



**2026 ANNUAL SECURITY AND FIRE SAFETY REPORT
COVERING STATISTICS FROM 2023-2025**

The information in this report is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act and The Michael Minger Life Safety Act.



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Disclaimer

This Annual Security and Fire Safety Report (the "Report") is published by Eastern Kentucky University for purposes of complying with applicable federal requirements, including the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This Report is intended solely to provide the information required by applicable law and is not intended to create, and does not constitute, a contract, express or implied, between the University and any student, employee, or other person.

The policies, practices, procedures, and regulations described in this Report reflect those in effect during the applicable reporting period and at the time the Report was prepared. The information contained in this Report should not be relied upon as a representation that any particular policy, practice, procedure, or regulation remains in effect after the applicable reporting period. The University reserves the right to amend, revise, or discontinue its policies, practices, procedures, and regulations at any time, consistent with applicable law.

For the most current versions of University policies and regulations, please refer to the Eastern Kentucky University Policy website.



Your Safety Is Important!

Education is an essential element in maintaining a safe and secure Eastern Kentucky University community.

That is why the EKU Police Department has developed and assists campus partners with a variety of informative crime prevention and safety programs for students, faculty, and staff.

This report provides helpful information about our programs and services, as well as other facts required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998.

Your safety is important to us. I encourage you to familiarize yourself with our policies and take advantage of our programs. Only through the cooperative efforts of everyone in the University community can we make Eastern Kentucky University, the Richmond campus, and our regional campuses, safer learning environments.

Brandon Collins, Chief

EKU Police Department

EKU Police Department

The EKU Police Department is located at 701 Vickers Drive, Richmond, KY.

The EKU Police Department provides 24-hour patrol of the EKU campus buildings, parking lots, residence hall exteriors, and campus grounds. Patrol is by motor vehicle, bicycle, and on foot. Local law enforcement agencies provide patrol services to the regional campuses.

Officers receive a minimum of 20 weeks of basic training at the Kentucky Department of Criminal Justice Training (DOCJT) Police Academy in Richmond or state approved equivalency. Training includes first aid, firearms, defensive tactics, law, evidence collection, and traffic collision investigation, among other topics. Each officer then completes a 12-week field training program and maintains their certification with at least 40 hours of annual in-service training through DOCJT or KLEC-approved alternatives.

The Eastern Kentucky University Police Department has 25 authorized sworn police officer positions. These officers have full law enforcement authority, including arrest authority, on all University property and throughout Madison County. Their primary jurisdiction encompasses all University property and all roads and streets adjacent to the campus. Non-sworn employees of this department have no arrest authority.

The EKU Police Department maintains Mutual Aid Agreements with the Richmond Police Department, Madison County Sheriff's Office, Berea Police Department, and Lexington Metro Police Department. While these agreements do not pertain to the investigation of criminal incidents, the authority to investigate crimes originating on campus is granted to EKU Police by Kentucky Revised Statutes.



We also maintain a close working relationship with the Kentucky State Police, federal law enforcement agencies, and other appropriate elements of the criminal justice system. Additionally, the University is in daily contact with the Richmond, Corbin, and Manchester Police Departments to exchange criminal incident information, including off-campus locations owned or leased by student organizations recognized by the University.

Crime Reporting Policy/Campus Security Authorities

To facilitate accurate statistic reporting and ensure emergency notifications and timely warnings are made without delay, it is the policy of ECU that employees of the University with the following designated positions are considered to be "Campus Security Authorities" and must report immediately to the ECU Police Department all crimes or reports of criminal activity that are brought to their attention:

Athletics Departments: All directors, coaches, and trainers

Campus Recreation Center: All staff

Parking Services: All staff

Public Safety: All staff

Student Affairs: All staff

Office of Equal Opportunity and Title IX: All staff

Community & Global Engagement : All staff

Dual Credit: All staff

Housing & Residence Life: All staff

Student Conduct & Community Standards: All staff

Student Health Services: All staff

Education Abroad: All staff

Upward Bound: All staff

Campus Security Authority:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Professional mental health, pastoral, or other licensed professionals legally bound by professional/client privileges when functioning in that capacity are exempt from reporting requirements, unless they serve in another capacity on campus that has a function that qualifies them as a CSA; however, they are encouraged to inform persons they are counseling of the confidential and anonymous reporting procedures for the crime to be included in the annual security report.



Confidential Reporting

The University permits individuals to report crimes anonymously or confidentially for inclusion in the annual crime statistics disclosure and for assessment to be considered for a Public Safety Alert. If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report or asking someone else to report it on your behalf. With your permission, an Eastern Kentucky University Police Officer can file a report on the details of the incident without revealing your identity. The purpose of an anonymous or confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. All reported crimes may be investigated by the University and could become public record.

Preparation of the Annual Disclosure of Crime Statistics

The EKU Division of Public Safety prepares the Annual Security and Fire Safety Report in compliance with the Clery Act. The statistical information in this report has been compiled using information about crime and criminal activity obtained from campus security authorities, local police, and others. Crime statistics are gathered for buildings and properties owned or controlled by the institution and used for educational purposes. Information is supplied on a daily basis and statistics are compiled annually and disclosed as a report.

Students and others are encouraged to report crimes immediately to the EKU Police Department or to University employees listed above as Campus Security Authorities. Only through your help in promptly reporting criminal activity can the University take effective action to prevent crime, provide timely warnings of possible danger to the community, and to include the required reported criminal offenses in the Annual Security and Fire Safety Report.

The EKU Police Department maintains a daily crime log which is available to the public at <https://www.eku.edu/police-reports/>.

How to Report Criminal Actions or Emergencies

The EKU Police Department is open 24 hours a day. All emergencies on the Richmond campus should be reported immediately by dialing 911 from any campus telephone or, if by cell phone, **859-622-1919** (we recommend programming this into the speed dial of your cell phone). Non-emergency calls can be made by dialing **(859) 622-1111**. Non-emergencies can also be reported by coming into the EKU Police Department at 701 Vickers Drive.

