for 2020-2021

A motion was made by Regent Tye to approve a zero percent increase in tuition rates for 2020-2021. The motion was seconded by Regent Collins. The motion passed unanimously by roll-call vote.

M. Approval of Proposed Meal Plan Rates for 2020-2021

A motion was made by Regent Tye to approve a zero percent increase in meal plan rates for 2020-2021. The motion was seconded by Regent Babbage. The motion passed unanimously by roll-call vote.

N. Approval of Proposed Residence Hall Rates for 2020-2021

A motion was made by Regent Lipscomb to approve a zero percent increase in residence hall rates for 2020-2021. The motion was seconded by Regent Babbage. The motion passed unanimously by roll-call vote.

O. Approval of Annual Operating Budget

A motion was made by Regent Castro to approve the 2020-2021 operating budget. The motion was seconded by Regent Collins. The motion passed unanimously by roll-call vote.

P. Approval of Interim Employment Agreement

A motion was made by Regent Collins to approve an interim employment agreement for David McFaddin. The motion was seconded by Regent Long. The motion passed unanimously by roll-call vote.

Q. Approval of Resolution Regarding Richard L. McQuady

A motion was made by Regent Castro to a resolution regarding Richard L. McQuady, a copy of which is incorporated herein and will be included with the official copy of the minutes. The motion was seconded by Regent Babbage. The motion passed unanimously by voice vote.

R. Approval of Resolution Regarding Bond Refunding

A motion was made by Regent Marion to approve a resolution regarding bond refunding, a copy of which is incorporated herein and will be included with the official copy of the minutes. The motion was seconded by Regent Collins. The motion passed unanimously by voice vote.

Adjournment

Regent Collins thanked Doug Cornett for the commercials his team has put together during COVID-TV.

Interim President McFaddin stated his gratitude for the opportunity to lead ECU at this time.

Regent Long quoted Franklin D. Roosevelt: "A smooth sea never made a skilled sailor." Regent Long expressed his confidence in ECU's ability to grow during the pandemic.

Regent Marion commended Regent Lipscomb for her work as Student Regent and leadership of the student body.

Regent Lipscomb thanked the Board for the experience, wisdom, and opportunity to represent students during her tenure as Student Regent. Chair Diaz encouraged Regent Lipscomb to send an email to students regarding the zero percent increase in tuition, housing, and meal costs.

There being no further business, Chair Diaz requested a motion to adjourn. A motion was made by Regent Long to adjourn the meeting. The motion was seconded by Regent Vasudevan. The motion passed by voice vote, and the meeting was thereby adjourned at 12:55 p.m.

Eastern Kentucky University
Board of Regents
Special Meeting Minutes

August 20, 2020
1 p.m.

Via Video Teleconference: Zoom
Public Viewing Link: <https://epresence.eku.edu/bor-meeting>

Call to Order

The special meeting of the Board of Regents was called to order by Lewis Diaz, Chair on August 20, 2020 at 1:03 p.m. with all regents participating via video teleconference. The public was able to view the meeting through a live stream feed. The roll was called and a quorum was established.

Present

Lewis Diaz, Chair
Laura Babbage
Juan Castro
Nancy Collins
Dr. Jason Marion, Faculty Regent
Alan Long, Vice Chair
Lynn Taylor Tye
Vasu Vasudevan
Philp Gump, Staff Regent
Madison Lipscomb, Student Regent

Dr. Bryan Makinen, Secretary

Absent

None

Chair Lewis Diaz recognized that the recommendation of the Presidential Search Committee had been widely publicized in the local media, and that present for today's meeting were Regent Jason Marion and Secretary Bryan Makinen, the co-chairs of the Presidential Search Committee, to discuss such recommendation with the Board.

The Chair called for a motion for the Board to enter into executive session for the purpose of discussions which might lead to the appointment of an individual employee for President pursuant to KRS 61.810(1)(f). Regent Nancy Collins made such a motion. The motion was seconded by Regent Juan Castro. The committee voted by roll call vote, and the motion passed unanimously. The Board was advised by University Counsel Dana Fohl regarding the legal

requirements for a meeting by video teleconference, including ensuring that they remained on video and able to be heard. Thereafter, the Board entered into executive session at 1:06 p.m. The live stream was paused at that time as well.

The live stream was re-connected and, thereafter, a motion was made was Regent Laura Babbage to return from executive session. The motion was seconded by Regent Juan Castro. The Board voted by voice vote, and the committee members present unanimously voted in favor of the motion, returning to open session at 2:26 p.m. The Chair announced that no official action was taken in closed session.

Upon returning to open session, the Chair began by publically thanking all the members of the Presidential Search Committee, which was made up of staff and faculty leaders from across campus, as well as alumni and community members. This was a very robust and diverse group of campus leaders. The following individuals served on the Presidential Search Committee:

Maribeth Berman
Dr. Dana Bush
Dr. Lindsay Calderon
Sen. Jared Carpenter
Dr. Marco Ciocca
Amy Jo Gabel
Mendi Goble
Ernie House
Dr. Vicki Jozefowicz
Dr. Bryan Makinen+
Dr. Jason Marion+
Grant Minix
Barry Poynter
Jill Price
Dr. Caelin Scott
Dennis J. Sinnett
Grant Stepp
Dr. Tanlee Wasson
Dr. Sara Zeigler

+Co-Chair

Thereafter, the Chairman called for a motion regarding the recommendation of the Presidential Search Committee. The following motion was made by Regent Alan Long:

That the “interim” designation be removed and that Dr. David T. McFaddin be named the 14th President of Eastern Kentucky University, with the negotiation of a contract to move forward and be executed by December 2020, or sooner, if the Board so desires.

The motion was seconded by Regent Nancy Collins.

The Chair called for any discussion among the Regents on the motion.

Regent Juan Castro thanked the Presidential Search Committee for the work that it did, particularly during a pandemic. Regent Castro applauded the work of Dr. McFaddin in the last few months as Interim President during a pandemic.

Regent Lynn Taylor Tye noted that EKU could not have been in better hands during the pandemic than with Dr. McFaddin. She noted she had never seen someone pull together a team as quickly and as well as Dr. McFaddin did when faced with the current COVID-19 pandemic and its impact on EKU, while putting students first.

Regent Nancy Collins added that you will not get a tougher job interview than what Dr. McFaddin has been through in these last five to six months [referring to the current COVID-19 pandemic], noting that it was a “baptism by fire.” Regent Collins further noted that Dr. McFaddin has done a miraculous job carrying the University through these difficult times.

Regent Philip Gump thanked the search committee for the work it did. He was a bit surprised that the committee was unanimous at first, but the more he spoke with his constituents, all the feedback was that Dr. McFaddin was doing a wonderful job. Regent Gump noted that in other circumstances the process the University would go through would be a bit more in depth, but given the pandemic, this is the right decision to move ahead.

Regent Laura Babbage similarly lauded thanks and praise for the work of the Presidential Search Committee. She noted she hoped the decision would be essentially “ratified” by the whole University moving forward as the Board and President worked to solicit ideas, involvement and connectedness during a pandemic in ways that the University has never done before. Dr. McFaddin has had opportunities that no other president has had, and he’s proven his leadership abilities as we suffer and celebrate the changes coming as a result of COVID-19.

Regent Jason Marion thanked Dr. McFaddin for stepping into the interim role when the Board called upon him. He further noted with Dr. McFaddin, it’s a “package deal,” in that the leadership team he’s working with has done remarkably well leading up to where the University is at this point. Dr. McFaddin is a product of eastern Kentucky, and that work ethic bodes well for him. He is also willing to lean in on those he knows have areas of expertise that he does not. He builds consensus. His success is our institution’s success. Regent Marion wanted to acknowledge, however, that the search process was “significantly hampered” by the current public health crisis. Regent Marion was excited to embark on the strategic planning process to move the University forward.

Regent Vasu Vasudevan echoed that Dr. McFaddin was a great leader, and the right person for the job, and was hopeful for the future.

Chair Diaz noted when you think of the ideal leader of an institution, and you measure Dr. McFaddin up against that ideal leader and overlap the two, you find that Dr. McFaddin covers all the essentials and then some. The value proposition that the Chair looks for is not only technical expertise and leadership abilities, but a fire in their belly or a chip on their shoulder or an unbelievable work ethic, and somehow, Dr. McFaddin has all three. The Chair relayed how his college friends from eastern Kentucky had a deep sense of “mountain pride.” He further noted that Dr. McFaddin has that same “mountain swagger” and when measured that up, along with the fact he is an alum, he is everything we hope our students can become. The Chair noted that Dr. McFaddin comes to the University with corporate experience, educational experience, and experience in the academic sector. Because of this, the Chair emphasized that Dr. McFaddin gives Eastern the best shot right now to be all that it is capable of being.

Thereafter, the Chair called for a vote. A roll call vote was taken. The Board voted unanimously in support of the motion. The motion passed and **Dr. David T. McFaddin was named the 14th President of Eastern Kentucky University.**

Dr. McFaddin requested a moment of presidential privilege to address the Board. Dr. McFaddin made the following comments:

Those who know me know that I am rarely at a loss for words. But today is truly the culmination of everything that is good about this institution. I had one of our Board members that I had the fortune to come by and visit me yesterday, Laura Babbage, and she came to my office and said to me “Who is that gentlemen on the wall?” I said that’s President Roark, who was a very young man who ascended to be the first president of this institution. Unfortunately for him, his time in this role was short. But as I think about sitting in this chair, being here in this office, the weight and the magnitude of the work that is here, I will tell you that I would have no one other than him to look down over me and say, “Don’t screw this up.” As we think about that, and so many of you eloquently said it, my job is to serve. Yes, I am expected to lead. Yes, I am expected to be accountable. But more importantly, I am here to support and provide for our students, for our faculty, and to every one of my cabinet members who are on here. I have the most amazing group of people who are dedicated to this institution in a way that I wouldn’t want to serve with anyone else. I think you will see the best of us will come next. The best for this institution is ahead of us. EKU is in good hands. They are absolutely amazing people who will fight day and night to make sure that opportunity is not just here today, but for generations to come. And for that, I am eternally grateful to this Board, and for this opportunity. This seat is a destination. I want what is best for this institution. I will serve as the pleasure of this Board and the pleasure of this institution, so long as you’ll have me.

Thereafter, Chair Lewis Diaz called for a second motion to enter into closed, executive session, pursuant to KRS 61.810(1)(c), for discussions regarding proposed or pending litigation against or on behalf of the University. Regent Juan Castro made such a motion. The motion was seconded by Regent Laura Babbage. The motion passed by unanimous voice vote, and the Board entered into closed, executive session at 2:48 p.m. The live stream was paused at that time as well.

The live stream was re-connected and, thereafter, a motion was made was Regent Nancy Collins to return from executive session. The motion was seconded by Regent Madison Lipscomb.

The motion passed by unanimous voice vote, and the Board returned to open session at 3:44 p.m. The Chair announced that no official action was taken in closed session.

Thereafter, the Chair called for a motion to adjourn. Such a motion was made by Regent Laura Babbage. The motion was seconded by Regent Vasu Vasudevan. The motion passed by unanimous voice vote, and the special meeting of the Board of Regents of Eastern Kentucky University adjourned at 3:45 p.m.

Bryan Makinen, Secretary Date

Eastern Kentucky University
Presidential Search Committee
Meeting Minutes

August 10, 2020

2 p.m.

Via Video Teleconference: Zoom

Public Viewing Link: <https://epresence.eku.edu/psc2020>

Call to Order

The meeting of the Presidential Search Committee was called to order by Dr. Bryan Makinen, Co-Chair, on August 10, 2020 at 2:06 p.m. with all committee members participating via video teleconference. The public was able to view the meeting through a live stream feed. The roll was called and a quorum was established.

Committee Members Present

Maribeth Berman
Dr. Dana Bush
Dr. Lindsay Calderon
Sen. Jared Carpenter
Dr. Marco Ciocca
Amy Jo Gabel
Mendi Goble
Dr. Vicki Jozefowicz
Dr. Bryan Makinen+
Dr. Jason Marion+
Grant Minix
Barry Poynter
Jill Price
Dr. Caelin Scott
Dennis J. Sinnett
Grant Stepp
Dr. Tanlee Wasson
Dr. Sara Zeigler

+Co-Chair

Committee Members Absent

Ernie House

Discussion

Dr. Jason Marion provided a brief overview of the status of the presidential search process thus far:

Several months ago, the committee was anxious to start. A request for proposals for presidential search consultants/firms garnered responses from all of the nation's top firms. On February 28, the Board authorized the university to utilize the services of arguably the best presidential search consultant in America, William Funk. The Board Chair also named the full committee.

Within a matter of days of that meeting, many on-campus university operations, including classes, moved rapidly to a virtual environment. As it became evident that returning to campus was not tenable in the near future, and as the university was prepared to commit funds to the consultant, as co-chairs, we supported the decision of the Board of Regents Chair to pause the search process and prevent the spending of the funds, given the current pandemic. Part of that reasoning was concern about the ability to get the full value out of a presidential search process, which typically includes a number of listening sessions, position advertisement generation, etc.

The contract with William Funk & Associates expired at the end of the fiscal year, June 30, 2020, but to the extent we resume the search, Mr. Funk stands ready to re-contract and assist us. No candidates have applied, there has never been an application process, no position (announcement) generation, so today is square one, on deciding what to do. The Board has requested us to submit to them a recommendation on what direction we would like to go as a Presidential Search Committee. So, that's the background from my perspective and to start us off on this conversation.

A variety of outcomes from this meeting are possible and are likely of interest to the entire university community.

Executive Session

Dr. Bryan Makinen called for a motion for the Board to enter into executive session for the purpose of discussions which might lead to the appointment of an individual employee for President pursuant to KRS 61.810(1)(f). Dr. Marco Ciocca made such a motion. The motion was seconded by Jill Price. The committee voted by roll call vote and unanimously entered into executive session at 2:17 p.m. The live stream was paused at that time as well.

The live stream was re-connected and, thereafter, a motion was made was Dr. Sara Zeigler to return from executive session. The motion was seconded by Dr. Marco Ciocca. The committee voted by voice vote, and the committee members present unanimously voted in favor of the motion, returning to open session at 4:50 p.m.

Thereafter, the following motion was made by Mendi Goble:

We would like to recommend that the search process be suspended at this time and that this committee recommends that the Interim title be removed from Dr. David McFaddin's title and that he be named the President of Eastern Kentucky University. This will give the university the needed stability and support needed to carry the institution forward. We further recommend that, prior to the next Board of Regents meeting, that the Board of Regents continue to engage the various constituency groups for input.

The motion was seconded by Barry Poynter.

A roll call vote was taken. The committee members in attendance unanimously voted in support of the motion.

Thereafter, Dr. Bryan Makinen called for a motion to adjourn the committee meeting. Dr. Caelin Scott made a motion to adjourn the committee meeting. The motion was seconded by Dr. Dana Bush. The committee unanimously supported the motion by voice vote, and thereafter, the committee adjourned at 4:54 p.m.

Dana Fohl, Counsel

Date

Eastern Kentucky University
Personnel Statistics (Full-Time)
August 31, 2020 & 2019

	Institutional			Sponsored Contract/Grant		
Job Category	Total Employees		Employee +/-	Total Employees		Employee +/-
	2020	2019		2020	2019	
Full-Time Faculty	582	593	(11)	2	2	-
Administrators/Deans	45	50	(5)	1	1	-
Full-Time Exempt	484	464	20	122	117	5
Full-Time Non-Exempt	396	433	(37)	33	48	(15)
Total:	1,507	1,540	(33)	158	168	(10)

Job Category	Total Salary		Budget +/-	Total Salary		Budget +/-
	2020	2019		2020	2019	
Full-Time Faculty	\$ 38,398,496	\$ 38,901,908	\$ (503,412)	\$ 103,175	\$ 125,000	\$ (21,825)
Administrators/Deans	\$ 5,733,011	\$ 6,339,597	\$ (606,586)	\$ 57,716	\$ 57,716	\$ -
Full-Time Exempt	\$ 25,992,626	\$ 25,046,319	\$ 946,307	\$ 6,010,360	\$ 5,656,743	\$ 353,617
Full-Time Non-Exempt	\$ 13,711,737	\$ 14,675,022	\$ (963,285)	\$ 1,260,505	\$ 1,821,074	\$ (560,569)
Total:	\$ 83,835,870	\$ 84,962,846	\$ (1,126,976)	\$ 7,431,756	\$ 7,660,533	\$ (228,777)

Eastern Kentucky University
Personnel Statistics (Part-Time)
August 31, 2020 & 2019

	Institutional				Sponsored Contract/Grant		
Job Category	Total Employees		Employee +/-		Total Employees		Employee +/-
	2020	2019			2020	2019	
Part-Time Faculty	216	255	(39)		-	-	-
Graduate Assistants	194	218	(24)		2	-	2
Part-Time Exempt	82	88	(6)		34	34	-
Part-Time Non-Exempt	177	138	39		51	63	(12)
Total:	669	699	(30)		87	97	(10)
Job Category	Total Salary		Budget +/-		Total Salary		Budget +/-
	2020	2019			2020	2019	
Part-Time Faculty	\$ 897,091	\$ 1,319,480	\$ (422,389)		\$ -	\$ -	\$ -
Graduate Assistants	\$ 982,800	\$ 1,092,000	\$ (109,200)		\$ 8,400	\$ -	\$ 8,400
Part-Time Exempt	\$ 416,825	\$ 587,550	\$ (170,725)		\$ 367,863	\$ 422,796	\$ (54,933)
Part-Time Non-Exempt	\$ 895,312	\$ 760,599	\$ 134,713		\$ 215,409	\$ 317,440	\$ (102,031)
Total:	\$ 3,192,028	\$ 3,759,629	\$ (567,601)		\$ 591,672	\$ 740,236	\$ (148,564)

New Hires June - August 2020

<u>Last Name</u>	<u>First Name</u>	<u>Hire Date</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Moore	Dannie	7/15/2020	VP Strtgc Init/CDEI Officer	President	Administrators/Deans	\$165,000
Wies	Jennifer	6/30/2020	Associate Provost	Provost and Academic Affairs	Administrators/Deans	\$127,000
Gadd	Susan	8/1/2020	Lect	Accounting/Finance/Info Sys	Fulltime Faculty	\$70,000
Hasan	Fatima	8/1/2020	Fin e-Campus Asst Prof	Accounting/Finance/Info Sys	Fulltime Faculty	\$90,000
Lopes	Carlos	8/1/2020	Assistant Professor	Accounting/Finance/Info Sys	Fulltime Faculty	\$90,000
Kenealy	Jessica	8/1/2020	Assistant Professor	Agriculture	Fulltime Faculty	\$63,000
Al-shabbani	Zamaan	8/1/2020	Assistant Professor	Applied Engineering and Tech	Fulltime Faculty	\$72,000
Wilson	James	8/1/2020	Associate Professor	Aviation	Fulltime Faculty	\$70,000
Hughes	Charles	8/1/2020	Assistant Professor	Comm Sciences & Disorders	Fulltime Faculty	\$56,000
Priode	Jaime	8/1/2020	Early Childhood Teacher	Ctr for Early Child Excellence	Fulltime Faculty	\$45,000
Miller	Jamie-Marie	8/1/2020	Assistant Professor	Curriculum & Instruction	Fulltime Faculty	\$56,000
Mullins	Sara	8/1/2020	Assistant Professor	Curriculum & Instruction	Fulltime Faculty	\$56,000
Helton	Abby	8/1/2020	Lecturer - School of Bus	Dean-Business & Technology	Fulltime Faculty	\$72,000
Moore	Katherine	8/1/2020	Assistant Professor	Dept Amer SL & Interpreter Edu	Fulltime Faculty	\$50,000
Lauk	Raymond	8/1/2020	Assistant Professor	Educ Leader and Counselor Educ	Fulltime Faculty	\$58,000
Wilson-Yue	Hillary Ann	8/1/2020	Assistant Professor	Emergency Medical Care	Fulltime Faculty	\$58,000
Conkwright II	Jeffrey	8/1/2020	Assistant Professor	Fire Protect&Para-Med Scncs	Fulltime Faculty	\$72,000
Cabaniss	Haley	8/1/2020	Visiting Lecturer	Geosciences	Fulltime Faculty	\$50,000
Mundy	Monica	8/1/2020	Assoc Professor	Health Promotion & Admin	Fulltime Faculty	\$57,633
Hamilton	Kevin	8/1/2020	ASL Specialist III	Interpreter Training Prgm	Fulltime Faculty	\$43,000
Fore	Michael	8/1/2020	Assistant Professor	Management/Mktg/Intl Bus	Fulltime Faculty	\$87,500
Gogol	Edward	8/1/2020	Lecturer	Management/Mktg/Intl Bus	Fulltime Faculty	\$75,000
Su	Lixun	8/1/2020	Asst Professor	Management/Mktg/Intl Bus	Fulltime Faculty	\$101,000
Edmonds	Zachary	8/1/2020	Asst Professor	Mathematics & Statistics	Fulltime Faculty	\$42,000
Johnston	James	8/1/2020	Lecturer	Mathematics & Statistics	Fulltime Faculty	\$43,500
Dillon	Christen	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$56,649
Edwards	Peter	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$55,889
Gannon	Beth	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$52,378
Hammond	Mary	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$50,845
Hardin	Angela	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$47,500
Hollins	Claire	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$40,000
Lewis	Eden	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$40,000
McMaine	Leah	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$40,000
Wangler	Amanda	8/1/2020	Model Lab Teacher	Model Laboratory School	Fulltime Faculty	\$45,000
Campbell	Jill	8/1/2020	Assistant Professor	Music	Fulltime Faculty	\$55,000
Noelker	Sarah	8/1/2020	Visiting Professor	Music	Fulltime Faculty	\$45,450
Blake	Michelle	8/1/2020	Visiting Professor	OL-Master of Social Work	Fulltime Faculty	\$58,000
Pittman	Angela	8/1/2020	Associate Professor	OL-Master of Social Work	Fulltime Faculty	\$58,000
Mayo	Amanda	8/3/2020	Job Loc & Dvlpmnt Coord	CWSP/Job Location/Devlpmt	Fulltime Hourly Staff	\$31,376
Boswell	Elijah	6/11/2020	Football Equip Coord	Football	Fulltime Hourly Staff	\$30,011
Schultz	Thomas	7/20/2020	Football Equip Coord	Football	Fulltime Hourly Staff	\$29,621
Proctor	Kayla	8/8/2020	Agriculture Technician	Meadowbrook Farm	Fulltime Hourly Staff	\$26,208
Travis	Alyssa	7/13/2020	Agriculture Technician	Meadowbrook Farm	Fulltime Hourly Staff	\$26,208
Jenkins	Angela	8/18/2020	Paraeducator II	Model Laboratory School	Fulltime Hourly Staff	\$25,623
Elliott	Meaghan	6/8/2020	Prog Splst, Green Dot Coord	Office of Institutional Equity	Fulltime Hourly Staff	\$28,509
Wells	Jennifer	8/3/2020	Financial Aid Counselor	Student Financial Assist-Admin	Fulltime Hourly Staff	\$37,050
Howard	Hunter	7/13/2020	Transfer Sys Specialist	Stud Outreach and Transition Off	Fulltime Hourly Staff	\$31,688

New Hires June - August 2020

<u>Last Name</u>	<u>First Name</u>	<u>Hire Date</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Dixon	Alex	7/16/2020	Website Developer	UTC Targeted Case Management	Fulltime Hourly Staff	\$37,226
Rathbone	Austin	7/13/2020	Online Learning Spclst	UTC Targeted Case Management	Fulltime Hourly Staff	\$37,850
Abdel-Jaber	Hasan	8/3/2020	Acad and Career Spclst	Academic & Career Services	Fulltime Professionals	\$35,716
Auman	Rebecca	8/31/2020	Acad and Career Advisor	Academic & Career Services	Fulltime Professionals	\$38,418
Gallo Suarez	Mizari	8/1/2020	Sr Admissions Counselor	Admissions	Fulltime Professionals	\$43,000
Nelson	Paris	7/1/2020	Admission Counselor	Admissions	Fulltime Professionals	\$36,580
Tyra	Vanessa	7/1/2020	Lead Adult Ed Instructor	Adult Ed FY20 - Madison Cty	Fulltime Professionals	\$34,000
Parise	Anthony	8/10/2020	Asst Dir, Sports Medicine	Athletic Training	Fulltime Professionals	\$36,296
Scifo	Samuel	7/1/2020	Asst Dir, Sports Medicine	Athletic Training	Fulltime Professionals	\$40,000
Brixey	Griffin	7/13/2020	Athletics Ticket Manager	Athletics Ticket Office	Fulltime Professionals	\$35,568
Maynard	Corbin	7/13/2020	Dir Mens Basketball Opr	Basketball-Men	Fulltime Professionals	\$35,568
Hieronimus	Lindsay	7/20/2020	Dir Womens Basketball Opr	Basketball-Women	Fulltime Professionals	\$35,568
Bright	Samantha	7/29/2020	Coord, Campus Rec Fitness	Campus Recreation Center	Fulltime Professionals	\$35,568
McClendon	Dakota	8/3/2020	Coord, Campus Recreation	Campus Recreation Center	Fulltime Professionals	\$35,568
Alexander	Rachel	6/1/2020	Asst Director, Development	Development	Fulltime Professionals	\$46,277
Fore	Elizabeth	6/1/2020	Asst Director, Development	Development	Fulltime Professionals	\$52,629
Neal	Corey	7/22/2020	Assoc Ath Dir & Chief of Staff	Intercollegiate Athletics Admin	Fulltime Professionals	\$60,000
Barber	Kayla	7/1/2020	Residence Hall Coord	McGregor Hall	Fulltime Professionals	\$35,568
Tyra	Lauren	6/15/2020	Graphic Designer	Model Laboratory School	Fulltime Professionals	\$35,568
Thompson	Ashley	7/1/2020	Resdnce Hall Coordinator	North Residence Hall	Fulltime Professionals	\$35,568
Hepburn	Mitchell	7/27/2020	Assistant Coach, Soccer	Soccer	Fulltime Professionals	\$28,170
Leighton	Robyn	7/27/2020	Assistant Softball Coach	Softball	Fulltime Professionals	\$30,000
Sims	Hayley	8/3/2020	Asst Softball Coach	Softball	Fulltime Professionals	\$30,000
Henry	Curtis	7/1/2020	Residence Hall Coord	Sullivan Hall	Fulltime Professionals	\$35,568
Nettles	Jasmine	7/1/2020	Residence Hall Coord	University Housing	Fulltime Professionals	\$35,568
Simon	Alyssa	7/20/2020	Marketing Coordinator	University Housing	Fulltime Professionals	\$40,000
Hernandez	Luna	8/16/2020	Online PT Faculty	Fac PD-Psychology	PT Faculty	\$5,000
Brock	Martin	8/16/2020	PT Faculty-On Campus	Instruction - College of Science	PT Faculty	\$9,600
Cannon	David	8/16/2020	PT Faculty-On Campus	Instruction - College of Science	PT Faculty	\$2,600
Broadbuss	Charles	8/16/2020	PT Faculty-On Campus	Instruction - Justice and Safety	PT Faculty	\$2,600
Smith	Teresa	8/1/2020	Course Development	OL - BBA	PT Faculty	\$4,000
Floyd	Daniel	8/16/2020	Online PT Faculty	OL-AGS/Supporting Courses	PT Faculty	\$6,100
Jeon	Sung Bae	7/1/2020	Online PT Fac	OL-AGS/Supporting Courses	PT Faculty	\$3,050
Haakmat	Narissa	8/16/2020	Online Faculty	OL-CJJS-BS	PT Faculty	\$3,050
Jackey	Hayley	8/16/2020	Online PT Faculty	OL-CJJS-BS	PT Faculty	\$3,050
Workman	Ashley	8/16/2020	Online Faculty	Public Health Nurs Admin	PT Faculty	\$3,050
Garrison	Trende	7/1/2020	PT Faculty	Summer Sch College of Science	PT Faculty	\$3,733
Lefler	Kathryn	8/1/2020	Non-Classified	Athletic Training	PT Hourly Staff	\$428
Runquist	Lauren	8/1/2020	Non-Classified	Athletic Training	PT Hourly Staff	\$428
Thompson	George	6/16/2020	Flight Instructor Pilot II	Class Fees - Aviation	PT Hourly Staff	\$780
Clements	Rachel	6/1/2020	PT Research Assistant	Effects of p75NTR	PT Hourly Staff	\$260
Schoettle	Jackson	6/8/2020	Field Technician	F&A-Biological Sciences	PT Hourly Staff	\$260
Brown	Darla	8/3/2020	SJS at RC&S Reg Campus Fac	Regional Programming	PT Hourly Staff	\$278
Delgado Torres	Maria	6/20/2020	Programming Staff	Southern Migrant FY20	PT Hourly Staff	\$364
Saunders	Alexis	6/20/2020	Programming Staff	Southern Migrant FY20	PT Hourly Staff	\$364
Catron	Gary	6/29/2020	Server/Bartender/Cashier	University Club at Arlington	PT Hourly Staff	\$189
Dyer	Camille	7/13/2020	Arlington Part Time Staff	University Club at Arlington	PT Hourly Staff	\$221

New Hires June - August 2020

<u>Last Name</u>	<u>First Name</u>	<u>Hire Date</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Gunn	Gracie	8/19/2020	Outside Service Attendant	University Club at Arlington	PT Hourly Staff	\$208
Jackson	Colin	7/13/2020	Arlington Part Time Staff	University Club at Arlington	PT Hourly Staff	\$221
Kallembach	Madelynn	7/18/2020	Server/Bartender/Cashier	University Club at Arlington	PT Hourly Staff	\$189
Keeton	Lily Kate	7/13/2020	Arlington Part Time Staff	University Club at Arlington	PT Hourly Staff	\$221
McCoy	Emma	7/6/2020	Arlington Pool	University Club at Arlington	PT Hourly Staff	\$221
Patterson	Elaine	7/13/2020	Arlington PT Staff	University Club at Arlington	PT Hourly Staff	\$221
Roush	Carlissa	7/3/2020	Server, Bar, Cashier	University Club at Arlington	PT Hourly Staff	\$189
Settle	Thomas	7/18/2020	Server, Bar, Cashier	University Club at Arlington	PT Hourly Staff	\$189
Steffen	Jeffrey	6/8/2020	Outside Svc Attendant	University Club at Arlington	PT Hourly Staff	\$208
Archer	Alisha	7/27/2020	Tutor Advisor (TA)	Upward Bound FY21	PT Hourly Staff	\$189
Eaves	Kembree	7/27/2020	Tutor Advisor (TA)	Upward Bound FY21	PT Hourly Staff	\$189
Fletcher	Jenna	7/27/2020	Tutor Advisor (TA)	Upward Bound FY21	PT Hourly Staff	\$189
Cain	Joseph	7/1/2020	Distance Learning Coord	Adult Ed FY20 - Madison Cty	PT Professionals	\$32,000
Palidar	Brandon	6/26/2020	Football Perf Coach	Football	PT Professionals	\$7,200
Biven	Jayson	6/16/2020	Member, KY READY	KY READY Corps FY20	PT Professionals	\$1,500
Bowling	Breanna	6/1/2020	Member, KY READY	KY READY Corps FY20	PT Professionals	\$1,500
Maldonado	Diana	6/1/2020	Member, KY READY	KY READY Corps FY20	PT Professionals	\$1,500
Turner	Jillian	6/16/2020	Member, KY READY	KY READY Corps FY20	PT Professionals	\$1,500
Conkwright	Ethan	8/1/2020	Model Substitutes	Model Laboratory School	PT Professionals	\$0
ElMallakh	Thomas	8/1/2020	Model Substitutes	Model Laboratory School	PT Professionals	\$0
Fitzgerald	Jenna	10/1/2019	Model Substitutes	Model Laboratory School	PT Professionals	\$0
Fugate	Sydney	8/1/2020	Model Substitutes	Model Laboratory School	PT Professionals	\$0
Masthay	Tim	7/1/2020	Varsity Soccer Coach	Model Laboratory School	PT Professionals	\$3,535
Winters	Kimball	8/1/2020	Model Substitutes	Model Laboratory School	PT Professionals	\$0
Rogers	Lesley	6/16/2020	Consultant	Regional Programming	PT Professionals	\$2,600

Separations June - August 2020

<u>Last Name</u>	<u>First Name</u>	<u>Separation</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Forde	Timothy	7/23/2020	Vice Provost Diversity	Diversity, Equity & Inclusion	Administrators/Deans	\$108,000
Kappeler	Victor	6/30/2020	Dean, CJS	Dean-Justice & Safety	Administrators/Deans	\$155,629
Lochmueller	Stephen	6/30/2020	Athletics	Contingency Fund-Operating	Administrators/Deans	\$184,500
Maier	Mark	8/9/2020	Deputy Counsel	University Counsel	Administrators/Deans	\$115,000
Montgomery	Mardi	6/30/2020	Sr. Dir,Wkforce Dev	Conferencing & Events Admin	Administrators/Deans	\$85,500
Althausen	Krista	6/30/2020	Professor/Assoc Chair	Curriculum & Instruction	Chairs	\$76,897
Brubaker	Robert	6/30/2020	Chair Professor	Psychology	Chairs	\$110,576
Fair	Ginni	6/30/2020	Chair/Professor	Curriculum & Instruction	Chairs	\$87,000
Feltus	Oliver	6/30/2020	Chair, Associate Professor	Accounting/Finance/Info Sys	Chairs	\$132,143
Givens	Deborah	6/30/2020	Chair-Assist. Professor	Communication	Chairs	\$85,000
Mundfrom	Daniel	6/30/2020	Chair/Professor	Mathematics & Statistics	Chairs	\$107,164
Bradley	Michael	7/31/2020	Assoc Professor	Recreation & Park Admin	Fulltime Faculty	\$63,500
Corn	Lisa	6/30/2020	Model Lab School Teacher	Model Laboratory School	Fulltime Faculty	\$60,955
Ellis	Amanda	7/15/2020	Asst Professor	Mathematics & Statistics	Fulltime Faculty	\$55,000
Hamilton	Kevin	8/15/2020	ASL Specialist III	Interpreter Training Prgm	Fulltime Faculty	\$43,000
Hanks	Corey	7/15/2020	Lecturer	Program of Distinction	Fulltime Faculty	\$56,734
Ivonchyk	Mikhail	6/30/2020	Asst Professor	OL-Public Administration-MPA	Fulltime Faculty	\$55,500
Jones	Paula	8/28/2020	Model Lab School Teacher	Model Laboratory School	Fulltime Faculty	\$63,370
Lippman	Sheila	6/30/2020	Model Lab School Teacher	Model Laboratory School	Fulltime Faculty	\$61,965
Pittman	Angela	8/31/2020	Associate Professor	OL-Master of Social Work	Fulltime Faculty	\$4,350
Powell	Norman	6/30/2020	Assoc Professor	Educ Leader & Counselor Educ	Fulltime Faculty	\$75,219
Rhee	Chongkye	6/30/2020	Professor	Computer Science	Fulltime Faculty	\$93,129
Romagnolo	Shannon	8/7/2020	Asst Professor	Educ Leader & Counselor Educ	Fulltime Faculty	\$53,500
Self	Scott	8/21/2020	Model Lab School Teacher	Model Laboratory School	Fulltime Faculty	\$60,533
Smith	Charlotte	6/30/2020	Model Lab School Teacher	Model Laboratory School	Fulltime Faculty	\$60,955
Spain	Judith	6/30/2020	Professor	Management/Mktg/Intl Bus	Fulltime Faculty	\$113,539
Townsend	Travis	6/30/2020	Sr Lecturer	Art and Design	Fulltime Faculty	\$40,999
Williams	David	6/30/2020	ASL Specialist III	Interpreter Training Prog	Fulltime Faculty	\$45,894
Alexander	Janet	6/30/2020	Receptionist	Model Laboratory School	Fulltime Hourly Staff	\$26,618
Amstutz	Lisa	6/30/2020	Interpreter	Vocational Rehab FY20	Fulltime Hourly Staff	\$58,500
Asberry	Britani	8/4/2020	Administrative Coord	Serve KY Training Services	Fulltime Hourly Staff	\$27,515
Boswell	Elijah	7/3/2020	Football Equipment Coord	Football	Fulltime Hourly Staff	\$30,011
Caudill	Robert	7/5/2020	Agriculture Technician II	Meadowbrook Farm	Fulltime Hourly Staff	\$27,602
Crowe	Austin	6/10/2020	Football Equipment Coord	Football	Fulltime Hourly Staff	\$30,011
Denney	Treavor	8/31/2020	Web Dvlpmnt, Data Spclsts	UTC Title IV-E Admin Sprt	Fulltime Hourly Staff	\$33,735
Dionne	Terri	8/14/2020	Proj Administrator, Ed Pays	Center for Student Parents	Fulltime Hourly Staff	\$33,501
Frost	Valerie	6/29/2020	Paraeducator II	Model Laboratory School	Fulltime Hourly Staff	\$25,623
Grubb	Sarah	6/30/2020	Interpreter	Vocational Rehab FY20	Fulltime Hourly Staff	\$59,963
Marriner	Nancyanna	6/30/2020	Prog Manager, STS	KY State Traffic School FY20	Fulltime Hourly Staff	\$43,895
Miller	Melissa	6/30/2020	Interpreter	Vocational Rehab FY20	Fulltime Hourly Staff	\$59,963
Pratt	Karen	6/30/2020	Prog Specialist, Nat Areas	Natural Areas	Fulltime Hourly Staff	\$32,175
Qualls	Amanda	8/21/2020	Academic History Spclst II	Registrar	Fulltime Hourly Staff	\$28,275
Rhodus	Doris	6/1/2020	Acctng Clerk	Account & Financial Services	Fulltime Hourly Staff	\$26,033
Robertson	Roger	6/30/2020	Craft Foreman,Res Hall Rpr	Housing Maintenance	Fulltime Hourly Staff	\$47,382
Ruth	Calder	8/12/2020	Locksmith	Maintenance, Lock Shop	Fulltime Hourly Staff	\$29,931
Smith	David	6/30/2020	Instruct Design Media Prof	Office of eCampus Learning	Fulltime Hourly Staff	\$40,502