The University has partnered with the Student Government Association to provide the EKU S.A.F.E. app which puts various safety services at your fingertips and allows real time communication with the EKU Police Department.



All criminal activity or emergencies at ECU's regional campus centers in Corbin and Manchester are to be reported directly to the local police department and to the Center's staff. The numbers for these departments are:

Corbin Police Department

Emergencies: 911

Non-Emergencies: (606) 528-1122

Manchester Police Department

Emergencies: 911

Non-Emergencies: (606) 598-8411

Response to a Report

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, Eastern Kentucky University Police Department or, for separate campuses, the appropriate local police department, will take the required action, either dispatching an officer or asking the victim to report to Eastern Kentucky University Police Department or the appropriate local police department to file an incident report. Crimes or emergencies reported to authorities which pose an imminent danger or an ongoing threat to the safety or security of the University community, will be considered for the issuance of either an emergency notification or a timely warning when reported within 5 days of the incident. All reported crimes may be investigated by the University and are subject to become a matter of public record.

Eastern Kentucky University Police Department incident reports which involve student conduct are forwarded to the Office of Student Conduct & Community Standards. ECU Police Investigators will investigate a report when it is deemed appropriate. If a sexual assault or rape should occur, staff on the scene, including ECU Police Officers, will offer the victim a wide variety of services.

Eastern Kentucky University will, upon written request, disclose to the alleged victim of a dating violence, domestic violence, sexual assault, or stalking, the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph.

Emergency Notifications – Immediate Threat

The ECU Alert Emergency Notification System may be used to communicate official information during an emergency or crisis situation that disrupts normal campus operation or threatens the immediate health or safety of the campus community.

The ECU Police Department and Public Safety receive information from various offices/departments on campus, as well as outside agencies (e.g., Richmond Police Department). This system is used to immediately notify the campus community that a dangerous situation or emergency exists involving an immediate threat

to the health or safety of students or staff on campus and when immediate action is required by the recipient.

If the ECU Police Department/Public Safety confirms (with the assistance of key campus administrators, local first responders or the National Weather Service) that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the ECU community, ECU Police Department/Public Safety may collaborate with the ECU Office of Marketing and Communications and/or other appropriate university administrators to determine the content of the message and will use some or all of the systems described below to communicate the threat to the ECU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The University can utilize an outdoor warning siren system, text messaging, voice messaging, email, desktop messaging, Alertus beacons, RSS feeds, Facebook, and X for notification purposes. Current students, faculty, and staff are automatically registered to receive notifications on their ECU email account, and on their mobile phone numbers, if and as provided, by the individuals, in their university records. Once registered, anyone can opt out of text messages at any time by texting STOP to 67283 or 226787. The ECU Police Department/Public Safety will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Initial and follow up information pertaining to a significant emergency or dangerous situation on campus will be sent using some or all of the systems listed below.

Eastern Kentucky University has implemented a multi-modal emergency notification system to inform the community about incidents and emergencies affecting campus. Systems include:

- **Siren System** - Audible sirens can be broadcast over four loudspeakers strategically placed on campus. This system can be activated by the ECU Police Department/Public Safety as well as Madison County Emergency Management Agency for weather and community emergency notifications.
- **Text Messaging** - An opt-out notification where a text message can be received on your mobile phone. ECU does not charge for this service; however, your carrier may have standard text messaging charges. Students are encouraged to enroll or re-enroll their phone numbers if there are changes to their numbers.
- **Voice Messaging** - An opt-out notification where a voice message can be received by your mobile or home phone. Students are encouraged to enroll or re-enroll their phone numbers if there are changes to their numbers.
- **Email Messaging** - This notification provides an email message about the event. Current students, faculty, and staff are automatically registered to receive notifications on their ECU email account

and cannot opt-out of this type of notification. You can opt-in to receive emails on other email accounts. Community members are encouraged to check their email frequently throughout the day to be sure they see any message sent by this alert method.

- **Network Messaging** - A visual notification made across university owned computers connected to the ECU network. This requires a program to be installed on the computer that monitors the server. When an alert is sent out, a pop-up box appears on the screen. No personal information is gathered or transmitted with the use of this alerting system. Additionally, Alertus Beacons have been installed in certain high census, high traffic, public areas, to conduct place notifications.
- **RSS Feeds** - A message can be posted on the University web pages.
- **Social Media** - ECU can use X and Facebook to send notifications to the community. These social systems require the user to check to receive any messages posted. Follow @EKUEmergency and/or EKUPolice on X and like ECU Emergency Management and/or ECU Police Department on Facebook.



Eastern Kentucky University
Clery Act Annual Security and Fire Safety Report for 2025

Methods to Use	Primary Message Creator and/or Sender is a Public Safety Team Member	Backup Message Creator and/or Sender is a Public Safety Team Member*	Others as Authorized by Public Safety** (e.g., Regional Campus Directors or Select School Administrators)	Authority for approving & sending messages
Primary				
Email Messaging	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Text Messaging	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Voice Messaging	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Siren System	Public Safety Team Member	Public Safety Team Member	NA	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Secondary				
Network Messaging	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
RSS Feeds	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Social Media	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Press Release	Chief Communications Officer or Designee	Chief Communications Officer or Designee		Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)



*Public Safety Team Member is any one of the following positions: Telecommunicator, Police Supervisor (i.e., Lieutenant/Sergeant), Chief Campus Operations Officer, Chief of Police, Director of Emergency Management and Security, or the Support Services Sergeant. Each position has the authority to create and/or send Emergency Notifications and/or Timely Warnings. Each position serves as a back up to the other positions. The message creator and/or sender is the most available team member with the most current and relevant knowledge about the situation. Alert methods to be used are determined by the message creator/sender based on the nature and severity of the event. Alert methods have been pre-determined for various events; however, methods may be altered as deemed appropriate by the message creator/sender.

**The Regional Campus Directors are authorized and responsible for creating and sending Emergency Notifications and/or Timely Warnings specific to their campuses.