Separations June - August 2020

<u>Last Name</u>	<u>First Name</u>	<u>Separation</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Vice	Christina	6/30/2020	Interpreter - Level III	Vocational Rehab FY20	Fulltime Hourly Staff	\$59,963
Wirtz	Gina	7/31/2020	Administrative Prof II	Info Technology-Academic	Fulltime Hourly Staff	\$41,789
Wirtz	Erman	7/31/2020	Parking Control Coord	Parking Services	Fulltime Hourly Staff	\$36,691
Arion	Whitney	6/30/2020	Asst Softball Coach	Softball	Fulltime Professionals	\$35,000
Baker	Paul	7/31/2020	Craft Supr, Structural Svcs	Maint, Carpenter Shop	Fulltime Professionals	\$60,000
Bentley	Kristena	8/31/2020	Trng Specialist, Fmly Supt	UTC Food Stamps Training	Fulltime Professionals	\$36,318
Braggs	KaBree	7/17/2020	Residence Hall Coord	University Housing	Fulltime Professionals	\$35,568
Bridenbaugh	Lydia	8/14/2020	Admission Counselor	Admissions	Fulltime Professionals	\$35,568
Byrom	Bradley	6/30/2020	Coord, Campus Rec	Campus Recreation Center	Fulltime Professionals	\$35,110
Downer	James	7/27/2020	Sr Assoc Athletic Dir	Intercollegiate Athletics	Fulltime Professionals	\$82,500
Edwards	Buford	7/24/2020	Asst Director, Web Mgr	UTC Targeted Case Mngmnt	Fulltime Professionals	\$55,146
Eversole	Tara	6/30/2020	Interpreter Coordinator	Vocational Rehab FY20	Fulltime Professionals	\$60,450
Fields	Eric	7/31/2020	Network Engineer	Info Tech-Administration	Fulltime Professionals	\$40,000
Fischer	Corey	7/31/2020	Auditor	Internal Audit	Fulltime Professionals	\$43,017
Frazier	Steven	8/2/2020	Proj Mgr, Project Admin	Engineering & Construction	Fulltime Professionals	\$58,023
Hayden	Norman	8/31/2020	Trng Specialist	UTC Targeted Case Mngmnt	Fulltime Professionals	\$43,650
Helton	Cecil	6/12/2020	Web Strategy Manager	Comms & Brand Mngmnt	Fulltime Professionals	\$52,000
Martin	Vonda	7/2/2020	Advising Specialist	Program of Distinction	Fulltime Professionals	\$37,000
Richard Shear	Carmelinda	7/24/2020	Sr Programmer Analyst	Info Tech-Administration	Fulltime Professionals	\$66,175
Russell	Karen	7/31/2020	Dir, Facilitation Center	Facilitation Center	Fulltime Professionals	\$58,993
Schanback	Kayla	8/12/2020	Assistant Volleyball Coach	Volleyball	Fulltime Professionals	\$33,000
Thames	William	6/8/2020	Admission Counselor	Admissions	Fulltime Professionals	\$41,165
Morse	Timothy	7/15/2020	Online PT Faculty	OL-Education-MA	PT Faculty	\$3,050
Evitts	Ralph	6/4/2020	State Traffic PT Employee	KY State Traffic School	PT Hourly Staff	\$858
Leber	Jerry	6/4/2020	State Traffic PT Employee	KY State Traffic School	PT Hourly Staff	\$858
Holland	Patty	7/31/2020	Adoption Incentive	UTC Adoption Incentive	PT Professionals	\$0
Kidd	Kody	7/24/2020	Quality Control Temp	Football	PT Professionals	\$5,400
Rogers	Bettina	8/5/2020	Dance Team Coach	Dance Team	PT Professionals	\$5,000

Addendum to Promotion & Tenure

College of Letters, Arts, & Social Sciences

	<u>Department</u>	<u>Year</u>	<u>Action</u>
Jeremy Mulholland	School of Music	2020-2021	Promotion to Professor

College of Education

	<u>Department</u>	<u>Year</u>	<u>Action</u>
Roger Cleveland	Educational Leadership & Counselor Education	2020-2021	Tenure & Rank of Professor

I. Approval of Degree Candidates for October 2020

II. Issue

The Board of Regents should formally confirm and confer the degrees for the candidates who will have completed degree requirements by October 2020.

III. Background

Due to the impact of COVID-19 on university operations, including required academic internships and field placements, a number of students, predominately in the Occupational Therapy and Psychology programs, faced delays in completing such requirements. These students have now completed such academic requirements, but will not be permitted to sit for licensing board placement exams until such time as their academic degree is formally conferred by their institution. These students will not be allowed to obtain gainful employment until such time as they can sit for the required licensing exams.

Candidates for degrees must meet the requirements of their respective academic programs. All degree requirements will be verified by the appropriate Academic Departments and Colleges, the Office of the Registrar, and recommended by the Executive Vice President for Academic Affairs & Provost for the October 2020 graduates. Pursuant to KRS 164.350(1)(d), it is hereby submitted to the board to approve all candidates for degrees as verified by the Provost and President, and to confer these degree on or before October 31, 2020.

IV. Alternatives

While the conferral of degrees is vested in the Board of Regents, as these students have met the various academic requirements, the conferral of these degrees should be confirmed.

V. President's Recommendation

Based upon recommendations from the appropriate Chairs, Deans, Office of the Registrar, and the Executive Vice President for Academic Affairs & Provost, the President recommends the formal confirmation of the Board of Regents of the conferral of degrees for October 2020 graduates who have met or will meet degree requirements.



OHIO VALLEY CONFERENCE

Governing Board Certification Form Academic Year 2020-21

As Chairman of the Governing Board at Eastern Kentucky University, I attest that:

- 1) Responsibility for the administration of the athletics program has been delegated to the Chief Executive Officer of the institution.
- 2) The Chief Executive Officer has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, OVC, and all other relevant rules and regulations.
- 3) The Chief Executive Officer, in conjunction with the Director of Athletics and Faculty Athletic Representative, determines how the institutional vote shall be cast on issues of athletics policy presented to the NCAA and the Ohio Valley Conference.

Date Presented to the Governing Board: **September 10, 2020**

A handwritten signature in black ink, appearing to read "Lewis Dineen", is written over a horizontal line.

Signed: _____
(Chair of the Governing Board)

Please return completed form to:

Beth DeBauche
Commissioner
Ohio Valley Conference
215 Centerview Drive, Suite 115
Brentwood, TN 37027
bdebauche@ovc.org

KSBA Policy Service

2020 Interim Policy Update (#43-I) Checklist

District: Model Laboratory Schools at Eastern Kentucky University

To enable KSBA to track and store your District's policies in our policy database, please indicate below what action you have taken on the new/revised policies enclosed for your review. We will forward printed or reproducible copies of the policies when we receive this form and update your online manual if you belong to that service.

Policy Number	Adopt as Written	Adopt with Modification*	Adoption Date	Order Number	Keep Current Policy	Rescind Policy
09.13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.428111	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please attach a copy of the modified policy. DO NOT RETYPE A DRAFT - simply indicate the district-initiated changes by writing in colored ink, circling, highlighting, etc.

Board Chair's Signature

Date

Superintendent's Signature

Date

**Please return this completed form to KSBA at your earliest opportunity.
Please contact your KSBA Consultant IF you need KSBA to completely reprint all policy pages or to order additional new manuals, instead of just getting copies of the updated policies.**



Eastern Kentucky University Policy and Regulation Library

1.4.1

Volume 1, Governance

Chapter 4, Equal Opportunity/Affirmative Action

Section 1, Discrimination and Harassment

Approval Authority: Board of Regents

Responsible Executive: Title IX Coordinator

Responsible Office(s): Office of Institutional Equity

Effective: 8/14/2020

Issued: 9/27/2011

Next Review Date: 9/1/2023

Discrimination and Harassment

Statement

It is the Policy of Eastern Kentucky University (“EKU” or the “University”) to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The University has published and enacted Policy 1.4.1, Discrimination and Harassment (hereafter referred to as the “Policy”) to reflect and maintain its adherence to all federal and state civil rights laws prohibiting discrimination and harassment in public educational institutions and to reflect and maintain its values as an institution.

The University does not discriminate on the basis of race, color, religious belief, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, ethnicity, disability, medical condition, veteran status, genetic information, age, or any other characteristic protected by federal, state or local law in its programs and activities. This prohibition applies to all University programs or activities, including but not limited to admission and employment.

The University will not tolerate discrimination of any kind, including all forms of sexual or gender-based discrimination, harassment, and misconduct, such as Sexual Assault, dating and domestic violence, sexual exploitation, and stalking. This Policy further prohibits aiding or inciting another person(s) to violate this Policy. This Policy specifically prohibits retaliation, in any form, against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy and Procedures.

The University will promptly, and equitably, respond to Complaints under this Policy in a fair, thorough, impartial, and transparent manner that respects the due process rights of all participants, protects the safety and welfare of students, employees, and the community, and restores or preserves equal access to the University’s programs and activities. EKU is committed to taking prompt, appropriate, and equitable action to respond to prohibited conduct as defined by this Policy (“Prohibited Conduct”) and to take appropriate corrective action. The University is also committed to the ongoing assessment and improvement and effective implementation of this Policy.

The Office of Institutional Equity is responsible for administering this Policy.

This Policy does not establish contractual rights, in whole or in part, between ECU and any individuals, including students and/or employees.

Inquiries

Reports of Discrimination, Harassment, and/or Retaliation should be promptly made to the Office of Institutional Equity (OIE). The following person has been designated to handle inquiries regarding this Policy:

Lindsey A. Carter
Director of the Office of Institutional Equity & Title IX Coordinator
lindsey.carter@eku.edu
(859) 622-3541

Reports related to ADA/Section 504 compliance and/or matters related to ADA accommodations compliance should be directed to:

John Dixon
Executive Director of Human Resources and Institutional Equity & ADA Coordinator
john.dixon@eku.edu
(859) 622-8221

There is no time limitation on the filing of Complaints with the University. All reports are acted upon in a timely manner and every effort is undertaken, to the extent permitted by law, to maintain confidentiality and privacy, as discussed below. Reports of Discrimination on the part of the Director of the OIE and/or Title IX Coordinator should be reported to Office of the President at ECU.

External inquiries may be made to:

- Equal Employment Opportunity Commission (EEOC)
Louisville Area Office
600 Dr. Martin Luther King, Jr. Place
Suite 268
Louisville, KY 40202
Phone: 1-800-669-4000
Contact: <http://www.eeoc.gov>
- Office for Civil Rights (OCR)
Philadelphia Office
U.S. Department of Education

The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: (215) 656-8541
Email: OCR.Philadelphia@ed.gov
Website: <http://www.ed.gov/ocr>

- Kentucky Commission on Human Rights
332 W. Broadway, 14th Floor
Louisville, KY 40202
Phone: (800) 292-5566
Email: kchr.mail@ky.gov
Website: <http://www.kchr.ky.gov>

One does not have to make an internal inquiry or Complaint in order to file a Complaint with any of the above-named external civil rights agencies.

Entities Affected and Scope

This Policy applies to all Reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the reported Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in existence at the time of the report will be used. The Complaint Procedures under this Policy, however, will be used to investigate and resolve all reports for incidents occurring on or after the effective date of this Policy, regardless of when the incident(s) occurred.

I. Persons Covered

This Policy applies to University students, University employees, vendors, contractors, minors, guests, and other third parties. In addition, this Policy applies to employees and students at Model Laboratory School, though all student conduct at Model Laboratory School shall be processed through Model Laboratory School's student conduct policies.

II. Locations Covered

This Policy later describes the locations covered by this Policy's prohibition of Title IX Sexual Harassment. This Policy applies to all other acts of Prohibited Conduct committed by or against students, employees or third parties, via On-Campus Conduct, University Programs and Activities, Off-Campus Conduct, and/or Online Communications.

Background

This policy updates Policy 1.4.1.P, Policy on Discrimination and Harassment, in light of the requirements

in the final Title IX regulations issued by the U.S. Department of Education on May 19, 2020, 85 Fed. Reg. 30026, as well as applicable case law. Violations of this Policy are subject to resolution using the process detailed herein and are not subject, unless otherwise noted below, to grievance and appeal procedures outlined in Policy 4.6.16, Dismissal of Faculty; Policy 8.3.1, Staff Grievances; Policy 4.7.4, Faculty Grievances; or Student Code of Conduct.

Procedures

I. The Office of Institutional Equity and the Title IX Coordinator

The Office of Institutional Equity (OIE) is responsible for addressing all allegations of discrimination, harassment and other conduct prohibited by this Policy. The Director of OIE is responsible for coordinating ECU's compliance with all federal, state, and local laws, as well as University Policies and Procedures, regarding discrimination and harassment other than discrimination and harassment on the basis of sex/gender. The OIE Director serves as the Coordinator for the University's efforts to comply with laws other than Title IX.

As part of OIE, the Title IX Coordinator's duties include overseeing the University's efforts to comply with Title IX, as well as other federal, state and local laws, as well as University Policies and Procedures, regarding discrimination or harassment on the basis of sex/gender, including its disciplinary Procedures, education and prevention efforts, and training. The Title IX Coordinator is responsible for coordinating the University's response to all Complaints involving possible sex discrimination as well as monitoring outcomes, assessing the campus climate, and addressing any patterns of systemic problems that arise during the review of such Complaints. The Title IX Coordinator is also responsible for coordinating the effective implementation of supportive measures, and implementing remedies arising from the Procedures in this Policy.

For purposes of interpreting authority for this Policy, the Title IX Coordinator is responsible for interpretation of issues of discrimination or harassment on the basis of sex/gender. The Director of OIE is responsible for interpretation of all other issues within this Policy.

II. Prohibited Conduct

This Policy prohibits discrimination and harassment in employment and in access to educational opportunities on the basis of actual or perceived membership in a protected class (race, color, religious belief, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, ethnicity, disability, medical condition, veteran status, genetic information, age, or any other characteristic protected by federal, state, or local law in its programs and activities). The University also prohibits retaliation.

The following acts are prohibited as Prohibited Conduct under this Policy and will be addressed by the University according to this Policy. Deliberately false and/or malicious accusations of

harassment, discrimination, or retaliation are serious offenses and will be subject to appropriate disciplinary action.

- Age Discrimination
- Dating Violence
- Discrimination
- Domestic Violence
- National Origin/Ethnicity Discrimination
- Non-Consensual Sexual Contact
- Pregnancy Discrimination
- Race/Color Discrimination
- Relationship Violence
- Religious Discrimination
- Remedies
- Retaliation
- Sex Discrimination
- Sexual Assault
- Sexual Exploitation
- Sexual Harassment
- Sexual Misconduct
- Sexual Violence
- Stalking
- Veteran Discrimination

III. Supportive Measures

Upon receipt of a Report or Complaint under this Policy, the University will offer supportive measures, as appropriate and as reasonably available to the Complainant and/or to the Respondent. Supportive measures are non-disciplinary, non-punitive, individualized services that must be offered without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint or where no Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's programs and/ or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter discrimination or harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon receipt of a Report or Complaint under this Policy, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the

Complainant's wishes with respect to supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. The Title IX Coordinator will contact the Respondent concerning supportive measures no later than issuance of notice that an investigation will be conducted.

Supportive measures may be imposed regardless of whether disciplinary action is sought by a potential Complainant or the University. A potential Complainant or Respondent may request a supportive measure, or the University may choose to impose supportive measures at its discretion to restore or preserve equal access to the University's programs and/or activities, ensure the safety of all parties, the broader University community, and/or the integrity of the process. The University will maintain the confidentiality of any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The University will promptly address any violation of the protective measures. The University will take immediate and responsive action to enforce a previously implemented restriction if such restriction is violated.

Emergency Removal and Administrative Leave: On an emergency basis, ECU may place a student on interim suspension, impose administrative leave for an employee, or otherwise remove a student or employee Respondent from or deny access to campus facilities, and/or all or part of the University's programs or activities during the pendency of the University's Procedures under this Policy. Prior to such removal, the University must undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of conduct prohibited by this Policy that would justify a Respondent's removal.

The University will provide the Respondent with written notice of an opportunity to appeal the removal decision immediately following the removal.¹ The written appeal request should state the reasons why the Respondent believes the removal should be overturned. The appeal request must be received by the Director of OIE within five (5) Business Days of the notification of the issuance of a temporary suspension. The Director of OIE will review the appeal to determine whether the decision was supported. The Director of OIE's appeal determination shall be sent to the Respondent within five (5) Business Days of receipt of the initial appeal request. The appeal determination by the Director of OIE is final.

During a temporary suspension, a student Respondent may be denied access to the University's campus, facilities, or events. As determined by OIE, this restriction includes classes, access to campus housing or dining facilities, and/or all other University activities or privileges for which the student might otherwise be eligible. Similarly, alternative coursework option may be pursued to ensure as minimal impact as possible on the Respondent and Complainant. A temporary suspension of a student Respondent may be enforced until the final disposition of the allegation has been made by the appropriate University official or hearing entity.

¹ This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, the Director of OIE may recommend that Human Resources place the employee on unpaid leave until such time as the matter is resolved. In the event that a Respondent employee is accused of a violation which does not constitute grounds for immediate dismissal under other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Director of OIE may recommend to Human Resources that the employee be placed on paid leave pending resolution of the matter. During temporary paid or unpaid leave, an employee may be denied access to the University's campus, facilities, or events. At the discretion of the Director of OIE, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

IV. Reporting

Any person may report a violation or alleged violation of this Policy (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute prohibited conduct), in person, by mail, by telephone, or by electronic mail or online portal, using the contact information listed for the OIE and/or Title IX Coordinator, or by any other means that results in the OIE and/or Title IX Coordinator receiving the person's verbal or written report. Such a Report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the OIE and/or Title IX Coordinator.

Where the University receives a Report or Complaint or otherwise has notice of a possible violation of this Policy, the University will take steps to understand what occurred and respond appropriately. With or without a Complaint, the University will provide supportive measures to the Complainant and the Respondent as appropriate.

Reports (including but not limited to Complaints) of violations of this Policy, including discrimination, harassment, and/or retaliation, should be promptly made to OIE, the Title IX Coordinator and/or any Mandatory Reporter. Any member of the University community may contact law enforcement, but no potential Complainant is required to do so.

Any individual may make an anonymous Report. Depending on the extent of information available about the incident or the individuals involved, however, the University's ability to respond to an anonymous Report may be limited. The Director of OIE and/or the Title IX Coordinator will review the anonymous Report and determine appropriate steps.

A. Reporting to Law Enforcement

The University strongly encourages all individuals to report any conduct that may be considered criminal to local law enforcement, in addition to reporting to the University. Reports to OIE and

criminal reports may be made simultaneously, however, the processes are separate (i.e., OIE is not required to relay reports it receives to law enforcement)

B. Reporting to the University

Individuals are encouraged to contact OIE and/or the Title IX Coordinator, either directly or through OIE's website, to make Reports of possible violations of this Policy. Information from these Reports will be shared as necessary with Investigators, witnesses, and the Respondent. Subject to the University's obligation to redress violations, every effort will be made to maintain the privacy and confidentiality of those initiating a Report.

C. Reporting by University Employees

Any University employee may report alleged violations of this Policy. However, University employees designated as Mandatory Reporters who receive Actual Notice of allegations of violations of this Policy involving a student, or who know, or in the exercise of reasonable care should have known, of allegations of violations of this Policy involving an employee, are obligated to report those allegations to OIE as soon as practicable after becoming aware of the allegations. Failure by a Mandatory Reporter to report allegations of misconduct as soon as practicable may result in disciplinary action up to and including termination. Some employees, such as University-employed counselors, are permitted to maintain the confidentiality of reports.²

V. Investigation and Resolution Process

The following sets forth the Procedures for the University's response to a Complaint or Report of an alleged violation or violations of this Policy. The University affirms its commitment to the fair, equitable, and impartial resolution of all Reports and/or Complaints made under this Policy.

In this process, the University will treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by following the investigation and resolution process described in this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in this Policy, against a Respondent. When the University has actual knowledge of Title IX Sexual Harassment, as defined in this Policy, in an education program or activity of the recipient against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent, including by following the requirements of the procedures described in this Policy. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The University recognizes, and will advise the parties, that there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding

² Information received as part of an Institutional Review Board ("IRB")-approved research project in which research subjects have been promised confidentiality is not subject to the reporting procedures outlined herein and researchers should adhere to the practices approved by the IRB.

responsibility is made at the conclusion of the investigation and resolution process.