To Register:

Registered students and regular university employees are automatically registered for Rave to receive notifications on their ECU email accounts and cell phones. Cell phone numbers come from University records and are loaded into the system for you. If your cell phone number is not in University records (i.e., Banner), or if your number has changed, you can check, verify, and enter your correct number following the steps below.

Current students, faculty, and staff:

- Log on to My ECU (<https://experience.elluciancloud.com/eku/>) and use your single sign-on authentication.
- On the Important Contacts Card, click on the Rave Emergency Notifications link.
- Under My Account you can check and edit your Mobile Phones, your Voice Only Line Contacts, and your Email. Click the Add Buttons to add additional Mobile Phones, Voice Only Line Contacts, and Emails. **Note: Email messages are automatically sent to all current ECU email addresses, and you cannot opt-out of receiving messages on your ECU email account.*
- To receive text and voice messages you can opt-in by entering your telephone number(s). Students and employees are encouraged to enroll or re-enroll their phone numbers if there are changes to their numbers.

Network Messaging:

All ECU issued computers have the Alertus network messaging program installed. If you wish to have the program installed on your personal PC or a MAC, please email Gary Folckemer at gary.folckemer@eku.edu.

Members of the Larger Community:

Other Community Members:

(Although registered students and regular university employees are automatically registered for Rave – Contracted employees and visitors are not automatically enrolled.)(Contracted employees and visitors are encouraged to register their mobile phone numbers to receive Emergency Notifications.)

- We have created the SMS (Short Message Service/Text) to Opt-In feature for the general public, contracted employees, visitors, parents, etc. Now, interested parties can subscribe to our text alert method for emergency notifications and timely warnings. This allows interested parties to text our keyword “EKUAlerts” (this is not case sensitive) to any one of a number of Rave short codes. Then, whenever we send a message to all users, they can receive the text alerts.
- Rave Mobile Safety's SMS short codes include: 67283 (MRAVE), 226787 (CAMPUS), 78015, and 77295.
- Texting "STOP" to any of these short codes will cancel alert messages.
- Texting "START" to any of these short codes will resume/reinstate the alert messages.
- STOP and START are not case sensitive.
- (Please Note) While Rave Mobile Safety does not charge our users for this service, message and data rates may apply. Depending upon the user's current mobile phone service plan and contract, their carrier may charge for text messages. Users should please refer to their current mobile phone service plan and contract for additional information.
- Be informed. Text “EKUAlerts” to 67283 (MRAVE), 226787 (CAMPUS), 78015, or 77295.
- Text messages are sent on an as-needed basis. This service is provided per the Terms of Use and Privacy Policy which can be found at the following web pages:
 - <https://www.getrave.com/help/Terms.action>
 - <https://www.getrave.com/help/Privacy.action>
- If you need help, contact gary.folckemer@eku.edu
- Additionally, by downloading the free ECU S.A.F.E. App, and enabling push notifications, you can receive ECU Alerts that are sent via our email alert method, from the app. See <https://www.eku.edu/in/guides/s-a-f-e-app/> for more information.

Timely Warnings

The University is committed to making timely reports to the University community of crimes that occur on campus or on property owned/controlled by ECU and used for institutional purposes that are reported to campus security authorities or local law enforcement and are determined by the Chief of Police or designee to present a serious or ongoing safety or security threat to students, employees, and visitors.

Timely Warnings (or Public Safety Alerts) will be made available to students and employees.

ECU Police will evaluate all Clery Act crimes which occur on or near ECU campuses and are reported within 5 days to campus security authorities or local police agencies for issuance of a timely warning. Timely warnings are for crimes which are considered by the institution to represent a serious and continuing threat to the campus community. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the ECU Police Department. For example, if an assault occurs between two students who have a disagreement, there may be no on-going



threat to other ECU community members and a Public Safety Alert would not be distributed. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the ECU Police Department.

In most instances, Public Safety Alerts are written and distributed by the Director of Emergency Management and Security or Support Services Sergeant. After determining that an incident requires a special report, the University will do the following:

- The ECU Police Department will post all Public Safety Alerts on its websites: <https://www.eku.edu/police-department/> and <https://www.eku.edu/emergency-management/>.
- The University Office of Communications and Brand Management will prepare a news release for dissemination to the media.
- Typically, the Chief of Police or designee will determine the best and most effective method of disseminating Public Safety Alerts to the University community. This may include blast email or other alert methods.
- All Public Safety Alerts will provide a general description of the incident and will provide crime prevention information that may aid in the prevention of similar occurrences.

Methods to Use	Primary Message Creator and/or Sender is a Public Safety Team Member	Backup Message Creator and/or Sender is a Public Safety Team Member*	Others as Authorized by Public Safety** (e.g., Regional Campus Directors or Select School Administrators)	Authority for approving & sending messages
Primary				
Email Messaging	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
EKU PD Web Page	Public Safety Team Member	Public Safety Team Member	Others as Authorized	Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)
Secondary				
Press Release	Chief Communications Officer or Designee	Chief Communications Officer or Designee		Chief Campus Operations Officer or Designee (e.g., Public Safety Team Member*)

Regional Campuses

In the event it becomes necessary to issue an Emergency Notification or Timely Warning at one of our Regional Campuses, the Regional Director of each campus is responsible for dissemination to their respective campus communities.

Emergency Response & Evacuation Procedures

The EKU Emergency Action Plan includes information regarding emergency response, shelter-in-place, and evacuation guidelines. In conjunction with other emergency agencies, the University conducts at least one emergency response exercise each year, which includes a tabletop or field exercise. Monthly testing of the Emergency Notification System is also conducted to assess and evaluate the emergency plans and capabilities of the institution. These tests may be announced or unannounced.

Additionally, EKU Police Officers have received training in Incident Command and Rapid Response. General information about the emergency response and evacuation procedures is publicized each year as part of the University's Clery Act compliance efforts and is available on the EKU Emergency Management website (<https://www.eku.edu/emergency-management/>).

Customizing Emergency Action Plans and periodic review and updating of these plans, is the responsibility of the individual facility leadership, in consultation with officials from Public Safety. General procedures for evacuation include the following:

Prior to Evacuating

- Communication should be accomplished in person, through telecommunications, or through the use of runners.
- A facility occupant should call 911 to report the emergency.

During the Evacuation

- When an alert is made, everyone must evacuate if they are able.
- Once outside of the building, all staff should report to the Emergency Assembly Area (a pre-designated location found in Appendix I: Building Evacuation Areas & Descriptions of the Emergency Action Plan).
- Locations are described in the Emergency Action Plans.

Fire

Generally, when a building fire alarm sounds, Kentucky law mandates that everyone must evacuate the building.

- Close your door as you leave.
- If possible, know two escape routes from wherever you are.
- If smoke or flame is detected, and no alarm is sounding, alert others as you exit.
- During the evacuation, go to the nearest exit or exit stairwell.
- Do not use the elevator.
- If smoke is present, keep low to the floor.

- Once outside, move away from the area.

When Evacuation is Not Possible

In a fire or fire alarm situation, always check doors to see if they are hot or warm to the touch before you open them. If heat or smoke prevents you from evacuating, return to your room and use towels or other cloth items to seal around the door. Hang a white object in the window and reclose the window (if it opens) as much as possible. Do not reopen your window (if it opens) unless forced to do so by smoke. After you have sealed your door, immediately call 911 and advise emergency responders of your location and situation. Wait for help to arrive.

Post Incident

At the completion of the incident, the Fire/Rescue Department or other appropriate Emergency Official(s) should release the building to the Facility Leadership. The facility should be pronounced “all clear” or “clear with conditions for re-occupancy”. The Facility Leadership should then communicate the “all clear” or the “clear with conditions” to the evacuated individuals.

Sheltering in Place

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as Tornado, Hostile Intruder, or Hazardous Material Release Outside, individuals should consult each relevant section of the Emergency Action Plan for guidance.

Emergencies change as they progress. The questions to ask yourself are: Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

Security Awareness and Crime Prevention Program

The University offers a variety of informative programs for students and employees dealing with how to report and prevent crimes. These programs are available several times a year and on request by student groups, employees, or individuals. During 2025, the ECU Police Department conducted or participated in security awareness and crime prevention programs. Students and employees are encouraged to be responsible for their own safety and the safety of others. Community members are encouraged to take part in the programs listed below to receive important tips and information pertaining to their personal safety. Please call (859) 622-1111 for further information on these programs. The programs include the following:

- **Student Orientation:** Informs attendees of Department services, general crime prevention, and how to report crimes.
- **Residence Hall Safety:** Informs attending staff of safety concerns and proper responses to emergency situations in the residence halls, including response to fires and fire alarms.
- **Sexual Assault Prevention:** Informs attendees of methods to protect themselves from sexual assault from strangers and acquaintances.
- **Drug and Alcohol Abuse Prevention:** The Police Department co-sponsors and participates in forums to assist University community members in preventing drug and alcohol abuse.

- **Bystander intervention:** Teaches attendees how to prevent power-based violence through proactive or reactive intervention.
- **Assault Prevention:** Informs attendees of ways to protect themselves from assaults.
- **Harassing Communications Prevention:** Informs attendees of ways to prevent harassing communications and of available resources if the crime occurs.
- **Crime Prevention Publicity:** Provides information on crime prevention both routinely and on an emergency basis by print, electronic media, direct postings, and mailings.

Additionally, the University provides the following services intended to make the campus safer:

RAVE Mobile Safety: Approved Eastern Kentucky University emergency notifications, timely warnings, and other important information via email and opt-out text messages and voice calls.

<https://www.eku.edu/in/guides/emergency-notifications/>

Big E Transit: The Big E Transit Service offers service to parking options near the campus exterior.

Escort Service: The department will provide a walking escort when requested by calling (859) 622-1111.

Emergency Telephones and Call Boxes: The University provides outdoor emergency phones (blue-light call boxes) at strategic locations on campus so people can easily and immediately report crimes and other problems.

Alarm Systems: The Department provides alarm systems and alarm system monitoring for alarms for fires, elevator safety and area intrusion security.

University Public Safety App: EKU S.A.F.E. (Provided by AppArmor and owned by Rave) is the Public Safety App for EKU. It provides efficient communication to the EKU Police Department for emergency calls, non-emergency calls, real time chat, and tip reporting. For more information visit:

<https://www.eku.edu/in/guides/s-a-f-e-app/>

Maintenance and Security of Campus Facilities

The Division of Facilities Management maintains University buildings and grounds with concern for safety and security. Staff inspect campus facilities regularly, make repairs affecting safety and security and respond to reports of potential safety and security hazards. A University Safety Committee routinely reviews campus lighting and other environmental concerns for safety and makes recommendations for improvement.

Parking lots, pedestrian walkways, and building exteriors are well lighted and the University's design criteria calls for a high level of illumination on all new buildings and surrounds.

There are over 900 networked security cameras installed in University buildings, residence halls, and parking lots.



Formal exterior lighting surveys are conducted by the Police Department on a weekly basis and forwarded to the Division of Facilities Management for action. Members of the University community are encouraged to report any exterior lighting deficiencies to the Division of Facilities Management at (859) 622-2966 or via the ECU S.A.F.E. app.

Exterior doors on campus buildings are checked each evening by building employees, Police Community Service Officers, or Police Officers. Door and security hardware operating deficiencies are also reported by these employees.

Shrubbery, trees, and other vegetation on campus are trimmed on a regular basis by Facilities Management.

Security and Access to Residence Halls

Eastern Kentucky University Office of University Housing & Residence Life provides housing in residence halls and apartments.

Members of the residence hall staff live in the residence halls and representatives are on call 24 hours a day. Each staff member is trained in enforcing residence hall security procedures.

Personnel are assigned shifts at the entrance of halls (except Grand Campus)

Monday – Thursday: 7:00 a.m. – 12:00 a.m.

Friday: 7:00 a.m. – 2:00 a.m.