The University will use the Preponderance of Evidence Standard to determine responsibility for any alleged violation of this Policy.

In all investigations and determinations of responsibility, the University will conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

A. Filing a Complaint

A Complaint may be filed with OIE, the Title IX Coordinator or any person with the authority to take corrective action on behalf of the University (as defined above). The Complaint may be filed in person, by mail, or by electronic mail or through the OIE online reporting portal, by using the contact information required to be listed for the OIE and/or Title IX Coordinator provided in this Policy.

In some instances, a Complaint may be signed by the OIE Director or Title IX Coordinator, which alleges a potential violation of this Policy and requests that the University investigate the allegation or allegations. The Complaint must state the specific allegations to be investigated by OIE as well as the scope of OIE's investigation. Where the Title IX Coordinator signs a Complaint, the Title IX Coordinator is not a Complainant and must comply with the requirements of these Procedures.

In all cases, the University will give consideration to the potential Complainant with respect to whether and/or how a Complaint is initiated and/or pursued.

B. Privacy and Confidentiality

The University will, to the extent permitted by law, keep confidential the identity of any individual who has made a Report or filed a Complaint under this Policy, 2) any Complainant, 3) any individual who has been reported to be the perpetrator of a Policy violation, 4) any Respondent, 5) and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, to carry out the purposes of any arising investigation, hearing, or judicial proceeding. The University does not restrict the ability of either party to a Complaint to discuss an investigation with other individuals.

The potential Complainant has the right to request that OIE and/or the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that OIE or the Title

IX Coordinator take no action in response to a Report. OIE and/or the Title IX Coordinator, as appropriate, have the responsibility for evaluating confidentiality requests. If the potential Complainant makes such a request, OIE will balance the request with its dual obligation to provide a safe and non-discriminatory environment for all University community members, and to remain true to principles of due process and fundamental fairness that require the University to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. OIE will make this determination consistent with the following considerations: 1) the seriousness of the conduct; 2) the respective ages and roles of the Complainant and the Respondent; 3) whether there have been other Complaints against the Respondent; and 4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought.

C. Conflicts of Interest or Bias

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any University employee or official involved in the process, including the Title IX Coordinator, Investigator, member of the ECC, member of the ECAC, member of the Board of Regents, or any person designated by the University to facilitate an informal resolution process. The University employee or official involved in the process must not have and should disqualify themselves in a matter or proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where:

1. The member has a personal bias or conflict of interest concerning a participant in the process, or has personal knowledge of disputed facts concerning the matter;
2. The member has a personal bias or prejudice against Complainants or Respondents generally;
3. The member was directly involved in the matter in controversy, or a subordinate whom the member previously supervised is involved in the matter, or the member was a witness to the matter;
4. The member or a person in their family is related to a participant in the process; or
5. The member is in the same Department or Work Unit as a participant in the process.

Failure of a University employee or official to disqualify themselves or notify OIE of potential conflicts of interest is considered a violation of this Policy.

A Complainant or potential Complainant and the Respondent have the opportunity to object to the participation of any University official or employee involved in the process (including the Title IX Coordinator, Investigator, hearing officer, or individual(s) designated to facilitate the University's Informal Resolution process on the grounds of bias or conflict of interest. The investigation or proceeding will be temporarily suspended and the Director of OIE or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) Business Days. If the University employee or official is found to have a bias or conflict of interest against either party, the

University employee or official will be removed from the matter and (when necessary) replaced. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of the University employee or official, whichever is first.

D. Sexual Predisposition and Prior Sexual Behavior of the Parties

The Complainant's or potential Complainant's sexual predisposition and prior sexual behavior are generally not relevant and will not be considered as evidence. However, either party's prior sexual behavior may be offered as evidence under the following limited circumstances:

- To provide that someone other than the Respondent committed the conduct alleged by the Complainant; or
- To prove consent by offering specific incidents of the Complainant's prior sexual behavior with respect to the Respondent. As noted, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

E. Timeframe for Investigations

The University strives to complete all investigations, hearings, and appeals within reasonably prompt timeframes. The University's goals are to complete investigations and hearings within 60-90 Business Days, including completion of the appeals process within 30 Business Days after receipt of the appeal and, if applicable, completion of the informal resolution process within 30 Business Days. These processes may be temporarily delayed or extended for a limited time frame for good cause. Good cause may include considerations such as the absence of a party, a party's advisor or witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. OIE will provide written notice of any delays and/or extensions to the parties and describe the reason(s) for the delays and/or extension.

F. Initiation of a Complaint

1. Intake Meeting

Upon receipt of a Report or Complaint, OIE and/or the Title IX Coordinator will promptly contact the Complainant for an intake meeting to discuss the availability of supportive measures under this Policy, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the potential Complainant is unknown, OIE and/or the Title IX Coordinator will make reasonable efforts to identify the likely potential Complainant and reach out to that person. During the intake meeting, OIE and/or the Title IX Coordinator will seek to get a basic understanding of the reported conduct so that it can appropriately assess key facts to determine how to proceed. Follow-up intake meetings will be had as necessary.

2. Initial Determination

OIE and/or the Title IX Coordinator will make an initial determination as to whether the reported conduct, if true, could constitute a violation of this Policy. This determination will be made based on information in the Report or Complaint as well as information provided by the potential Complainant during the intake meeting(s).

If the reported conduct alleges a violation of this Policy, if proved, the University will proceed to an investigation. For Complaints that include an allegation of sexual harassment, the University will consider whether the alleged conduct, if proved, would meet the definitions of Non-Title IX Sexual Harassment and/or Title IX Sexual Harassment.

If the reported conduct does not appear to allege a violation of this Policy, OIE and/or the Title IX Coordinator will close the matter if no Complaint has been filed or dismiss the Complaint if a Complaint has been filed. For allegations of Title IX Sexual Harassment, ECU will dismiss the Complaint as a Title IX Sexual Harassment Complaint if the Complainant is no longer enrolled or employed by ECU and/or if the alleged conduct did not occur in the University's education program or activity, or did not occur against a person in the United States. As appropriate, ECU may address the allegation(s) under another provision of this Policy.

OIE and/or the Title IX Coordinator will promptly provide written notice to the potential Complainant of its determination to close or dismiss a Complaint or any allegations therein, the reason(s) therefore, and the appeal process available for closures and dismissals.

The University may also dismiss the Complaint or any allegations therein, if at any time during the investigation, hearing or appeal:

- a. A Complainant notifies OIE and/or the Title IX Coordinator in writing that the Complainant would like to withdraw the Complaint or any allegations therein;
- b. For allegations of Title IX Sexual Harassment, the Respondent is no longer enrolled or employed by ECU; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

In all other instances, if OIE and/or the Title IX Coordinator determines that the

allegations, if true, could constitute a violation of this Policy, and that an investigation must commence, the matter will proceed to an investigation. Where the Complainant chooses to participate in the investigation, OIE will have the person confirm, in writing, their specific allegations as well as their understanding of the scope of the investigation (the “Complaint”).

The University may consolidate Complaints as to allegations of violations of this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

3. Notice of the Investigation to the Parties

OIE will notify the Complainant (or potential Complainant) and Respondent, in writing and simultaneously, of its decision to proceed to investigation of any alleged violation of this Policy. This notice will include a copy of the Complaint. Where a Complainant chooses to not participate in an investigation that is moving forward regardless, OIE will prepare a writing of the specific allegations as well as the scope of the investigation prior to the start of the investigation. The written notification to the Complainant and to the Respondent will include the following, where known at that time:

- a. A description of this Policy and the Procedures under this Policy, including any available Informal Resolution processes.
- b. A description of the allegations potentially constituting a violation of this Policy, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation of this Policy, and the date and location of the alleged incident, if known.
- c. Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Procedures in this Policy.
- d. The date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- e. Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be an attorney.
- f. Notice to the parties of the University’s student or employee code of conduct that prohibits knowingly making false statements or knowingly

submitting false information during the Procedures under this Policy.

For allegations of Title IX Sexual Harassment, the written notice must also include notice to the parties that they may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in a Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

The University will provide the Respondent with sufficient time to review the notice and prepare a response before any initial interview.

In the course of the investigation, the University will provide notice of any additional allegations to the parties if the University decides to investigate allegations about the Complainant or Respondent that are not otherwise provided in the initial written notice.

G. Informal Resolution

At any time prior to reaching a determination regarding responsibility, the University may offer and facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Informal Resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a Report or Complaint made under this Policy. The University recognizes that Informal Resolution options may, if implemented in concert with institutional values and legal obligations, be an appropriate means of addressing some forms of possible Prohibited Conduct reported under this Policy.

Informal Resolution is not appropriate for all forms of possible Prohibited Conduct under this Policy and OIE retains the discretion to determine which cases are appropriate for Informal Resolution. OIE will determine if Informal Resolution is appropriate based upon: 1) the willingness of the parties to participate in Informal Resolution; 2) the nature of the conduct at issue; and 3) the susceptibility of the conduct to Informal Resolution.

Participation in the Informal Resolution process is voluntary and the University will not require the parties to participate in an informal resolution process to resolve allegations of Prohibited Conduct under this Policy. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation at any time.

The University must obtain the parties' voluntary, written consent to the informal resolution process. The University will provide the parties with written notice disclosing: 1) the allegations; 2) the requirements of the Informal Resolution process, including the circumstances under which it precludes the parties from resuming an investigation arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal resolution process; and 3)

any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.

For allegations of Title IX Sexual Harassment, Informal Resolution, even if voluntary, will not be used unless and until a Complaint is filed with the appropriate University official and will not be used to address allegations that an employee sexually harassed a student. In addition, the University does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Complaints of Title IX sexual harassment under this Policy.

Individuals may be accompanied by an Advisor at any meetings related to the Informal Resolution process. Information shared or obtained during Informal Resolution will be treated as confidential to the extent permitted by law and will not result in subsequent disciplinary actions by the University, unless additional action is deemed necessary to fulfill the University's legal obligations.

OIE will keep records of any resolution that is reached, and failure to abide by the resolution may result in appropriate responsive actions.

H. Investigation Process

All investigations will be prompt, adequate, thorough, reliable, and impartial, incorporating applicable investigation techniques, including, but not limited to, interviewing relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information. The Complainant and Respondent have equal procedural rights throughout the investigation and resolution of a Complaint. The University provides periodic status updates, as appropriate, to the parties.

When investigating a formal Complaint and throughout the Procedures under this Policy, ECU will—

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on ECU and not on the parties provided that the University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for the Procedures under this Policy (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the University must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- Provide an equal opportunity for the parties to present witnesses, including fact

and expert witnesses, and other inculpatory and exculpatory evidence;

- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during the Procedures under this Policy, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or proceeding under this Policy; however, the advisor's role (except in cases alleging Title IX Sexual Harassment) is limited to quietly conferring with the party, and the advisor may not address any other participant or the hearing panel.
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

For allegations of Title IX Sexual Harassment, the University must also provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. In addition, prior to completion of the investigative report, the University must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format. The University must also make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

For all Complaints, University investigations may be delayed for a reasonable time when criminal charges based on the same conduct that initiated the investigative process are being investigated by law enforcement officials. The University will proceed under this Procedure regardless of the outcome of the law enforcement investigation or whether criminal charges are or are not filed. The University's process is separate and distinct from the criminal justice process.

I. Investigation Report

1. Preliminary Report

Once the investigation is complete, OIE or the Title IX Coordinator will prepare a Preliminary Report. The Preliminary Report is a written report that fairly summarizes relevant evidence gathered during the course of the investigation. The Preliminary Report will state specific factual findings and will include OIE's recommendation as to whether the evidence supports that Respondent has violated this Policy. The standard for determining each factual finding will be the Preponderance of the Evidence Standard.

The Preliminary Report will be provided in electronic format or in a hard copy to the parties and their advisors, if any, for review at least fifteen (15) business days prior to a hearing. The parties must respond to the Preliminary Report within ten (10) Business Days of receipt. The parties may provide: 1) a written response to the information and findings in the Preliminary Report, including the provision of additional clarifying information; 2) identification of new witnesses; and/or 3) submission of new evidence. OIE will review any responses provided and consider whether the responses establish a basis for additional investigation and/or for altering any information or findings in the Preliminary Report.

2. Draft Final Report

OIE will issue a Draft Final Report that will include: the Preliminary Report; the parties' responses to the Preliminary Report (if applicable); OIE's determinations regarding the parties' responses (if applicable); and OIE's preliminary finding(s) as to whether the evidence supports that Respondent has violated this Policy. The Draft Final Report will also, if applicable, describe any sanctions or discipline proposed for the Respondent or remedies for the Complainant. The Draft Final Report will be simultaneously provided to both parties. Factors relating to possible sanctions, discipline and remedies are described below.

The University will use the Formal Resolution Process in each of the following situations:

1. The alleged misconduct is Title IX sexual harassment as defined by this Policy;
2. The proposed sanctions include suspension or expulsion of a student Respondent or termination of an employee Respondent from the University's programs and/or activities;
3. Either party submits a written request to OIE or the Title IX Coordinator for the Formal Resolution Process to challenge the preliminary findings(s) of responsibility and/or the proposed sanctions, discipline and/or remedies. The written request for the Formal Resolution Process must be submitted within three (3) Calendar Days of the date on which the Draft Final Report was

provided. In the event that either party submits a written request for the Formal Resolution Process, OIE may recommend Informal Resolution, if appropriate based on the criteria set forth elsewhere in this Policy.

If Formal Resolution is not required as provided above or if the parties both submit a written waiver of their rights to have the Formal Resolution Process, OIE will inform both parties in writing simultaneously that the Draft Final Report, including the preliminary finding(s) and proposed sanctions, is final. This notice will be issued within ten (10) Business Days of the date on which the Draft Final Report was provided, and will also describe ECU's procedures and bases for the Complainant and the Respondent to appeal the Final Report.

J. Formal Resolution Process

1. Hearing Panel

Hearings for Title VII or Other Discrimination/Harassment Investigations

The Equity Complaint Council ("ECC") Hearing Panel is convened to make two separate decisions, both by majority vote. First, the ECC Hearing Panel will determine, by majority vote, whether the evidence and the witness testimony support a finding of "Responsible." Second, during the same hearing, the ECC Hearing Panel will determine, by majority vote, any applicable sanctions or discipline for violations of this Policy. The ECC Hearing Panel shall not re-investigate facts in a Complaint, and shall consider only the evidence presented and any facts that may be pertinent to the determination of responsibility and the sanctioning or discipline determination.

For Student Respondents, the ECC has been given the authority by the University's Board of Regents to impose a sanction for any violation by a student of this Policy, up to and including, suspension or expulsion. The ECC Hearing Panel shall consist of (1) faculty member, (1) staff member and (1) student member, as appropriate.

For Employee Respondents, all disciplinary recommendations will be made in accordance with Regulation 8.4.3, Progressive Disciplinary Action. The appropriate President/Vice President, in consultation with Human Resources, will review the recommendations and implement discipline. The ECC Hearing Panel shall consist of two (2) faculty members and (1) staff members or (2) staff members and (1) faculty member, as appropriate, to be selected from the pool at random.

Hearings for Title IX Investigations

For hearings stemming from allegations under Title IX, the hearing body shall consist of one person, the Title IX Hearing Officer. This person shall be an outside

party contracted by the University to do the following: 1) conduct and act as the Title IX Hearing Officer during the course of the hearing, asking questions and determining the relevance of any and all questions posed by either party to any other party; 2) assess credibility of all parties and witnesses at the hearing; 3) at the end of the hearing, and in a reasonable timeframe, decide responsibility, if any, on the part of the Respondent for any alleged Policy violation, and, where violations of this Policy are determined to have occurred, consult appropriate administration to assign sanctions for the Respondent.

The Title IX Hearing Officer shall set forth, in writing, all factual findings related to the hearing, all decisions related to the hearing, and, where applicable, all sanctions. This information shall be provided to the parties as soon as the information is made available by the Title IX Coordinator or OIE staff.

2. Restricted Communications

ECC Hearing Panel members shall not initiate, permit, or consider communications made to the Hearing Panel outside the proceedings concerning a pending or impending hearing, except as follows: 1) Communications necessary to perform their responsibilities and duties; and/or 2) Communication for scheduling, administrative, or emergency purposes, which does not address substantive matters. If a Hearing Panel member receives an unauthorized communication bearing upon the substance of a Complaint, the member shall promptly notify the Complainant, Respondent, University representative, and OIE and/or Title IX Coordinator of the substance of the communication and provide the parties an opportunity to respond.

3. Hearing and Sanctioning and Disciplinary Procedures

A. Pre-Hearing Procedures

When a matter is to be processed through the Formal Resolution Process, OIE or the Title IX Coordinator will notify both parties in writing of the date, time, and location of the ECC hearing at least five (5) Business Days prior to the hearing. OIE or the Title IX Coordinator will also contact and separately discuss with the Complainant and Respondent the hearing and sanctioning/disciplinary process.

The Complainant and Respondent shall submit to OIE or the Title IX Coordinator any information they wish to present at the hearing, the name of their Advisor, a list of questions, if desired, and a list of possible witnesses at least two (2) Business Days prior to the hearing.

A Respondent or Complainant may request to postpone the hearing for good

cause. The Respondent or Complainant shall submit to OIE a written request for postponement, including the reason(s) for the request, no later than one (1) Business Day prior to the scheduled hearing unless an unforeseen circumstance occurs. OIE will forward the request to the , for Title VII or Other Discrimination/Harassment related hearings or the Hearing Officer, for Title IX Hearings, who may accept or deny the request, after considering the nature of the request and the incident at issue.

B. Hearing Procedures

i. All Hearings

All hearings will be held in accordance with the following procedures:

- a. The OIE will be called as the first witness and will testify as to the preliminary findings of the investigation.
- b. Live hearings may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Both the Complainant and the Respondent may choose to request that the live hearing occur with the parties located in separate rooms with technology enabling the participants simultaneously see and hear the party or the witness answering questions each as one another.
- c. Both the Complainant and the Respondent are entitled to have one Advisor or support person present, who may be an attorney. For Title IX Hearings, both parties are required to have an Advisor who will advise them during the Hearing and will ask questions of any/all other witnesses and Parties to the matter. The University will not limit a Complainant or Respondent's choice of an Advisor or the Advisor's presence at any meeting or proceeding under this Policy; however, as described in this Policy, except in cases alleging Title IX Sexual Harassment, the advisor's role is limited to quietly conferring with the party, and the advisor may not address any other participant or the hearing panel.
- d. Both the Complainant and the Respondent may rebut unfavorable inferences.
- e. Both the Complainant and the Respondent may provide an impact statement.

- f. A record shall be made of the hearing and maintained in the OIE in compliance with the State University Model Records Retention Schedule.

- ii. ECC Hearings involving Non-Title IX Sexual Harassment

For ECC hearings regarding alleged violations of this Policy other than for Title IX Sexual Harassment, the following additional procedures apply:

- a. **Advisor's Role:** During the hearing, the Advisor or support person may confer only with the party they are advising and is not permitted to communicate to the hearing body or to any other hearing participant before, during, or after the hearing. An Advisor or support person may be dismissed if they attempt to directly participate in the proceedings or are otherwise disruptive, in the judgment of the majority of the ECC Hearing Panel.
- b. **Party's Participation:** Both the Complainant and the Respondent have the right to testify on their own behalf. However, neither the Complainant nor the Respondent is required to testify or be present at the hearing.
- c. **Questioning:** Both the Complainant and the Respondent may hear and question the other party and adverse witnesses. Questions from either the Complainant or the Respondent will be directed through the Hearing Panel.