Saturday: 10:00 a.m. – 2:00 a.m.

Sunday: 12:00 p.m. – 12:00 a.m.

Grand Campus Clubhouse Hours

Monday – Friday: 8:00 a.m. – 7:00 p.m.

Saturday: Closed

Sunday: Closed

(Hours modified during major campus events, i.e., move-in/move-out, home football game days, or days when many guests will be on campus.)

During the regular semester, all exterior doors to residence halls (except as noted) are secured at all times. Students access their residence halls by use of their issued proximity device. Exterior doors are checked periodically by the staff.

In cases where students are locked out of their room, procedures for unlocking rooms have been established to keep unauthorized people from obtaining room keys. These procedures are strictly enforced.

Door-to-door soliciting is not permitted in residence halls. Guests are no longer required to check into any of the residence halls. Guests must be escorted through the residence halls by the resident. Residents are encouraged to challenge the presence of strangers in the residence halls by reporting to hall staff or the ECU



Police Department. Occupancy limits are enforced in all halls. In super-suite and apartment style housing occupancy is limited to 12 people and in all other housing the limit is 4 people.

Regional Campuses

EKU Regional Campuses do not include residence halls.

Off-Campus Housing

EKU does not have any off-campus student housing.

Non-Campus Housing for Recognized Student Organizations

EKU does not have any non-campus housing for recognized student organizations.

Security of and Access to University Facilities

Most campus buildings and facilities are open and accessible to members of the University community and to guests and visitors during normal business hours Monday through Friday. Some facilities are open for limited periods on Saturday and Sunday. Most campus facilities are closed during holiday and break periods. Use of facilities after hours is limited to authorized persons only. ECU Police Officers and Police Community Service Officers conduct routine security patrols of the administration and academic buildings on campus to identify and address security related matters.

Alcoholic Beverages

The possession, consumption, or sale of alcoholic beverages on Eastern Kentucky University property is subject to Kentucky statute, city ordinances, and University regulations. ECU Police Department enforces Kentucky state underage drinking laws. All members of the University community are expected to obey these laws and regulations.

The University desires to preserve an environment compatible with academic endeavors without unnecessarily restricting exercise of legal privileges, while also promoting an environment where there is zero tolerance for underage drinking and alcohol education and counseling programs are readily available.

EKU desires to provide an environment for underage students where alcohol is not made available, alcohol consumption is not encouraged, and alcohol education and counseling programs are promoted. Consistent with this philosophy, the Board of Regents approved an alcohol policy that regulates the possession and consumption of alcohol on University owned or controlled property. The complete policy can be viewed on our website at <https://www.eku.edu/in/policies/service-sale-and-consumption-of-alcoholic-beverages/> (See Appendix A)

Illegal Drugs

The University does not permit the possession, use, sale, or distribution of illegal drugs on campus. The ECU Police Department enforces all federal and state drug laws. Any individual who possesses, uses, or distributes such drugs is subject to university disciplinary action, up to and including dismissal, as well as criminal penalties under state and federal law, which may include arrest, fines, and imprisonment. In

addition, Eastern Kentucky University is a drug free workplace. In 1988, Congress enacted the Drug-Free Workplace Act, which places certain responsibilities on Eastern Kentucky University as a recipient of federal grants and contracts. To be in compliance with this act, ECU adopted the Drug Free Workplace regulation which can be viewed in its entirety at <https://www.eku.edu/in/policies/drug-free-workplace/> (See Appendix B)

Drug and Alcohol Abuse Education Programs

Consistent with its mission, the University provides a variety of alcohol and drug-free social and recreational opportunities. The University also provides services and resources for community members who experience alcohol and drug-related difficulties. Resources for substance abuse may be found on the counseling center website at <https://www.eku.edu/counseling-center/>.

In 2022, the University rolled out the new online, reality-driven course, *Alcohol and Other Drugs*, designed to educate students on the risks of the abuse of alcohol and other drugs, and to teach successful strategies for handling dangerous situations related to these substances. The course features four modules: *Your GPA, Your Brain, Your Peers and Your Life*. Each section provides extensive, research-backed evidence of the detrimental effects alcohol and other drugs can have, and how social skills and interactions can help reduce harm associated with these substances. (Featuring Not Anymore content)

Information regarding the university's Drug and Alcohol Abuse Prevention Program can be accessed <https://www.eku.edu/in/guides/drug-and-alcohol-abuse-prevention-program-daapp/> (Appendix C). Keeping yourself informed is an important step in developing a healthy lifestyle and in knowing how to cope with problems. The University provides informative prevention programs throughout the year, including a variety of workshops and lectures on alcohol and drug-related issues, to support and encourage healthy, productive lifestyles. These programs are made available through:

Counseling Center: Whitlock Building, Room 571, (859) 622-1303

Student Health Services: Rowlette Building, Room 103, (859) 622-1761

EKU Police Department: 701 Vickers Drive, (859) 622-1111

For students with substance abuse problems or concerns, assistance is available at the Counseling Center. Experienced professional counselors at the Center offer support in an atmosphere of understanding and confidentiality. The Center offers individual assessment and referral to both on and off-campus resources.

Sex Offender Registration

In Kentucky, convicted sex offenders must register with the Kentucky State Police. You can link to this information which appears on Kentucky State Police website, by accessing <http://kspsor.state.ky.us/>. In addition, under the provisions of the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, Eastern Kentucky University will disclose information concerning registered sex offenders. You may also access this information at <https://www.eku.edu/in/guides/sex-offenders/>.



Missing Student Policy

Any University student, employee or other individual who receives a report that a student is missing, or has independent information that a student is missing, must immediately report the information to the ECU Police Department. If the ECU Police Department determines that the student should be considered missing, a missing person report will be filed.

Residential students will have the option to identify an individual to be contacted by the institution no later than 24 hours after the time that the student is determined missing. University Housing and Residence Life collects information as part of each student's housing application. ECU will keep the contact information confidential, and this information will be accessible only to authorized campus officials and law enforcement and it will not be disclosed outside of a missing person report.

The student is responsible for ensuring that the contact information is up-to-date and accurate. Changes to a student's emergency contact or missing person's contact information may be made at any time by logging into the student's housing portal account. Additionally, the student should update their personal information with the registrar office to have all changes made to Banner. If the student has registered a confidential contact, the University will notify them within 24 hours of the student being reported as missing.

The University is required to notify a custodial parent or guardian no later than 24 hours after a residential student is determined to be missing, if that student is under 18 years of age and not emancipated. Regardless of whether the student is over 18, is an emancipated minor, or has identified a contact person, University Housing & Residence Life or the Dean of Students will notify the ECU Police Department that the student is missing within 24 hours of that determination.

For full policy go to

<https://www.eku.edu/in/policies/administrative-regulation-9-3-1adr-missing-student-policy/>

(See Appendix D)

Sexual Assault/Sexual Misconduct

Eastern Kentucky University is committed to enforcing all laws and regulations that deal with sexual assault, including acquaintance rape. A student charged with sexual assault can be prosecuted under Kentucky Revised Statutes and can be investigated and, if found responsible, may be disciplined under the Policy on Discrimination and Harassment (1.4.1POL). Prosecution under KRS Statutes is separate and apart from the processes used by the Office of Equal Opportunity and Title IX at Eastern Kentucky University. The University considers the following violations to be sexual misconduct: Sexual Harassment, Sexual Assault (Title IX and non-Title IX), Dating/Intimate Partner Violence, Domestic Violence, Non-Consensual Sexual Contact, Sexual Exploitation, and Stalking.

Eastern Kentucky University does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, sexual assault, and stalking. As a result, Eastern Kentucky University issues this statement of policy to inform the community of our comprehensive plan, educational programs, and procedures to address all forms of sexual misconduct when reported to a University official, whether the incident occurs on or off

campus. In this context, Eastern Kentucky University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

For a complete copy of Eastern Kentucky University's policy governing sexual misconduct, visit <https://www.eku.edu/in/policies/discrimination-and-harassment-1-4-1pol/> (See Appendix E)

Definitions

There are numerous terms used by Eastern Kentucky University in our policy and procedures. Kentucky Revised Statute does not define "Consent" but instead KRS 510.020 defines Lack of Consent.

1. Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.
2. Lack of consent.
 - a. Forcible compulsion;
 - b. Incapacity to consent; or
 - c. If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
3. A person is deemed incapable of consent when he or she is:
 - a. Less than sixteen (16) years old;
 - b. Sixteen (16) or seventeen (17) years old and the actor is at least ten (10) years older than the victim at the time of the sexual act;
 - c. An individual unable to communicate consent or lack of consent, or unable to understand the nature of the act or its consequences, due to an intellectual disability or a mental illness;
 - d. Mentally incapacitated;
 - e. Physically helpless; or
 - f. Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.
4. The provisions of subsection (3)(f) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

Eastern Kentucky University's Policy on Discrimination and Harassment (1.4.1POL)

<https://www.eku.edu/in/policies/discrimination-and-harassment-1-4-1pol/> (See Appendix E) defines consent as "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."

Sexual Assault is any offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as any 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.

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances of force 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 his/her age or because of his/her temporary or permanent mental incapacity.

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

State Definitions

510.040 Rape in the first degree

1. A person is guilty of rape in the first degree when:
 - a. He engages in sexual intercourse with another person by forcible compulsion; or
 - b. He engages in sexual intercourse with another person who is incapable of consent because he:
 - i. Is physically helpless; or
 - ii. Is less than twelve (12) years old.
2. Rape in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.

510.050 Rape in the second degree

1. A person is guilty of rape in the second degree when:
 - a. Being eighteen (18) years old or more, he engages in sexual intercourse with another person less than fourteen (14) years old; or
 - b. He or she engages in sexual intercourse with another person who is mentally incapacitated or who is incapable of consent because he or she is an individual with an intellectual disability.
2. Rape in the second degree is a Class C felony, unless the defendant is a person in a position of authority or position of special trust as those terms are defined in KRS 532.045, in which case it is a Class B felony.

510.060 Rape in the third degree

1. A person is guilty of rape in the third degree when:
 - a. Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than sixteen (16) years old;
 - b. Being at least ten (10) years older than a person who is sixteen (16) or seventeen (17) years old at the time of sexual intercourse, he or she engages in sexual intercourse with the person;
 - c. Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020;
 - d. Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in sexual intercourse with a minor under eighteen (18) years old with whom he or she comes into contact as a result of that position; or
 - e. Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual intercourse; or
 - f. Being a peace officer, while serving in his or her official capacity, he or she subjects a person who the officer:
 - i. Arrested, held in custody, or investigated for commission of a traffic or criminal offense; or
 - ii. Knew or should have known was under arrest, held in custody, or being investigated for commission of a traffic or criminal offense; to sexual intercourse.
2. Rape in the third degree is a Class D felony.

510.070 Sodomy in the first degree

1. A person is guilty of sodomy in the first degree when:
 - a. He engages in deviate sexual intercourse with another person by forcible compulsion; or
 - b. He engages in deviate sexual intercourse with another person who is incapable of consent because he:
 - i. Is physically helpless; or
 - ii. Is less than twelve (12) years old.
2. Sodomy in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.

510.080 Sodomy in the second degree

1. A person is guilty of sodomy in the second degree when:
 - a. Being eighteen (18) years old or more, he engages in deviate sexual intercourse with another person less than fourteen (14) years old; or

- b. He or she engages in deviate sexual intercourse with another person who is mentally incapacitated or who is incapable of consent because he or she is an individual with an intellectual disability.
- 2. Sodomy in the second degree is a Class C felony, unless the defendant is a person in a position of authority or position of special trust as those terms are defined in KRS 532.045, in which case it is a Class B felony.