- iii. ECC Hearings involving Title IX Sexual Harassment

For ECC hearings regarding alleged violations of this Policy concerning Title IX Sexual Harassment, the following additional procedures will apply:

- a. **Advisor's Role:** If a party does not have an Advisor present at the live hearing, the University will provide without fee or charge to that party, a list of ECU employees who serve as Advisors on a volunteer basis, and who may be, but are not required to be, an attorney, from which the party must choose. The chosen Advisor will conduct cross-examination on behalf of that party.
- b. **Opportunity for Cross-Examination:**
 - Each party's advisor must be permitted to ask the other party and any witnesses all relevant questions and follow up questions,

including those challenging credibility.

- Cross-examination must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally, notwithstanding the discretion of the University to otherwise restrict the extent to which Advisors may participate in the proceedings.
 - Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Title IX Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - If a party or witness does not submit to cross-examination at the live hearing, the ECC Hearing Panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the ECC Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing.
- c. Hearing Record: ECU will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties, upon request to University Counsel, through an Open Records Request, for inspection and review.

C. Sanctions/Disciplinary Actions and Remedies

Factors considered when determining a sanction or other disciplinary action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Class standing (hours earned) where necessary to determine the impact of the sanction on the Complainant, Respondent, or University community. The academic records of the parties shall not be considered in determining sanctions;
- Previous allegations involving similar conduct;
- Completion of required training related to this Policy;
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation;

- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation; and
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the community.

The following are the possible sanctions that will be imposed upon individuals who are found to be responsible for specific violations of this Policy. The sanctions listed below may be imposed singularly or in combination and second or subsequent offenses will receive more severe sanction. Possible sanctions include, but are not limited to:

- **Warning:** Notice, in writing, that continuation or repetition of this Policy violation may be cause for additional disciplinary action.
- **Censure:** A written reprimand for violating this Policy. This conduct status specifies a period of time during which the individual's good standing with the University may be in jeopardy. The student is officially warned that continuation or repetition of the prohibited conduct may be cause for additional conduct action including probation, suspension, or expulsion from the University. The employee is officially warned that continuation or repetition of the prohibited conduct may be cause for additional conduct action including probation, suspension, or expulsion from the University.
- **Disciplinary Probation:** Exclusion from participation in privileged activities for a specified period of time. For students, privileged activities may include, but are not limited to, elected or appointed offices, student research, athletics, some student employment, and study abroad. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other University Policy violations may result in further disciplinary action.
- **Restitution:** Repayment to the University or to an affected party for damages (amount to be determined by the University) resulting from a violation of this Policy. To enforce this sanction against students, the University reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.
- **Removal from Campus Housing:** Students may be removed from University housing and/or barred from applying for campus housing

due to disciplinary violations of this Policy.

- **Suspension:** Temporary exclusion from University premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the individual's conduct file and will be permanently recorded on a student's academic transcript. Conditions for readmission may be specified in the suspension notice.
- **Expulsion:** For students, permanent termination of student status and exclusion from University premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript. For employees, termination of employment, including permanent exclusion from University premises and other privileges or activities. Notice of this action will remain in the employee's conduct file.
- **Revocation of Admission and/or Degree:** For students, admission to, or a degree awarded by, the University may be revoked for fraud, misrepresentation in obtaining the degree or violation of University policies, the Student Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.
- **Withholding Degree:** For students, the University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Policy and Procedures, including the completion of all sanctions imposed, if any.
- **Other:** Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned.

For *Student Respondents*, sanctions imposed by the ECC Hearing Panel are implemented immediately upon receipt of ECC or Title IX Hearing Officer decisions. Sanctions of suspension and expulsion are permanently noted on a student's transcript.

For *Employee Respondents*, sanctions, discipline and remedies recommended by the ECC Panel or Title IX Hearing Officer will be forwarded to the appropriate Vice President/President and Human

Resources immediately for review and implementation.

The ECC Hearing Panel may also decide to provide remedies to the Complainant. Remedies must be designed to restore or preserve equal access to the University's programs and activities. Such remedies may include the same individualized services described in this Policy as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

D. Written Determination

Both the Complainant and the Respondent shall be simultaneously provided with a written determination, which will include:

- i. Identification of the allegations;
- ii. A description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact to support the determination;
- iv. Conclusions, using the Preponderance of Evidence Standard, regarding the application of the University's Policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's programs and activities will be provided by the University to the Complainant; and
- vi. ECU's appeal procedures and the permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

4. Appeals Procedures including Appeals for Tenured Faculty Respondent Subject to Termination Only)

The Respondent and the Complainant may appeal the University's closure or dismissal of a Complaint or allegations therein, as well as the Title IX Hearing Officer or ECC Hearing Panel's written determination of responsibility and/or sanctions or discipline. The University will implement the appeal procedures equally for both parties and will use the Preponderance of the Evidence Standard for its determination.

All appeals must be submitted in writing to the Director of OIE within five (5) Business Days of the receipt of the written decision rendered by the Title IX Hearing Officer or ECC Hearing Panel. The Appeal will then be forwarded to and considered by the University's Equity Complaint Appeals Council ("ECAC") for appeals involving sanctions other than suspension or expulsion; or, as required by Kentucky law, the Board of Regents for appeals involving sanctions of suspension or expulsion, except that a tenured faculty member has a right to appeal the discipline of termination to the Board of Regents pursuant KRS164.360 (see below).

Either party may appeal the ECC or Title IX Hearing Officer Determination of Responsibility and/or the sanctions or discipline imposed by the ECC or Hearing Officer. However, pursuant to KRS 164.360, in instances in which the Respondent is a tenured faculty member, the Complainant may appeal sanctions or discipline based on the claim that termination should have been imposed only in cases of Sexual Misconduct or Sexual Harassment.

When an appeal is filed by one party, the University will notify the other party in writing that an appeal has been filed. An appeal must be based on one or more of the following grounds:

1. **Procedural Error:** A procedural error occurred that affected the outcome of the investigation, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal.
2. **New Evidence:** New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome of the case, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which they chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.

3. **Conflict of Interest or Bias:** The Title IX Coordinator, Investigator(s), any member of the ECC Panel, or the Title IX Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
4. **Inadequate Justification:** There is inadequate justification for the sanctions or discipline.

The role of the ECAC or Board of Regents regarding appeals is limited. Appeals are not intended to be a full rehearing of the Complaint. The parties will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the investigation.

Appeals are confined to a review of the statements submitted by the parties and the investigative and hearing record for the grounds stated above, including but not limited to evidence presented at the hearing and documentation pertinent to the grounds for appeal. The ECAC and/or the Board of Regents shall not consider matters outside of the statements provided by the parties and the investigative and hearing record in making a determination.

ECAC members and/or the Board of Regents shall not initiate, permit, or consider communications made to them outside the proceedings concerning a pending or impending appeal, except as follows: 1) Communications necessary to perform their responsibilities and duties; and/or 2) Communication for scheduling, administrative, or emergency purposes, which does not address substantive matters. If an ECAC member or a Regent receives an unauthorized communication bearing upon the substance of a Complaint, the member or Regent shall promptly notify the Complainant, Respondent, University representative, and OIE of the substance of the communication and provide the parties with an opportunity to respond.

If the ECAC or Board of Regents determines that a submitted appeal does meet the standards for an appeal, the ECAC or Board of Regents will deny the appeal. If the ECAC or Board of Regents determines that a submitted appeal meets one of the appeal bases, the ECAC or Board of Regents will take appropriate action as indicated below.

1. **Procedural Error:** If it is determined that a procedural error occurred that affected the outcome of the investigation, including the findings and/or sanctions or discipline, the ECAC or Board of Regents will return the matter to OIE with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be

corrected by OIE (as in cases of bias), the ECAC or Board of Regents may order a new investigation with a new investigator.

2. **New Evidence:** If the ECAC or Board of Regents determines that new evidence should be considered that could affect the outcome of the investigation, including the findings and/or sanctions or discipline, the matter will be returned to the OIE to reconsider the Complaint in light of the new information only, and to reconsider the original findings as appropriate. OIE will prepare an Addendum to the Final Report, and provide the Parties with an opportunity to respond to the Addendum within ten (10) Business Days. If the ECAC or the Board of Regents determines that new evidence should be considered that could impact the sanctions or discipline, the ECAC or the Board of Regents may issue a new sanction or discipline.
3. **Conflict of Interest or Bias:** If the ECAC or the Board of Regents determines that the Title IX Coordinator, Investigator(s), a member of the ECC Panel, or Title IX Hearing Officer had a conflict of interest or bias as described above t that affected the outcome of the matter, the ECAC or the Board of Regents may order a new investigation and/or hearing with different University personnel.
4. **Inadequate Justification:** If the ECAC or the Board of Regents determines that there is inadequate justification for the sanctions or discipline, the ECAC or the Board of Regents may issue new sanctions or discipline.

The ECAC or Board of Regents will simultaneously notify both parties in writing of the outcome, including the result of the appeal and the rationale for the result. The decision of the ECAC or the Board of Regents shall be final.

Appeals for Tenured Faculty Respondent Subject to Termination Only

A Respondent who is a tenured faculty member has a right to appeal the discipline of termination to the Board of Regents, pursuant to KRS 164.360. Complainants may appeal based on the claim that termination should have been the discipline imposed only in cases of Sexual Misconduct or Sexual Harassment.

The following principles apply regarding the termination of tenured faculty members:

- The Board of Regents will hear the discipline appeal as soon as is practicable, but no later than the next regularly scheduled Board meeting. The decision of the Board of Regents is final and may not be appealed.

- Appeals based on new evidence will be remanded to the OIE Investigator who will then review the factual findings to determine if the new information changes the factual finding. If the Investigator determines that the factual finding has changed, the new factual finding will be sent to the appropriate hearing panel for sanctioning.
- A faculty member shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given to him or her to make a defense before the Board of Regents by counsel or otherwise and to introduce testimony which shall be heard and determined by the Board of Regents (KRS 164.360). In cases involving Sexual Misconduct or Sexual Harassment only, the Complainant shall have the same rights as the tenured faculty Respondent.
- All parties will be notified, simultaneously, of whether the disciplinary action appeal is accepted and the results of the disciplinary action appeal decision.

5. Student Withdrawal or Employee Resignation While Charges Pending

The University places a hold on the records of any student who has a Complaint pending that alleges the student violated this Policy. Should a student decide to voluntarily withdraw and/or not participate in the investigation and/or hearing, the process may proceed in the student's absence to completion. The hold will remain on the Respondents account even after withdrawal from the University, and the Respondent may not be permitted to register for classes and/or return to ECU without review by the Title IX coordinator.

Should an employee resign while an investigation is pending, the records of the Director of OIE and/or Title IX Coordinator will reflect that status. The investigation will be completed based on the information available. The University's response to any future inquiries regarding employment references for that individual will also reflect that the employee resigned while an investigation was pending. The Director of OIE and/or the Title IX Coordinator will act promptly and appropriate action to address the effects of the prohibited conduct upon the victim and the community.

6. Failure to Complete Sanctions and/or Comply with Sanctions

All parties are expected to comply with sanctions within the time frame specified by the sanctioning body. Failure to follow or complete the sanctions by the date specified – whether by refusal, neglect, or any other reason – may result in additional sanctions or disciplinary action under University Policy 8.3.4, Progressive

Disciplinary Action, or the Student Code of Conduct, or disciplinary action up to and including termination from the University.

VI. Records

OIE and the Title IX Coordinator maintain detailed records of each matter, including individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached, and reason(s) for the decisions reached. Complaints and information gathered in the course of an investigation will be kept private to the extent permitted by law. Records will be retained in accordance with the State University Model Records Retention Schedule.

For allegations of Title IX Sexual Harassment, the University will maintain records for a period of seven years of:

- i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- ii. Any appeal and the result therefrom
- iii. Any informal resolution and the result therefrom; and
- iv. All materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process. The University will make these training materials publicly available on its website.
- v. Records of any actions, including any supportive measures, taken in response to a Report or Complaint of Title IX Sexual Harassment, as defined in this Policy. ECU will, in each instance, document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its educational programs or activities. If ECU decides not to provide a Complainant with supportive measures, then ECU will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

VII. Training

ECU shall take steps to ensure that any individual designated as a Coordinator under this policy, Investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, receive training as required by applicable state and federal laws. The University will post the Title IX training materials on its website pursuant to the final Title IX

regulations.

VIII. Statement of Rights of the Complainant and the Respondent

A Complainant pursuant to this Policy has the following rights:

- To be treated with respect by ECU officials;
- To take advantage of campus support resources;
- To experience a safe living, educational, and work environment;
- In the case of Sexual Misconduct or Sexual Harassment allegations, to have an advisor during hearings and meetings;
- To refuse to have an allegation resolved through Informal Resolution procedures;
- To receive amnesty for certain student misconduct, such as alcohol or drug violations, that occurred ancillary to the incident;
- To be free from retaliation for reporting violations of this Policy or cooperating with an investigation;
- To have Complaints heard in accordance with these Procedures;
- To participate in any process regardless of whether the complaining individual serves as the Complainant or the University signs the Complaint;
- To be informed in writing of the outcome and resolution of the Complaint, sanctions where permissible, and the rationale for the outcome where permissible;
- To refer a Complaint to law enforcement and receive assistance doing so; and
- To have minimal interaction or contact with the Respondent.

A Respondent pursuant to this Policy has the following rights:

- To be treated with respect by Eastern Kentucky University officials;
- To take advantage of campus support resources;
- To experience a safe living, educational, and work environment;
- In the case of Sexual Misconduct or Sexual Harassment allegations, to have an advisor during hearings and meetings;
- To refuse to have an allegation resolved through Informal Resolution procedures;
- To receive amnesty for certain student misconduct, such as alcohol or drug violations, that occurred ancillary to the incident;
- To be free from retaliation for reporting violations of this Policy or cooperating with an investigation;
- To file a reciprocal Complaint if Respondent feels that they have experienced sexual misconduct or discrimination;
- To have Complaints heard in accordance with these Procedures;
- To participate in any process regardless of whether the complaining individual serves as the Complainant or the University stands as the Complainant;
- To be informed in writing of the outcome/resolution of the Complaint, sanctions where permissible, and the rationale for the outcome where permissible;

- To refer a Complaint to law enforcement and receive assistance doing so; and
- To have minimal interaction or contact with the Complainant.

Definitions

In addition to those terms defined above, the following terms also apply to this Policy:

- **Actual Notice:** Notice of violations of this Policy or allegations of violations to this Policy to a University's Title IX Coordinator or any Mandatory Reporter. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the Respondent. "Notice" as used in this paragraph includes, but is not limited to, a Report to OIE and/or to the Title IX Coordinator.
- **Advisor:** A party may choose to have another individual accompany them to meetings with the Investigator(s), or to a hearing. The advisor of choice may be, but is not required to be, an attorney. As described in this Policy, except in cases alleging Title IX Sexual Harassment, the advisor's role is limited to quietly conferring with the party, and the advisor may not address any other participant or the hearing panel.

In cases alleging Title IX Sexual Harassment, the parties may acquire their own third-party advisor, who may be, but is not required to be an attorney. If the party does not select a third-party advisor, the party may choose from a list of ECU employees who volunteer as advisors. Parties to cases alleging Title IX Sexual Harassment must be represented at the hearing by an advisor who will conduct cross-examination of the party's behalf. No exceptions.

- **Age Discrimination:** Discrimination on the basis of age, including but not limited to discrimination against people who are 40 years of age or older.
- **Board of Regents:** For the purpose of responding to appeals under this Policy, the Board of Regents shall not include the Title IX Coordinator, the Investigator(s), or any member of the ECC Hearing Panel.
- **Business Day:** A day during which University offices are open for regular business. The conclusion of a Business Day is considered the time of closure of University offices on a given day. Regular business hours at ECU are Monday through Friday, 8:00 AM to 4:30 PM. Regular business hours are subject to change, and without notice.
- **Coercion:** Threats of serious physical, emotional, or psychological harm to or physical restraint against any person; or any scheme, plan, or pattern intended to cause a person to

believe that failure to perform an act will result in serious harm to or physical restraint against any person.

- **Complainant:** A person or entity who is alleged to be the victim of conduct that could constitute a violation of this Policy.
- **Complaint or Formal Complaint:** A document filed by a Complainant, or signed by the OIE Director or Title IX Coordinator, that alleges a potential violation of this Policy and requests that the University investigate the allegation or allegations. The phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal Complaint. At the time of filing a Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University.
- **Consent:** Words or actions demonstrating a knowing, willful, unambiguous, and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is determined based on the totality of the circumstances. Consent to some sexual contact (such as kissing and fondling) cannot be presumed to be consent for other sexual activity (such as sexual intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Silence, passivity, or the absence of resistance alone is not consent. It is important to not make assumptions regarding whether a partner has consented to a sexual act. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue, and, if that happens, the other person must stop immediately. Consent cannot be obtained by force, threat, duress, coercion, misuse of professional authority/status, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another.
- **Dating Violence:** Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence, and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.³ Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior and may take the form of threats, assault, property damage, violence, or threats of violence to one’s self, a sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.
- **Discrimination:** Actions that deprive or limit access to education, employment, benefits, or

³ Violence Against Women Act (VAWA), 34 U.S.C. 12291(a)(10).

other opportunities and/or treat an individual differently on the basis of an individual's actual or perceived membership in a protected class (as listed in the categories noted in this Policy).

- **Domestic Violence:** A felony or misdemeanor crime of violence committed by: 1) a current or former spouse or intimate partner of the victim; 2) a person with whom the victim shares a child in common; 3) a person who is cohabiting with, or has cohabitated with, the victims as a spouse or intimate partner; 4) a person similarly situated to a spouse of the victim; or 5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Kentucky or the laws of the jurisdiction in which the crime was committed.⁸ Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior and may take the form of threats, assault, property damage, violence, or threats of violence to one's self, a sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.
- **Education Program or Activity:** Any location, event, or circumstance over which the University exercises substantial control over both the Respondent and the context in which the alleged violation of this Policy occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **Equity Complaint Appeals Council ("ECAC"):** The ECAC hears appeals involving student Respondents seeking an appeal unrelated to a sanction of suspension or expulsion, staff, and non-tenured faculty Respondents. The Council also hears appeals involving tenured faculty Respondents that do not involve termination. The members shall be the Senior Vice-President for Academic Affairs and Provost, the Vice-President for Finance and Administration, and the Dean of Students, or their designees when necessary. The members of the ECAC and the Board of Regents shall not include the Title IX Coordinator, the Investigator(s), or any member of the ECC Hearing Panel. The members of the ECAC and the Board of Regents shall receive training in accordance with the requirements of the final Title IX regulations, and shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- **Equity Complaint Council ("ECC"):** The ECC is a University Standing Committee appointed by the President based on the recommendation of the Director of OIE. It consists of a pool of tenured faculty members, staff members, and student members. The student members shall not participate in hearing processes involving employees. The members of the ECC shall not include the Title IX Coordinator, the Investigator(s), or the members of the ECAC or Board of Regents. The members of the ECC shall receive training from the University and shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

- **Force:** Includes words, conduct, or appearance that causes an impairment in another.
- **Incapacitation:** A state where an individual lacks the physical and/or mental ability to make informed, rational judgments and decisions (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacity could result from mental disability, involuntary physical restraint, and/or from the consumption of alcohol or other incapacitating drugs. A person can be intoxicated without being incapacitated.
- **Mandatory Reporter:** A University employee who has been designated as having the authority to institute corrective measures on behalf of the University. This includes:
 - Deans
 - Members of President’s Council
 - Coaches and Coaching Staff
 - Department Chairs
 - Employees in the Office of University Counsel
 - Employees in the Office of Human Resources
 - Academic Advisors
 - Supervisors, including anyone with a Coordinator, Director/ Assistant Director or Vice President title
 - Residence Advisors, Graduate Residence Hall Coordinators & Residence Hall Coordinators

The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University.