510.090 Sodomy in the third degree

- 1. A person is guilty of sodomy in the third degree when:
 - a. Being twenty-one (21) years old or more, he or she engages in deviate sexual intercourse with another person less than sixteen (16) years old;
 - b. Being at least ten (10) years older than a person who is sixteen (16) or seventeen (17) years old at the time of deviate sexual intercourse, he or she engages in deviate sexual intercourse with the person;
 - c. Being twenty-one (21) years old or more, he or she engages in deviate sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020;
 - d. Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in deviate sexual intercourse with a minor less than eighteen (18) years old with whom he or she comes into contact as a result of that position; or
 - e. Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to deviate sexual intercourse; or
 - f. Being a peace officer, while serving in his or her official capacity, he or she subjects a person who the officer:
 - i. Arrested, held in custody, or investigated for commission of a traffic or criminal offense; or
 - ii. Knew or should have known was under arrest; held in custody, or being investigated for commission of a traffic or criminal offense; to deviate sexual intercourse.
- 2. Sodomy in the third degree is a Class D felony.

510.110 Sexual abuse in the first degree

- 1. A person is guilty of sexual abuse in the first degree when:
 - a. He or she subjects another person to sexual contact by forcible compulsion; or
 - b. He or she subjects another person to sexual contact who is incapable of consent because he or she:
 - i. Is physically helpless;
 - ii. Is less than twelve (12) years old; or
 - iii. Is mentally incapacitated; or

- iv. Is an individual with an intellectual disability; or
 - c. Being twenty-one (21) years old or more, he or she:
 - i. Subjects another person who is less than sixteen (16) years old to sexual contact;
 - ii. Engages in masturbation in the presence of another person who is less than sixteen (16) years old and knows or has reason to know the other person is present; or
 - iii. Engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate; or
 - d. Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she, regardless of his or her age, subjects a minor who is less than eighteen (18) years old, with whom he or she comes into contact as a result of that position, to sexual contact or engages in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.
2. Sexual abuse in the first degree is a Class D felony, unless the victim is less than twelve (12) years old, in which case the offense shall be a Class C felony.

510.120 Sexual abuse in the second degree

- 1. A person is guilty of sexual abuse in the second degree when:
 - a. He or she is at least eighteen (18) years old but less than twenty-one (21) years old and subjects another person who is less than sixteen (16) years old to sexual contact; or
 - b. Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who is at least eighteen (18) years old and who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact or
 - c. Being a peace officer, while serving in his or her official capacity, he or she subjects a person who the officer:
 - i. Arrested, held in custody, or investigated for a commission of a traffic or criminal offense; or
 - ii. Knew or should have known was under arrest, held in custody, or being investigated for commission of a traffic or criminal offense; to sexual contact.
- 2. In any prosecution under subsection (1)(b) of this section, it is a defense that:
 - a. The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and
 - b. The other person was at least fourteen (14) years old; and
 - c. The actor was less than five (5) years older than the other person.
- 3. Sexual abuse in the second degree is a Class A misdemeanor.

510.130 Sexual abuse in the third degree

1. A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent.
2. In any prosecution under this section, it is a defense that:
 - a. The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and
 - b. The other person was at least fourteen (14) years old; and
 - c. The actor was less than eighteen (18) years old.
3. Sexual abuse in the third degree is a Class B misdemeanor.

510.140 Sexual misconduct

1. A person is guilty of sexual misconduct when he engages in sexual intercourse or deviate sexual intercourse with another person without the latter's consent.
2. Sexual misconduct is a Class A misdemeanor.

Domestic Violence

The term "domestic violence" means

1. Felony or misdemeanor crimes of violence committed—
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By 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 jurisdiction in which the crime of violence occurred.
- f. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

As used in KRS 403.715 to 403.785:

1. "Domestic violence and abuse" means physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; or Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;
2. "Family member" means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;

3. "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.

Dating Violence

The term "dating violence" means violence committed by a person

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim and
2. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- b. Dating Violence does not include acts covered under the definition of domestic violence.
- c. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
2. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
3. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

508.130 **Stalking**

(1) As used in this section, unless the context requires otherwise:

- (a)
 - 1. "Course of conduct" means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose.
 - 2. One (1) or more of these acts may include:
 - a. Those by which a person, directly or indirectly, by any means or method:
 - i. Follows, monitors, observes, surveils, or threatens another person; or
 - ii. Interferes with another person's property; or
 - b. The use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including but not limited to:
 - i. Computers;
 - ii. The internet, internet applications, social media platforms, email, text messages, instant messages, or any other electronic network;
 - iii. Cameras or other recording devices;
 - iv. Telephones or other personal communications devices;
 - v. Scanners or other copying devices; and
 - vi. Any device that enables the use of a transmitting device.
 - 3. Constitutionally protected activity is not included within the meaning of "course of conduct." If the defendant claims that he or she was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence;
- (b) "Protective order" means:
 - 1. An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;
 - 2. A foreign protective order, as defined in KRS 403.720 and 456.010;
 - 3. An order issued under KRS 431.064;
 - 4. An interpersonal protective order issued in accordance with KRS 508.155 or 510.037;
 - 5. An order of protection as defined in KRS 403.720 and 456.010;
 - 6. A civil restraining order issued by a court of this Commonwealth or any other state on the basis of domestic violence and abuse as defined in KRS 403.720 or dating violence and abuse as defined in KRS 456.010; or
 - 7. Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender; and
- (c) "Social media platform" means a website or application that is open to the public, allows a user to create an account, and enables users to do all of the following:
 - 1. Interact socially with other users within the confines of the website or application;
 - 2. Construct a public or semipublic profile for the purpose of signing into and using the website or application;
 - 3. Populate a list of other users with whom an individual shares or has the ability to share a social connection within the website or application; and
 - 4. Create or post content viewable by others, including on message boards, chat rooms, video channels, direct or private messages, or chats, or on a landing page or main feed that presents the user with content generated by other users.