- **National Origin/Ethnicity Discrimination:** Discrimination against individuals because they are from a particular country or part of the world, because of their ethnicity or accent, or because they appear to be of a certain ethnic background. National origin discrimination can also involve treating people unfavorably because they are married to, or associated with, a person of a certain national origin. Discrimination can occur when the Complainant and the Respondent are of the same national origin.
- **Non-Consensual Sexual Contact:** Any physical contact, however slight, with another person of a sexual nature without that person’s consent. Non-consensual sexual contact could include, but is not limited to, unwanted touching or forced touching of another individual or attempting to sexually penetrate another individual.
- **Non-Title IX Sexual Harassment:** Any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise. Harassment can be divided into two types of conduct:
 - *Quid Pro Quo Harassment* – Submission to or rejection of such conduct is made, either

explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of the University's program or activity or is used as the basis for the University's decisions affecting the individual.

- *Hostile Environment* – Exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs and/or activities.

Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective. A hostile environment can be created by oral, written, graphic, or physical conduct. A determination of a hostile environment considers the totality of the circumstances and includes: 1) the degree of interference; 2) the type, frequency, and duration of the conduct; 3) the relationship between the Respondent and the Complainant; 4) the nature and severity of the conduct; 5) whether the conduct was directed at more than one person; 6) whether the conduct arose in the context of other discriminatory conduct; and 7) whether the conduct implicates concerns related to academic freedom or protected speech. A single instance may be sufficient for a finding of a hostile environment if the conduct is serious enough to reasonably support such a finding, particularly if the conduct is physical.

Sexual harassment is not limited to those circumstances in which the harasser only harasses members of the opposite sex.

- **Off-Campus Conduct:** This Policy applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any University Community Member on-campus or in any University employment or education program or activity. Off-campus discriminatory or harassing speech by employees may be regulated by the University when such speech is made in an employee's official or work-related capacity and/or when such speech causes a disruption to the educational or work environment.
- **On-Campus Conduct:** This Policy applies to conduct that occurs on-campus, including conduct on property owned or controlled by the University.
- **Online Communications:** Any online postings or other electronic communication by students or employees occurring completely outside of ECU's control (for example: not on University-owned or operated computing hardware, networks, websites, or between or among University email accounts) will be subject to this Policy when those online behaviors can be shown to relate to discrimination, harassment or other conduct prohibited by this Policy and has continuing adverse effects on, or creates a hostile environment for, any University Community Member on campus or in any University employment or education program or activity.

- **Pregnancy Discrimination:** Treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.
- **Preponderance of the Evidence Standard:** Evidence is such that it would persuade a reasonable person that a proposition is more probably true than not true. A finding that is “more likely than not” to be true would satisfy this standard.
- **Race/Color Discrimination:** Discrimination on the basis of race or because of certain race personal characteristics associated with race, such as hair texture, skin color, or certain facial features. Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to, or associates with, a person of a certain race or color. Discrimination can occur when the Complainant and the Respondent are the same race or color.
- **Relationship Violence:** Broad term that encompasses domestic violence, dating violence, and stalking, and could consist of a single act of violence or a pattern of violent acts that includes, but is not limited to, sexual or physical abuse.
- **Religious Discrimination:** Treating an individual unfavorably because of their religious beliefs or because they do not subscribe to a belief system. The law protects not only people who belong to a traditional, organized religion, but also others who have sincerely held religious, ethical, or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to, or associated with, an individual of a particular religion.
- **Remedies:** Measures taken by the University that are intended and designed to restore access or preserves equal access to the University’s programs and activities. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
- **Report:** Any report to OIE, the Title IX Coordinator, and/or any employee with the authority to take corrective action on behalf of the University (as defined above) of information that could constitute a potential violation of this Policy. The term “report” includes Complaints.
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy
- **Retaliation:** Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by applicable civil rights law and/or this Policy, or because the individual has made a Report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or

hearing under applicable civil rights law and/or this Policy.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a Report or Complaint of prohibited conduct, or a Report or Complaint of prohibited conduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

Retaliation does not include the exercise of rights protected under the First Amendment, good faith actions lawfully pursued in response to an allegation of a violation of this Policy, or charging an individual with a code of conduct violation for making a materially or deliberately false statement or accusation in the course of a proceeding under this Policy, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

- **Sex Discrimination:** Discrimination on the basis of an individual's sex. Sex Discrimination also covers sexual harassment and sexual assault. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex. Protection from sex discrimination extends to all students and employees, regardless of national origin, immigration status, or citizenship.
- **Sexual Assault:** An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI).⁴ This includes forcible rape and forcible fondling. Forcible rape is defined as any sexual penetration, no matter how slight, of the vagina or anus or any bodily opening with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim and committed by force, threat, coercion or through exploitation of another's condition of which Respondent was aware or which a reasonable person would have been aware. Forcible fondling is defined as 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 in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Sexual Exploitation:** Action of taking non-consensual sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to: 1) surreptitiously observing another individual's nudity or sexual activity or allowing another to observe

⁴ The Clery Act, 20 U.S.C. 1092(f)(6)(A)(v).

consensual sexual activity without the knowledge and consent of all involved; 2) non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity of the person being exploited, or distribution of such without the knowledge and consent of all involved; 3) exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances; 4) inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity; and 5) engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infection (STI) and without informing the other person of the infection.

- **Sexual Harassment:** Sexual harassment is not limited to those circumstances in which the harasser only harasses members of the opposite sex, and can occur when the claimant and the alleged perpetrator are members of the same sex. There are two types of sexual harassment prohibited by this Policy: Non-Title IX Sexual Harassment and Title IX Sexual Harassment.
- **Sexual Misconduct:** Sexual misconduct includes Sexual Harassment (Title IX and non-Title IX), Sexual Assault, Dating Violence, Domestic Violence, Non-Consensual Sexual Contact, Sexual Exploitation, and Stalking. The Commonwealth of Kentucky defines various violent and/or non-consensual sexual acts as crimes in KRS 510. The University may take action whether criminal charges are filed or not filed and the University's Procedures are substantively different from those used in the criminal justice system.
- **Sexual Violence:** A physical sexual act perpetrated without consent. This term incorporates all acts that fall within the definition of non-consensual sexual penetration (rape) and non-consensual sexual contact (sexual assault).
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.⁵ A "course of conduct" consists of two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical treatment of professional counseling. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.
- **Title IX Hearing Officer:** An individual contracted by the University to preside over a hearing to resolve alleged violations of Title IX. The Title IX Hearing Officer is responsible for maintaining order and determining the sequence of events during a hearing. The Title IX Hearing Officer may direct any person who fails to comply with procedures during the

⁵ VAWA, 34 U.S.C. 12291(a)(30).

hearing, disrupts, or obstructs the hearing to leave the hearing. The Title IX Hearing Officer is the decision-maker for all evidentiary and procedural issues. The Hearing Officer may not dismiss a matter that the Title IX Coordinator has determined is ripe for hearing.

- **Title IX Sexual Harassment:** As defined by the federal Title IX regulations issued by the U.S. Department of Education, conduct on the basis of sex that is:
 - Taken against a person in the United States;
 - Occurs in a University education program or activity;
 - Reported by or on behalf of a Complainant who, at the time of the report filing, was participating in or attempting to participate in a University education program or activity; and
 - Meets the definition of one of the following categories:
 - *Quid Pro Quo Harassment* -- An employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - *Hostile Environment* - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
 - Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined by this Policy."
- **University Community Member:** All faculty, staff, students, Board of Regents members, and volunteers functioning on behalf of the University, as well as anyone doing business for or with the University.
- **University Programs and Activities:** This Policy applies to conduct that occurs in the context of University employment or education programs or activities, including, but not limited to, the University's Model Laboratory School (with the exception of student conduct to be processed through Model's student conduct policies), University-sponsored study abroad, internships, graduate and professional programs, intercollegiate athletics, or other affiliated programs.
- **Veteran Discrimination:** Discrimination against an individual on the basis of that individual's veteran status or disabled veteran status.

Responsibilities

The Office of Institutional Equity and/or the Title IX Coordinator is responsible for administering this Policy.

Violations of this Policy

The University will act on any Complaint or notice of violation of this policy that is received by OIE, the Title IX Coordinator or any Mandatory Reporter. It is the University's decision whether or not to initiate an investigation into any report of a possible violation of this policy.

Interpreting Authority

Director of the Office of Institutional Equity and/or Title IX Coordinator

Statutory or Regulatory References

Executive Order (EO) 11246

The Vietnam Era Veterans' Readjustment Assistance Act (VEVRA)

Pregnancy Discrimination Act of 1978

Title IX, of the Education Amendments of 1972

Immigration Reform and Control Act of 1990 (IRCA)

Title VII of the Civil Rights Act of 1964

Title IV of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964

The Civil Rights Act of 1991 (CRA)

Equal Pay Act of 1963

Age Discrimination in Employment Act of 1967 (ADEA)

Title I of the Americans with Disabilities Act (ADA) of 1990

ADA Amendments Act of 2008 (ADAAA)

Rehabilitation Act of 1973

Kentucky Civil Rights Act (KRS 344)

Genetic Information Nondiscrimination Act of 2008

The Family Medical Leave Act of 1993

Any and all regulations pertaining to the above referenced acts found in the Code of Federal Regulations and/or the Kentucky Administrative Regulations.

Policy Adoption Review and Approval

Policy Revision

<u>Date</u>	<u>Entity</u>	<u>Action</u>
September 10, 2020	Board of Regents	Adopted
August 18, 2020	President David T. McFaddin	Adopted Interim
June 18, 2019	Board of Regents	Adopted
May 21, 2018	Director, Policy and Legal Operat	Editorial Change
September 25, 2017	Director, Policy and Legal Operat	Editorial Change
June 8, 2015	Vice Provost	Editorial Change
February 2, 2015	Board of Regents	Adopted
December 12, 2014	President Michael T. Benson	Approved
November 5, 2014	Provost Council	Approved
November 3, 2014	Faculty Senate	Approved
October 21, 2014	Student Government Association	Resolution of Suppor
October 16, 2014	Staff Council	Approved
September 5, 2014	President Michael T. Benson	Adopted Interim
September 27, 2011	Board of Regents	Adopted
July 1, 1999**	Board of Regents	Adopted
July 24, 1992**	Board of Regents	Adopted

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
January 25, 2010*	Board of Regents	Adopted
November 20, 2009*	President Doug Whitlock	Approved
August 1, 1991**	Board of Regents	Adopted

*1.4.1 P Non-Discrimination Policy

**1.4.2 P Sexual Harassment Policy



Eastern Kentucky University Policy and Regulation Library

1.5.3

Volume 1, Governance

Chapter 5, Governance

Section 3, University State of Emergency

Approval Authority: Board of Regents

Responsible Executive: President

Responsible Office(s): Public Safety and University Counsel

Issued: March 19, 2020

Effective: September 10, 2020

Next Review Date: September 2023

University State of Emergency

Statement

The University recognizes the need to prepare for the management of unexpected events affecting University operations, public health, or the well-being and safety of people on campus, including but not limited to severe weather, a natural or human-caused disaster, the outbreak of pandemic illnesses, and/or any other unforeseen circumstances, including instances requiring alteration or suspension of services and/or closure of operations. The policy provides information to leaders, supervisors, and employees related to human resource practices in the event of a declared University State of Emergency. The ongoing delivery of routine compensation and benefits is a priority.

Entities Affected

University Community

Procedures

A University State of Emergency shall be automatically triggered by a declaration of a "State of Emergency" issued by the Governor of Kentucky or other local officials, relating to a health or safety emergency impacting the University campus or service area. Additionally, the President may declare a University State of Emergency due to an event (or series of events) that has occurred or may be imminent, when such event, in the sole discretion of the president, may negatively and materially affect the University operations, public health, or the well-being and safety of students, faculty, staff, and visitors including but not limited to severe weather, a natural or human-caused disaster, the outbreak of pandemic illnesses, and/or any other unforeseen circumstances, including instances requiring alteration or suspension of services and/or closure of operations. The declaration of a University State of Emergency may cover any or all the campuses of the University. This policy addresses the implications of a declared

University State of Emergency, including the recovery period following a University State of Emergency in which portions of this policy would remain in effect.

The University will use information provided by local, state, and federal agencies and subject matter experts in making decisions related to the preparation, response, and recovery from such events.

The University State of Emergency shall cease at the earliest possible opportunity, with sunset reviews occurring every twelve months.

I. In Anticipation of a University State of Emergency

- University Communications and Brand Management staff and other designated University officials will communicate broadly and often on behalf of the University throughout any emergency situation.
- Unless directed otherwise, individuals who are able to work are expected to report for work.
- If it pertains to the University State of Emergency, the Division of Public Safety is responsible for communicating guidelines and responding to questions related to the prevention and handling of exposure in the workplace related to public health crises and pandemics. The guidelines will be developed with the advice of local, state and federal authorities and subject matter experts, and will be updated as the situation evolves.
- Only employees and officials with the requisite training and responsibilities will be asked to perform safety-sensitive functions. Depending on availability of personnel, training for new employees may or may not be available.

II. Declaration of a University State of Emergency

The President shall have the unilateral authority, in consultation with the Chair of the Board of Regents, President's Council, and other identified administrators, to make a declaration of a University State of Emergency.

When a University State of Emergency is declared, the Office of University Counsel may, in conjunction with the President, President's Counsel, and Chair of the Board of Regents, develop and implement University policies responsive to the nature of the emergency. These policies shall be reviewed and vetted following the policy development process outlined in University Policy 1.1.1P, Policy on Policies, when the University State of Emergency is lifted. Such review and vetting shall include the stakeholders set forth in 1.1.1P.

III. During a Declared University State of Emergency

- Human Resources shall be responsible for communicating guidelines and procedures that will apply to Employees' University-provided benefits, duties, and status during a University State of Emergency during the University State of Emergency.
- Unless directed otherwise, Employees who are able to work are expected to report for work, either physically or remotely.
- University Departments are encouraged to be as flexible as possible to enable all faculty, staff and students to work remotely, have flexible schedules, etc., but are still responsible for maintaining accountability and carrying out University Department responsibilities and duties.
- Employees may be assigned alternate duties to support the University in whatever capacity is needed.
- The duties and status of all Student Employees, including Graduate Assistants, shall be addressed by Human Resources for the duration of the University State of Emergency.
- The President or designee shall have the authority to further elevate the University State of Emergency to only requiring Designated Employees to report to work.
 - If such a designation is made, only Designated Employees must report for work. Designated Employees shall be identified when the University State of Emergency is declared. Designated Employees may be directed to work remotely but must report as instructed.
 - If such a designation is made, Non-Designated Employees are not required report to the workplace unless requested by their supervisor with approval from the appropriate VP (see below). However, Non-Designated Employees shall maintain regular contact with their supervisors as instructed and may be required to perform duties remotely.
- The same pay and healthcare benefits for all employees will continue throughout a University State of Emergency as if employees were working a regular schedule. Adjustments to compensation and to leave balances may be made following the University State of Emergency as required by circumstances. Healthcare benefits shall not be discontinued during a University State of Emergency.
- Supervisors are responsible for tracking the time of their employees throughout the University State of Emergency in order to make the proper adjustments to leave balances, if necessary, after the University State of Emergency has ended and all employees return to work as usual.
- Employees should follow procedures outlined by the University and their departments or unit for maintaining communication and direction about assignments.
- Departments that identify a need for Non-Designated Employees may offer alternative work arrangements, such as working from home or another work location. Supervisors may provide resources, as available, to allow Non-Designated Employees to continue performing their job duties to the extent possible, including available technology resources. The University will not reimburse any personal costs incurred for Non-Designated Employees working remotely, including, but not limited to, any

use of personal technology devices (phones, computers, printers, etc.) and utility costs (electricity, internet, etc.).

A. Conflicting University Policies and Deadlines

Declaration of a University State of Emergency shall suspend all deadlines established by University Policies. This Policy, and all decisions made under its authority, shall supersede any conflicting University Policy or procedures.

B. Paid and Unpaid Leave during a University State of Emergency

During a University State of Emergency, the University may continue to provide pay and benefits to all employees as if they were working their normal work schedules, even though alternative schedules or duties may be being performed. This status will continue until the University State of Emergency is lifted. The President has the authority to grant additional paid time to assist employees, particularly those Non-Designated Employees that do not have the ability to work remotely.

Supervisors are responsible for tracking workloads and projects, hours worked, hours assigned to various leaves, and any related expenses throughout the University State of Emergency. These will be utilized to adjust payroll records and leave balances following the University State of Emergency. Employees will be required to report, as instructed, on their attendance status throughout the University State of Emergency.

IV. Following a Declared University State of Emergency

The President shall determine whether policy provisions that apply to Employees prior to and during a University State of Emergency will remain in effect during the recovery period that follows and will communicate broadly those provisions to the University community in a timely manner.

Once a University State of Emergency is lifted, the President shall deliver a debriefing at the next regularly scheduled Board of Regents meeting, a copy of which shall be included in the official minutes.

Definitions

- **Department:** The organizational group with which an employee is identified; a department or division within a college or an administrative unit. University research and outreach centers are considered departments for the purposes of this policy.
- **Employee(s):** Faculty, staff or student employee. Graduate assistants are also included in this category.

- **Designated Employee:** An employee who has been designated as vital to the operations of the University, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well-being of the campus population and/or physical plant. Designated employees may be identified on a situational basis, e.g., in the event of a severe weather emergency only or in the event of a public health crisis. Designated Employees must be notified of their status as Designated and the location from which they can perform their duties on an annual basis.
- **Non-Designated Employee:** An employee who has not been identified as Designated Employee during a University State of Emergency. Designations can be changed at any time. Non-Designated Employees are required to work remotely to the extent possible during the University State of Emergency and must remain in regular contact with their supervisor.
- **Student Employee:** Non-exempt graduate and professional students, including Graduate Assistants, and all undergraduate students who work for the University.
- **University State of Emergency:** A University State of Emergency is in effect when the University president, or delegate, declares such a state. The University State of Emergency may be campus specific, restricted to particular areas of any campus, or may be campus or University-wide, depending on the circumstances at the time. During a University State of Emergency, special procedures will guide the utilization of paid and unpaid leave time in order to continue compensation and benefits throughout the period of emergency. The University State of Emergency shall cease at the earliest possible opportunity.

Responsibilities

President

- Determines the University's appropriate course of action in managing high rates of absenteeism due to unexpected catastrophic event.
- Declares a University State of Emergency when appropriate.
- Communicates regularly and repetitively to the campus and neighboring communities about the emergency status.

President's Council

- Facilitates communications and policy decisions where necessary.

Division of Public Safety

- Advises and consults on issues related to workplace exposure.

Office of Human Resources

- Provides resources and tools for units to track employee payroll status throughout the University State of Emergency.
- Provides guidelines and consultation on human resource policies and issues such as compensation, flexible scheduling, assignment of work, benefits, telecommuting, job sharing, etc.
- Communicates changes to standard processes and procedures.
- Determines continuation of leave programs based on the conditions of the emergency.

Chair of Department (Unit Supervisor)

- Determines essential positions and their back-ups. Discusses designations with impacted employees and communicates to employees annually.
- Maintains confidentiality of emergency contact information to the extent allowed by law.
- Provides employees, supervisors, and leaders with regular, repetitive updates using a variety of communication mechanisms.
- Plans for and provides flexible work arrangements in response to a variety of disturbances and individual needs.
- Communicates work expectations to faculty, staff, graduate assistants, and student employees regularly and repetitively.
- Implements directives.

Employee

- Provides department with current emergency contact information, and updates it on an on-going basis.
- Discusses alternative work arrangements such as working from home or another location in case of a University State of Emergency with their supervisor.
- Contacts department to determine need to report for work.
- If approved by the department, reports for work when able and appropriate, whether on campus, at home, or at another location.
- If unable to report to work, updates department of condition or whereabouts as soon as possible.
- Communicates specific requests and needs to department.

Violations of the Policy

Failure to comply (i.e., failure to continue to work as directed) may lead to the full range of available University sanctions applicable including suspension, dismissal, termination, and where applicable, exclusion from University Property.

Interpreting Authority

President's Council

Policy Adoption Review and Approval

Policy Issued

Date

September 10, 2020

March 19, 2020

Entity

Board of Regents

Interim President McFaddin

Action

Adopted

Approved as Interim



Eastern Kentucky University Policy and Regulation Library

7.1.1

Volume 7, Physical Resource Management

Chapter 1, Facilities Usage

Section 1, Scheduling of University Facilities

Approval Authority: Board of Regents

Responsible Executive: Director of Conferencing and Events

Responsible Office(s): Office of Conferencing and Events

Effective: June 8, 2009

Issued: June 8, 2009

Last Revised: September 10, 2020

Next Review Date: September 2023

Scheduling of University Facilities

Statement

All facilities operated by Eastern Kentucky University are administered by Policies established by the Board of Regents or its designees, and they are managed within these policies by colleges, departments and programs to which they are assigned by the Office of the President. This Policy establishes a framework for the convenient and efficient use of campus facilities and outdoor space by internal and external groups, through a University-wide centralized coordination of scheduling via the Office of Conferencing & Events and the Office of the Registrar as delineated below. The authority to supersede the usage of any facility on campus is vested in the Office of the President.

Entities Affected

All Eastern Kentucky University faculty, staff, and students, as well as external constituents to the University.

Procedures

I. Priority Scheduling and University Historical Events

Eastern Kentucky University will attempt to honor reservations for University Facilities, including campus facilities and/or outdoor space, but reserves the right to change reservation assignments or to cancel any previously scheduled reservation if such change or cancellation is necessary to meet the needs of the University because of emergencies.

If the designated place of an event is found inaccessible, the University has the right to provide a reasonable modification to the space to meet the need or if it is not prudent or feasible by cost or time limitations to meet the access need, ECU may offer an alternate location.

The University is not responsible for any costs or damages suffered by a sponsoring group as a result of such change or cancellation.

The following priority hierarchy is used for scheduling facility appropriate uses for these spaces:

1. University Academic Courses
2. University Academic Activities and Events
3. University related activities and events
4. Events sponsored or co-sponsored by the University in partnership with an External Constituent
5. Events sponsored by a non-University constituent

Certain historical University events may take precedence over the above priority of scheduling. Some of these Historical Events include:

- Big E Welcome
- Commencement
- Convocation
- Deck the Halls
- Homecoming (activities and events organized by the University)
- Intercollegiate Athletic events
- Kentucky Special Olympics
- Kentucky All 'A' Classic Basketball Tournament
- Kentucky All 'A' Classic Scholarship Competition
- Kentucky All 'A' Classic Golf Tournament
- Kentucky All 'A' Classic Volleyball Tournament
- Orientation and New Student Days
- Spotlight Days
- Upward Bound

II. Scheduling Academic Courses

The Office of the Registrar schedules all Academic Courses in University Facilities on the Richmond campus.

The Office of Conferencing & Events schedules the use of University Facilities for conferences, meetings, and events. This scheduling yields to the priority hierarchy stated above.

Academic Courses and Academic Activities and Events have first priority for scheduling purposes. When not scheduled for priorities 1 and 2 stated above, a facility may be used

only for activities and events which are consistent with appropriate use of space. Requests for reservations of facilities will be reviewed and scheduled on a first-come, first-served basis by the Office of Conferencing & Events.

A. Course Schedule Creation

The Office of the Registrar will partner and collaborate with academic units to develop the University academic course schedule, including the scheduling of those courses into spaces. The academic course schedule will be entered in the Banner System. Any changes to the location of Academic Courses will be made by the Office of the Registrar.

- B. Academic Courses at EKU Extended Campuses** are scheduled by the Office of the Registrar. Each extended campus director assigns rooms and shares these assignments with the Office of the Registrar for entry in the Banner System.

C. Priority-use & Multi-purpose Facilities

The Office of Conferencing and Events schedules the use of University Facilities for conferences, meetings, and events after Academic Courses have been scheduled for the existing and/or immediate proceeding term to accommodate course preregistration activity. Academic Activities or Events that are not an Academic Course will be coordinated through Conferences and Events using the Space Request Form (SRF). Departments will be notified once the change has been processed.

Priority use of the Powell building will be given to active Registered Student Organizations. Priority use of the Intramural Fields, Challenge Course, and Student Recreation Center will be given to Campus Recreation Programs.

All priority-use and multi-purpose facilities at extended campuses may be scheduled by the extended campus director who must share this booking with the Office of Conferencing & Events for input of the scheduled event into the centralized scheduling system.

III. Exceptions

Facilities are designed for a specific purpose; however, exceptions can be made by the Office of Conferencing & Events. The Office of Conferencing & Events schedules the usage of priority-use and multi-use facilities on the main campus.

IV. University Holidays & University Closures

Events will not be scheduled on official University holidays & University closures without prior written approval from the Office of Conferencing and Events.

Definitions

- **Academic Course:** The regularly scheduled meeting of a credit-bearing course or class listed in the ECU Course Catalog.
- **Academic Activity or Event:** A one-time meeting connected to an Academic Course or Academic Unit such as a guest speaker, etc. that requires space other than that designated to an Academic Course.
- **Event Scheduler:** An Event Scheduler is an individual reporting to the Office of Conferencing and Events that has access to schedule University Space via the University Centralized Scheduling Software. Event Schedulers operate under the parameters set forth in this policy as well as scheduling restrictions created in the University Centralized Scheduling Software.
- **External Constituents:** Non-University individuals, groups or organizations that are not affiliated with the University who use campus facilities and/or outdoor space for purposes within the mission of the University.
- **External Constituents in Partnership with ECU:** Non-University individuals, groups or organizations that are partnering with a university approved academic department or college, student organization or administrative office or unit to use campus facilities and/or outdoor space for purposes within the mission of the University.
- **Internal Constituents:** University approved academic departments or colleges, student organizations, and administrative offices or units within ECU.
- **Organizer:** Individual, (may be internal or external) responsible for organizing, coordinating and communicating all conference and/or event logistics with the Office of Conferencing & Events. Organizer may be ECU faculty, staff, student or an external constituent.
- **Sponsor:** Individual, group or organization (may be internal or external) who is ultimately responsible for the conference and/or event, including financial and legal obligations for using campus facilities and/or outdoor space. At times, the Organizer and Sponsor are the same individual, group or organization.
- **University:** Eastern Kentucky University (ECU)
- **University Facilities:** Overall, facilities (both indoor and outdoor space) on the main campus as well as the extended campuses that are owned and/or operated by Eastern Kentucky University. However, selected facilities on campus as well as the extended

campuses may be leased to other constituents for specific educational and general activities.

Responsibilities

- **Event Organizer**

- The event Organizer must conduct an event in a manner that complies with all policies regarding the use of campus facilities and/or outdoor space.
- The event Organizer assumes total responsibility including, but not limited to, financial and legal obligations for an event using campus facilities and/or outdoor space.
- Constituents and organizations (be they internal or external) organizing an event are responsible for any loss or damage incurred by the University resulting from their occupancy of campus facilities and/or outdoor space.
- ECU is not responsible for agreements between an Event Organizer and Event Sponsor.

- **External Constituents**

- External Constituents will pay all expenses related to the event, including, but not limited to, facility fees, administrative fees, indirect fees, security, food services, and audio/visual equipment.
- All External Constituents must be scheduled and coordinated through the Office of Conferencing & Events.

- **External Constituents in Partnership with ECU**

- All External Constituents in Partnership with ECU must be scheduled and coordinated through the Office of Conferencing & Events.

- **Internal Constituents/Student Organizations/Academic Courses**

- Internal Constituents are not permitted to negotiate the use of campus facilities and/or outdoor space with external organizations except in coordination with the Office of Conferencing & Events.
- All Internal Constituents (with the exception of academic courses scheduled in the course catalog) must be scheduled and coordinated through the Office of Conferencing & Events.
- All University-approved student organizations' requests must be scheduled and coordinated through Conferencing and Events via the Office of Student Life.
- All academic courses must be scheduled and coordinated through the Office of the Registrar.

- All Intramural Field, Challenge Course, and Student Recreation Center requests must be scheduled and coordinated through Conferencing and Events via the Office of Campus Recreation.
- **Office of Conferencing & Events**
 - The Office of Conferencing & Events schedules the use of University Facilities for conferences, meetings, and events when class is not in session and on weekends after all academic courses have been scheduled for the existing and/or immediate proceeding term to accommodate course pre-registration activity. All academic event requests that are not a credited course will be coordinated through the Office of Conferencing and Events.
- **Office of the Registrar**
 - The Office of the Registrar schedules all credit-bearing classes on the Richmond campus.
- **Scheduling Approvers notification**
 - A temporary replacement must be identified should an Event Scheduler be out of the office for an extended period of time. The replacement should have the authority to handle approvals for campus facilities and/or outdoor space.

Violations of the Policy

Violations of this policy may prohibit usage of campus facilities and outdoor space.

Interpreting Authority

President's Council

Statutory or Regulatory References

KRS 164.410

Policy Adoption Review and Approval

Policy Issued

Date
September 10, 2020
 June 8, 2009

Entity
Board of Regents
 Board of Regents

Action
Adopted
 Adopted



Eastern Kentucky University Policy and Regulation Library

8.3.8

Volume 1, Human Resources
Chapter 3, Work Policies and Procedures
Section 8, Teleworking (Interim)
Approval Authority: Board of Regents
Responsible Executive: Executive Director of Human Resources and Institutional Equity
Responsible Office(s): Human Resources
Effective: September 10, 2020
Issued: June 30, 2020
Next Review Date: September 2023

Teleworking

Statement

Teleworking is the allowance or assignment by the University for an employee to perform their job duties at an off-campus location, including the individual's home, for all or part of the workweek. The purpose of the policy is to allow workplace flexibility where such flexibility would still meet the needs, interests, and mission of the University as the employer and to ensure competitive advantages with other employers. Throughout this policy, the use of the word "teleworking" is intended to be synonymous with the word "telecommuting", the more nationally recognized term. Teleworking is not designed for, or intended to be used as, a substitute for in-home dependent care.

This policy does not apply to incidental or brief time periods that are best managed through the use of leave or other arrangements.

Entities Affected

University Employees

Procedures

General Information

No employee is entitled to or guaranteed the opportunity to telework. The continued successful operations of the University is of the utmost importance; thus, unit supervisors and department heads have the sole discretion to designate positions and/or individuals within their unit or department for an alternate work arrangement. Personal convenience, in-home dependent care, or other reasons of a personal nature are, in general, not adequate grounds for approval of teleworking requests. Therefore, the designation or termination of a position(s) or employee(s) for teleworking is neither grievable nor appealable.

To request consideration for a teleworking assignment, the employee must complete the teleworking agreement form and forward it to their supervisor. The supervisor, in turn, shall consider the operational needs of the unit, the job duties of the employee and whether a telecommuting employee could meet those needs. If approved, the supervisor will work with the employee to establish a clear schedule by which teleworking will take place. Supervisors shall forward the telework form to the Office of Human Resources, where it shall be added to the employee's personnel file. Faculty assigned to fully-online programs, or whose approved course load consists completely of all online courses, are exempt from the form requirement. However, Department chairs, deans may require on-campus presence to fulfil scholarly and service obligations of the faculty. Teleworking employees are not expected to telework on days when the University is closed.

In general, the acceptance of a teleworking assignment is voluntary on the part of the employee. Teleworking must not affect the performance requirements of the position. If approved to telework, employees will be expected to meet and perform all duties and responsibilities of a given position with appropriate levels of productivity and quality of work. Supervisors may require employees to report to a central workplace or video conference as needed for work-related meetings or other events to discuss work progress or other work-related issues.

If working from a home-based location, the employee will be expected to make arrangements which allow the work site to be a productive work environment during the agreed-upon work hours. Teleworking is not a substitute for in-home dependent care. The supervisor will clearly define the performance expectations and assess the employee's performance. If a decline in performance is noted, the arrangement will be cancelled.

Employees working from a location within their home are responsible for maintaining their work environment as a safe and productive work space. Work-related injuries occurring at the employee's home-based work location are subject to Kentucky Worker's Compensation laws. Teleworking locations are considered extensions of the employee's Primary Work Location during the time period outlined in the alternate work arrangement agreement.

The supervisor should consider material and equipment needs when considering an agreement for a teleworking arrangement with the goal of making the arrangement cost-neutral, i.e., no more equipment, supplies or expense should be necessary as a result of the alternate work arrangement than would be needed in the Primary Work Location.

The University will not be responsible for any additional costs associated with teleworking locations such as utilities, home maintenance, etc. The employee will be responsible for any tax implications of a home-based work location. For a home-based work location, the employee will be responsible for providing insurance coverage for equipment, supplies, etc. provided by the employee. The employee will be responsible for compliance with any local zoning ordinances or other restrictions related to maintaining a home-based work site. The University will not be liable for any fines, penalties, taxes or other expenses that may accrue as a result of any violation of applicable restrictions.

Care of the University-owned equipment, supplies, and records is the responsibility of the employee. Employees must protect confidential information. Copies of all records, papers, and

correspondence must be safeguarded by the employee to protect them from unauthorized disclosure, loss, or damage, and for their return to the appropriate University location.

At all times, employees must abide by all University policies, including, but not limited to: conduct, anti-discrimination, and work performance policies.

Special Circumstances

In the event of a University State of Emergency, this policy may be implemented by University administration on a widespread basis. In such cases, employees may be required to work from alternate sites off campus (including their homes) in order to meet the operational needs of the University. The President or President's delegate has authority to determine whether special circumstances exist to implement this Policy on a required and/or more widespread basis. The decision will be communicated to the entire campus community.

Designated employees will have already been notified of their status and arrangements to accomplish their tasks. Designated employees typically include employees in Information Technology, Accounting & Financial Services, Human Resources, Payroll, Facilities Management, Dining Services, Health Services, Public Safety, and other such areas/operations.

The implementation of this provision does not require individual signed teleworking agreements.

Definitions

- **Primary Work Location:** An employee's normal, on-campus work location.
- **University:** Eastern Kentucky University (EKU)
- **University State of Emergency:** A University State of Emergency is in effect when the University President, or President's delegate, declares such a state. The University State of Emergency may be campus specific, restricted to particular areas of any campus, or may be campus- or University-wide, depending on the circumstances at the time. During a University State of Emergency, special procedures will guide the utilization of paid and unpaid leave time in order to continue compensation and benefits throughout the period of emergency. The University State of Emergency shall cease at the earliest possible opportunity.

Responsibilities

- President
 - Declares a University State of Emergency when appropriate.
- Unit Supervisor/Department Head
 - Reviews employee applications to telework.
 - Considers the operational needs of the unit, the job duties of the employee and whether a telecommuting employee could meet those needs.

- Communicates clear expectations to employees approved to telework and maintains consistent communication with the employee to ensure understanding of the expectations.
- May terminate an agreement to telework if a decline in work quality exists or if the operational needs of the University are not met.
- Teleworking Employee
 - Maintain appropriate levels of productivity and quality of work.
 - Communicate with unit supervisor/ department head regarding any issues or questions.
 - Maintain a safe a productive workspace.
 - Make every effort to protect University records, supplies, and equipment.

Violations of the Policy

Failure to comply (i.e., failure to continue to work as directed) may lead to the full range of available University sanctions applicable including suspension, dismissal, or termination.

Interpreting Authority

President's Council

Policy Adoption Review and Approval

Policy Issued

Date

September 10, 2020
June 30, 2020

Entity

Board of Regents
President McFaddin

Action

Adopted
Approved as Interim



Eastern Kentucky University Policy and Regulation Library

11.2.1

Volume 11, Information Management

Chapter 2, Technologies

Section 1, Acceptable Use of Information Technology Resources

Approval Authority: Board of Regents

Responsible Executive: Chief Information Officer

Responsible Office(s): Information Technology

Issued: September 10, 2020

Next Review Date: September 2023

Acceptable Use of Information Technology Resources

Statement

This policy defines the privileges and responsibilities of computer and communications users at Eastern Kentucky University. It is the expectation that all members of the University community adhere to every aspect of this Policy. In addition to representing University policy, many items are mandated by federal and state laws. Violations may result in severe penalties, up to and including expulsion or termination from the University.

Entities Affected

All Users of Information Technology Resources

Procedures

I. Using Information Technology Resources

A. General Use of University Resources

1. University faculty, staff, and students must not share their individual accounts or passwords with others (this includes co-workers, friends, and relatives), acquire accounts for which they are ineligible, or maintain accounts and privileges which are not relevant to their current role and assigned responsibilities.
2. The use of information technology resources must comply with U.S. and international copyright and licensing laws and their acceptable-use provision. Such use must also comply with laws defined by the Digital Millennium Copyright Act of 1998. The transmission or storage of all reproduced, distributed, altered, enhanced and/or manipulated copyrighted material must have prior written permission of the copyright holder.

3. The policies in this code apply to all hardware and software that make up University resources, regardless of who owns the equipment or software licenses. Because resources are limited, all users must respect the priority of the purposes of university academic and administrative business.
4. University resources and support services shall be used only to conduct University academic and administrative business. Use of University resources by employees to support a personal, profit-making activity is strictly forbidden.
5. In order to maintain the safety of all faculty, staff, students, and visitors, as well as to comply with state and federal law, the University reserves the right to monitor all content on University resources. In addition, the University may limit or remove content or access to resources to protect University resources, or when it has been determined by an appropriate University official that there is a violation or potential violation of applicable University policies, contractual obligations, or state or federal laws. Individuals who use University information technology resources, including electronic communications, for any work-related or personal matters do not acquire an absolute right of privacy for data, documents and communications sent, received, or stored on University resources.

B. University Computer Labs

University information technology resources are provided to faculty, staff, and students for the purposes of study, research, services, and other work-related activities. Because resources are limited, all users must respect the priority of these purposes at all times.

To support these purposes, the University often provides users with computers, peripherals, software, networks, and electronic communication services, including email, Internet access, and electronic storage. Use of these devices and services shall not interfere with the user's responsibilities to the University, or conflict with this Policy. For example, computer users engaged in activities that are not directly related to work, study, research, or University-related service must yield their computers to others who need them for those purposes.

II. Protecting Information Technology Resources and Institutional Data

- A. Because information technology resources are limited and constitute a large investment by the University, all users must take proactive measures to protect these resources from malicious software, physical damage, and unauthorized access.
 1. Individuals must comply with University Information Security Policy to minimize risks from viruses, phishing, and other technological threats.

2. Individuals must comply with all software licensing provision, paying particular attention when installing software on multiple computers. No one should make copies of software for which permission to copy is not explicitly given. If the software does not allow users to copy it, then the software should not be copied.
 3. Individuals must not use their access to computer systems to maliciously destroy or alter University accounts, files, software or hardware. Individuals must not attempt to obtain resources for which they are ineligible, or deprive others of resources.
 4. Publishers may establish copyrights on digital material only in accordance with Eastern Kentucky University policies and U.S. laws.
- B. Individuals with access to view or change sensitive institutional data must maintain the appropriate confidentiality, integrity, and security of that information, in accordance with University policies, as well as state and federal laws.
1. Individuals must not access information beyond that directly related to their current job assignments. Disclosing protected information to any unauthorized person is a violation of federal law and can subject the violators to University administrative, criminal and civil penalties. In order to mitigate the incidental harms to individuals, any disclosures of protected information should be immediately reported to the Department of Information Technology.
 2. Individuals with access to Personally Identifiable Information (PII) must take special care to use and transmit the data in an acceptable manner to prevent interception or misuse.

III. Privacy of Information Technology Accounts

- A. Account passwords are the primary means of ensuring privacy. Individuals must not share accounts or passwords.
- B. When necessary for enforcing University policies or regulations, or state or federal law, or when cause exists, authorized University personnel may access an individual's accounts and content. This may be done without securing the individual's permission.
- C. University personnel who are permitted to access others' accounts for cause must do so only under the direction of authorized personnel.

- D. Electronic data and records will be released to appropriate authorities with authorization through a subpoena, warrant, or other legal directive and may be subject to Open Records Requests.

IV. Electronic Communications

- A. An official EKU email address is established and assigned by Information Technology for each admitted student; each current full- and part-time faculty; and each full- and part-time staff in support of University operations and initiatives.

1. All university communications sent via email will be sent to this address.
2. All employees will use their official university email address to communicate with students.
3. All official university business conducted internally and with outside agencies via email will be done through the appropriate university email account. Any exceptions must be approved by the Office of University Counsel.
4. The use of information technology resources for unlawful purposes is prohibited. Examples of unlawful use include, but are not limited to: defrauding, threatening, abusing, defaming, harassing, intimidating, or transmitting obscene messages or media.
5. Distributing spam and/or phishing email is an example of an improper use of University resources.

- B. Separation from the University

1. Students may access and use University technology resources until they graduate or become inactive. A student's status is determined using University records.
2. Employees may access and use University technology resources until their separation from the University.
3. A student or employee who has separated from the University is no longer authorized to utilize technology resources, even if their access has not been blocked by information technology services.

- C. The University provides support for ECU email only and is not responsible for the handling of email by other service providers. Users should be aware that unless an exemption applies under state or federal law, all electronic communications may be considered public records and are subject to being disclosed.

Definitions

- **Active Student:** Individuals who have been admitted to the University, are eligible to register for courses at the University, or have registered for courses at the University within the past two years.
- **Information Technology Resources:** Any technology, data, or service owned, housed, or contracted for use by the University, regardless of physical location.
- **Personally Identifiable Information (PII):** An individual's first name or first initial and last name; personal mark; or unique biometric or genetic print or image, in combination with one (1) or more of the following data elements:
 - An account number, credit card number, or debit card number that, in combination with any required security code, access code, or password, would permit access to an account;
 - A social security number;
 - A taxpayer identification number that incorporates a social security number;
 - A driver's license number;
 - state identification card number;
 - A passport number or other identification number issued by the United States government; or
 - Individually identifiable health information as defined in 45 C.F.R sec. 160.103, except for education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. sec. 1232g (KRS 61.931 (6) (a-f))
- **Protected Information:** Any data that is subject to government statute or regulation (i.e., HIPAA, FERPA, etc.).
- **University:** Eastern Kentucky University (EKU).
- **Users:** Anyone who uses Information Technology Resources.

Responsibilities

- Chief Information Officer
 - Oversees University information technology resources
- University Counsel

- Approves requests from external sponsors to use external sponsor's email account
- Users
 - Use IT Resources in compliance with this policy

Violations of the Policy

Violations of this policy could subject individual(s) to appropriate administrative and legal action; including any applicable provisions of faculty, staff, and student handbooks in coordination with other University units/departments.

Interpreting Authority

President's Council

Statutory or Regulatory References

Digital Millennium Copyright Act of 1998 (DMCA)
 Family Educational Rights and Privacy Act of 1974 (The Buckley Amendment) (FERPA)
 Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Policy Adoption Review and Approval

Policy Issued

Date
September 10, 2020

Entity
Board of Regents

Action
Adopted



Eastern Kentucky University Policy and Regulation Library

11.2.6

Volume 11, Information Management

Chapter 2, Technologies

Section 6, Web Governance

Approval Authority: Board of Regents

Responsible Executive: Director of Brand
Management

Responsible Office(s): Communications and Brand
Management

Effective: September 10, 2020

Issued: September 10, 2020

Next Review Date: September 2023

Web Governance

Statement

EKU's web presence is a virtual representation of the University as a place and as a community. The University's web presence must embody the culture, atmosphere, and experience of ECU. The University aspires for all digital guests to have an accurate, unified, accessible, and easy-to-use digital experience consistent with its brand and values.

This policy will ensure a consistent look and feel for ECU's digital presence through standardized processes, roles, responsibilities, and practices. A unified site with consistent, accurate messaging and a seamless user experience strengthens the University and supports ECU's constituents.

ECU's guiding web principles are to put users first, deliver timely and accurate information, remain consistent with its brand, comply with relevant State and Federal laws, and maintain a digital presence that aligns with ECU's strategic plan.

All University-Sponsored Websites are strategic assets that belong to the University, not any particular department or division. Departments serve as caretakers of their websites, experts in their content, and stewards of the ECU brand.

These websites provide a platform to showcase the University's best qualities and project a positive image. They are strategic assets that carry enormous influence and provide global access to all aspects of the University.

This Policy establishes the principles that guide practices regarding ECU's web presence. This presence includes any online information or service representing all or part of the University.

Entities Affected

Entire University community, external constituents, & guests.

Procedures

To have a site hosted on the eku.edu domain, use the University's content management system (CMS), and access ECU branding resources, a department or unit must abide by the following principles:

I. Content, Quality, and Workflow

- A. All Public-Facing content must adhere to ECU web and editorial guidelines as well as current accessibility standards. For more information please see Policy 1.3.5, Website and Other Technology Accessibility.
- B. The Communications and Brand Management team has full access to all areas of all ECU digital properties, and has broad authority to oversee, edit and remove content that does not comply with this Policy.
- C. All ECU departments must use a University-approved CMS. No other website development software (e.g., Dreamweaver) or other CMS (e.g., WordPress) can be used for Public-Facing websites without approval by the Web Governance Committee.
- D. The ECU Web Governance, which will representatives from a cross-section of the University, will set the strategic direction for the overall information architecture. All ECU pages must follow the navigation structure.
- E. The website shall not serve as a document repository. Document archives will be housed by each department internally.
- F. All content on all University-affiliated websites must be audited annually. Static (undated) content must be reviewed by Content Supervisors for continued accuracy and dated content must be updated/removed. If there is no one to review the content, the Web Governance Committee can remove or simplify the site.
- G. All University-affiliated social media content must comply with Policy 11.2.5, Social Media Communications.

II. Text

- A. All text should portray ECU and its constituents, events, programs, faculty, staff, and students in a positive manner. Content creators should be mindful to avoid innuendos, double-meanings, and other potential accidents that could be harmful to the image of ECU.
- B. The typeface, size, and color of text will follow all ECU branding standards.

- C. All text should be professional and consistent with the rest of ECU's web pages.

III. Logos and Branding

- A. The official ECU Branding is the only visual identity system that may be adopted for a University-Sponsored Website.
- B. Content Supervisors cannot alter the existing ECU logos and branding, and in no cases may departments or units create their own logo or graphic representation without the approval of Communications and Brand Management. **No exceptions.**
- C. The university has the full legal right and obligation to protect its materials; and certain non-authorized uses may violate University Policy, various handbooks, and the ECU Values.

IV. Mobile Applications and Third-Party Software

Colleges, departments, and centers should contact Communications and Brand Management prior to developing and launching Public-Facing mobile applications, web portals, or other third-party software to ensure the applications follow ECU branding standards, as well as best practices for Americans with Disabilities Act (ADA) compliance/accessibility.

V. Metrics

Website performance measurement tools have been embedded in all site pages to provide robust audience tracking. Analysis of these metrics can assist in marketing decisions to allow for continued improvement of the sites.

Departments shall not add any metric tracking script to any University-affiliated site without approval from Communications and Brand Management because the addition of metric tracking scripts can result in inaccurate data collection, processing, and/or reporting.

Communications and Brand Management is often asked to place third-party tracking code on eku.edu pages and will support the request provided it meets these requirements:

- A. The third-party platform will be paid for and actively managed by the requestor for at least 3 months to support statistical analysis of data generated.
- B. The third-party code does not interfere with any existing tracking code on the page(s) (e.g., Google Analytics, etc.) nor does it negatively impact server, site, or page load performance in any way.

VI. Multimedia

- A. Departments and units are encouraged to use photography on their sites. Photography should be appropriate to the subject matter of the website.
- B. Departments must have consent to use images not owned by ECU. Photo release waivers may be obtained from the University Counsel website.
- C. Minors must be protected on all ECU digital platforms.
- D. Content Supervisors may embed a photo and/or image in a page on their website. Please note, all photography and/or images must depict the University in a professional manner and be consistent with ECU brand standards. Clip art, cartoons and/or inappropriate imagery are not acceptable on the ECU website. Communications and Brand Management has broad authority to remove images, photos, and/or graphics that do not comply with this Policy and/or meet the ECU brand standards.
- E. Photos and Videos
 - 1. Photos and Videos must meet ECU's social media criteria and guidelines. The department is responsible for keeping images or videos up to date, and for providing images, captions, and other maintenance. Communications and Brand Management will work with the department to make sure the integration with its site is working properly.
 - 2. The strategic plan ensures a uniform, professional look to all faculty and staff photos featured on the official biography pages. Communications and Brand Management offers the opportunity for professional "head shots" on a regular basis. These are the preferred photos to use with faculty and staff bios or listings; others may be considered for approval.
 - 3. The same policies involving the unauthorized use of copyrighted material (whether ECU's or another party's) apply to photos and videos as on the rest of the website's content.

VII. Links

- A. All links must comply with current web content accessibility guidelines.
- B. Links directing guests off an ECU website should open in a new tab or window.
- C. Carefully consider what third-party website ECU is endorsing or "vouching for" by linking to that product, service, or entity. Non-governmental private organizations or businesses, unless under contract with ECU, should not be endorsed by ECU without careful consideration.
- D. All email addresses should be hyperlinked.
- E. It is the responsibility of Content Publishers and authors to monitor for broken links and to update any broken links in a timely fashion.
- F. Using university resources for private gain is strictly prohibited. This includes but is not limited to the use of affiliate links on University websites.

VIII. Web Help / Support and Emergencies

- A. Training: Content Publishers must complete CMS and website accessibility training before being granted CMS access to their ECU website. It is the Content Publisher's responsibility to remain up-to-date on changes to the CMS workflow process and complete additional training as needed. In some cases, Communications and Brand Management may require mandatory CMS or website accessibility retraining at its discretion.
- B. Account Access
 - 1. CMS access will be revoked for any Content Publishers who do not fulfill training requirements as outlined by Communications and Brand Management.
 - 2. CMS accounts are for individual use only.
 - 3. Inactive accounts will be reviewed on a case-by-case basis to determine if continued access is required.
 - 4. Requests for site access must be submitted by the Department Head or Unit Supervisor through the web request form. Access change requests from other users will not be processed. Students may not edit content within the eku.edu domain.
- C. Web Help Requests
 - 1. Requests for general assistance for a University-Sponsored Website must be submitted through the web request form. Please allow one to two business days for a response.
 - 2. Any requests submitted directly to a member of the Communications and Brand Management team will be redirected to the web request form.
- D. Emergency Requests
 - 1. In the case of a web emergency, such as an outage, please send an email to the University Web Developer or call 859-622-3000.
 - 2. For all other urgent requests, please submit the web request form. Requests due to operational issues such as lack of training, failure to plan for employee turnover, or lack of a backup editor/content contributor do not constitute an emergency and will be processed accordingly.

IX. Major Projects and Initiatives

Major projects, such as site redesigns, significant content changes, and new site launches must be completed in conjunction with and under the oversight of Communications and Brand Management. Such requests will be placed in the Communications and Brand Management queue according to department and strategic priorities and will be reviewed by the Web Governance Committee. To initiate this process, submit the web request form.

X. Copyright

- A. Copyright violation is a serious offense that comes with strict penalties for which the University itself may be held liable. It is the Content Supervisor's responsibility to ensure that their content, including text, images, video, and music, complies with all copyright laws. Content on the ECU website that infringes on copyright will immediately be removed by Communications and Brand Management, and the Content Supervisor will be notified.
- B. ECU is obligated and empowered by law to actively monitor the use of its own copyrighted materials and to protect them as necessary from unauthorized use, even by members of the ECU community, whether on websites or on official social media accounts. For example, unauthorized use of the ECU logo on student or departmental projects may constitute a copyright violation (as well as a violation of University policy), particularly if such materials are made publicly available.
- C. Secure and document prior authorization for all uses of the ECU logo and other copyrighted materials in online media. Unauthorized and/or inappropriate use of copyrighted materials may result in sanctions, such as the removal of web pages, removal from the Social Media Directory, and disciplinary action against individuals and organizations by their authorized governing bodies.

XI. Third-Party Advertising

No third-party advertising is allowed on the ECU website, such as banner ads or Affiliate Links. These will be promptly removed.

XII. Course Listings

To comply with official accreditation rules and regulations, all Course Listings must be kept up to date with the academic record. If a site is found to have descriptions that are not up to date with the academic record, Communications and Brand Management will promptly remove the descriptions and notify the Content Supervisor. Exceptions may be granted only for special topics and experimental courses that do not have descriptions in the enterprise resource planning site (currently Banner). In these cases, it is the Content Supervisor's responsibility to ensure that outdated listings are removed as quickly as possible. Exceptions must be granted and approved by Communications and Brand Management. To request an exception, use the web request form.

XIII. Event Listings & Promotion

Departments and/or units should submit for approval all University-Sponsored Events for publication in the ECU event calendar.

Definitions

- **Affiliate Links:** Any link that generates revenue on behalf of a third-party.

- **Course Listing:** A partial or complete listing of currently available courses found within the most recent version of the official University course catalog.
- **EKU Branding:** Guidelines identified in the University Visual Identity Guide maintained by Communications and Brand Management.
- **Public-Facing:** A University website that can be accessed by the public.
- **University:** Eastern Kentucky University (EKU)
- **University-Sponsored Event:** An event sponsored by a department or unit affiliated with the University.
- **University-Sponsored Website:** A website sponsored by a department or unit affiliated with the University.

Responsibilities

I. Web Governance Committee

The Web Governance Committee is responsible for:

1. Guiding the overall strategic direction of the University's positioning and messaging.
2. Overseeing the Content Supervisors and Content Publishers, and ensuring they are compliant with governance guidelines.

II. Communications and Brand Management

The user interface will fall under the management and supervision of Communications and Brand Management to maintain a consistent look or feel. Communications and Brand Management will be involved in and have decision-making authority over the look and feel and accessibility/compliance for all ECU branded sites, including those run by third parties.

III. Information Technology

Information Technology (IT) acts as caretaker of the web server operations and coordinates with third parties for services that are hosted elsewhere. Departments should work with IT to ensure compliance with related IT policies.

Information Technology shall:

1. Install, maintain, and upgrade web applications software such as ECU Direct, the University's course management system (currently Blackboard), and the web interface to Banner.

2. Collaborate with Communications and Brand Management and ECU's ADA Coordinator to review for any security, accessibility, or compatibility issues and remediate any identified noncompliance. Each website must have at least one person identified to fulfill each of the roles listed. In some cases, individuals may take on one or more of these roles for multiple sites, depending on the structure of the ECU web presence.

IV. Content Supervisors

Content Supervisors must be department heads or unit supervisors at ECU and should have ultimate responsibility for the accuracy of the content on their site. Their responsibilities include:

1. Guiding the overall strategic direction of their department's positioning and messaging.
2. Creating original content and/or collaborating with the Publisher to do so.
3. Identifying a primary and secondary Publisher for their department.
4. Requesting permission changes for Content Publishers (both granting and terminating access).
5. Ensuring Content Publishers complete and remain up to date with CMS training.
6. Approving all department-specific content on University-Affiliated Websites.

V. Content Publishers

Each department must have a year-round staff member (full-time or part-time) identified and trained as the primary publisher and a second year-round staff member (full-time or part-time) identified and trained as the secondary publisher. No other employees may edit or publish content on University-Affiliated websites. Content Publishers are responsible for the day-to-day maintenance of their website. Their responsibilities include:

1. Ensuring all content, including text, photos, videos and PDFs, is in accordance with the governance guidelines and University Policy 11.2.1, Acceptable Use of Information Technology Resources.
2. Creating content at the direction of, or in collaboration with, the department's Content Supervisor.
3. Completing and remaining up to date on CMS training.

Violations of the Policy

Violations of this policy will be handled on a case-by-case basis under Policy 8.3.4, Progressive Disciplinary Action, and continued and egregious violations will incur significant penalties, up to

removal of a site or other digital property from the eku.edu domain. Cases of ADA compliance/web accessibility violations will be handled on a case-by-case basis under Policy 1.3.5, Website and Other Technology Accessibility.

Interpreting Authority

President's Council

Policy Adoption Review and Approval

Policy Issued

Date

September 10, 2020

Entity

Board of Regents

Action

Adopted

EASTERN KENTUCKY UNIVERSITY

BOARD OF REGENTS

RESOLUTION

WHEREAS, Eastern Kentucky University (“University”) has previously issued the obligations listed in Schedule A attached hereto and made a part hereof (collectively, the “Bonds”); and

WHEREAS, the United States House of Representatives is now considering legislation that would temporarily authorize the University to issue advanced refunding obligations and cause the refinancing of the Bonds; and

WHEREAS, the University’s Board of Regents has determined it is in the best interest of the University to mitigate costs and enhance savings wherever possible in light of recent pandemic events, including in any eligible refunding of the Bonds;

BE IT THEREFORE RESOLVED that the University’s Board of Regents hereby authorizes and directs President, Dr. David T. McFaddin and Senior Vice President, Barry D. Poynter (collectively, the “Authorized Officers”), to take such actions and steps as may be necessary or appropriate to reduce the interest cost of the Bonds, including without limitation, the advanced refunding of the Bonds, if applicable. Provided however, that any such refunding actions with respect to the Bonds will occur on or prior to the Board of Regents’ Regularly Scheduled Quarterly Meeting scheduled for December 10, 2020, at which point, this authorization may be renewed by separate Board action.

Done this the 10th day of September, 2020, by the Board of Regents of Eastern Kentucky University.

Mr. Lewis Diaz
Chair, Board of Regents

Dr. Bryan Makinen
Secretary, Board of Regents

Revenue Bonds and Obligations	Year of Issue	Amount of Issue	Principal Balance 06/30/2020	Year of Final Maturity
General Receipts Bonds, 2011 Series A	2011	21,480,000	15,365,000	2031
General Receipts Bonds, 2012 Series A	2012	24,770,150	9,640,000	2024
General Receipts Bonds, 2015 Series A	2015	14,280,000	12,180,000	2035
General Receipts Bonds, 2016 Series A	2016	5,825,000	4,365,000	2027
General Receipts Bonds 2017 Series A	2017	46,140,000	43,120,000	2037
General Receipts Bonds 2018 Series A	2018	21,860,000	21,185,000	2038
General Receipts Bonds 2019 Series A	2019	5,265,000	5,265,000	2028