(2) A person is guilty of stalking when he or she:

(a) Intentionally engages in a course of conduct directed at another person or persons that:

1. Seriously alarms, annoys, intimidates, or harasses the other person or persons;
2. Serves no legitimate purpose; and
3. Causes the other person or persons to suffer substantial mental distress, including but not limited to interference with the person's sense of safety or well-being; and

(b) Consciously disregards a substantial and unjustifiable risk that the course of conduct would cause the other person or persons to suffer substantial mental distress.

(3) Stalking is a Class D felony unless:

(a) A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice;

(b) A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice;

(c) The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims;

(d) The act or acts were committed while the defendant had a deadly weapon on or about his or her person; or

(e) The defendant's act or acts place the victim or victims in reasonable fear of:

1. Sexual contact as defined in KRS 510.010;
2. Physical injury; or
3. Death;

in which case it is a Class C felony.

Education and Prevention Programs & Campaigns

Eastern Kentucky University prohibits dating violence, domestic violence, sexual assault, and stalking. With the intention of ending these crimes, the University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that are:

- Timely
- Recognize the needs of the full campus community
- Sustainable, responsive to community needs
- Informed by research, or assessed for value, effectiveness, or outcome
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct.
- Defines terms provided both by the Department of Education as well as Commonwealth of Kentucky law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking.
- Defines what behavior and actions constitute consent to sexual activity found in the Policy on Discrimination and Harassment (1.4.1POL)(Appendix E).

- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures, and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Provides information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it”. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated,
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to blame the victim and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (Rape, Abuse & Incest National Network, <https://www.rainn.org/>).

Staying Safe on Campus

- Know your resources. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus police number into your cell phone for easy access.
- Stay alert. When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus police for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.

- Be careful about posting your location. Many social media sites, like Facebook, Snapchat, and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- Be secure. Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

Safety in Social Settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had and be aware of your friends' behavior. If one of you feel extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

Feeling Safe After an Assault

If you have experienced sexual assault, there are steps you can take to feel safer.

- **Make use of on-campus resources.** Colleges often provide a host of services to students for free, including security escorts, health centers, psychological services, and sexual assault services.
- **Request a schedule or housing change.** If you have classes with the perpetrator or live in the same building, you can request a change from your college administration.

- **Access off-campus support services.** If you are concerned about anonymity, you can seek out resources located off campus in the community, like a local sexual assault provider or domestic violence shelter.
- **Seek a civil protection order (CPO).** A CPO, sometimes also referred to as a temporary protection order (TPO), is a legal document that bars an individual from certain types of contact with the person who is awarded the order. An individual who violates the terms of the restraining order can face criminal charges. Each state has its own rules and regulations for Sexual Assault CPOs that you can learn more about through the American Bar Association.
- **Create a safety plan.** If you are concerned for your ongoing safety, it can be worthwhile to create a safety plan. Safety planning is about finding ways to be safe in the present while planning for your future safety as well.

Additional Resources for Students

- Learn ways to get involved on your campus and share important information about sexual violence.
- The laws about consent vary by state and situation. It can make the topic confusing, but you don't have to be a legal expert to understand how consent plays out in real life.
- Learn about ways to protect your friends and take steps to prevent sexual assault.
- If you're planning a trip—or semester—abroad, be sure to think about safety as part of your travel preparations.

I MAY HAVE EXPERIENCED DISCRIMINATION, HARASSMENT, AND/OR GENDER VIOLENCE

(SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, OR STALKING)



EKU SUPPORT

DEAN OF STUDENTS: POWELL 152 | (859) 622-3436

Provides resources, support, referrals, and accommodations

EKU COUNSELING CENTER: WHITLOCK 571 | (859) 622-1303

EKU PSYCHOLOGY CLINIC: ROWLETT 104 | (859) 622-2356

Provides outpatient psychological services, including psychotherapy for depression, anxiety and trauma



MEDICAL

STUDENT HEALTH SERVICES:

ROWLETT | (859) 622-1761

BAPTIST HEALTH RICHMOND:

801 EASTERN BYPASS | (859) 623-3131

ON/OFF-CAMPUS EMERGENCY: 911



REPORT

OFFICE OF EQUAL OPPORTUNITY & TITLE IX:

JONES 416 | (859) 622-8020

EKU POLICE:

701 VICKERS DRIVE | (859) 622-1111

RICHMOND POLICE:

1721 LEXINGTON ROAD | (859) 624-4776



RICHMOND SUPPORT

AMPERSAND SEXUAL VIOLENCE RESOURCE CENTER OF THE BLUEGRASS:

1-800-656-HOPE (4673) | (859) 618-2045 (LOCAL)

Provides a 24-hour crisis line, free counseling services, referrals to resources, and medical and legal advocacy

HOPES WINGS DOMESTIC VIOLENCE SHELTER:

(859) 623-4059

Provides a wide variety of mental health services free of charge to EKU students

GREENHOUSE 17:

(800) 544-2022

Provides a 24-hour crisis hotline, emergency shelter, legal advocacy, and counseling for victims of domestic violence



IF YOU OR SOMEONE YOU KNOW EXPERIENCES DISCRIMINATION, HARASSMENT, MENTAL HEALTH CONCERNS, AND/OR GENDER VIOLENCE (STALKING, INTIMATE PARTNER (DOMESTIC/DATING) VIOLENCE), SEXUAL ASSAULT OR VIOLENCE AND MISCONDUCT, PLEASE CONTACT ANY OF THESE RESOURCES FOR ASSISTANCE.

**Reporting does not mean you have to pursue an investigation.
Visit www.eku.edu/equal-opportunity-title-ix/
for more options and resources.*



The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students, participating in and presenting information and materials during new employee orientation.

<https://www.eku.edu/in/equal-opportunity/>

In addition to required employee online trainings, the University offered the following primary prevention and awareness programs in 2025:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Equal Opportunity & Title IX - Residence Life Resident Advisors Training	01/14/2025	Martin Hall	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX - Library Staff Training	01/15/2025	Crabbe Library FCT&L	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX - Residence Life Community Desk Receptionists Training	01/15/2025	Martin Hall	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Student Wellness - Healthy Relationships & Candy Grams	02/12/2025	Powell Student Center	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Student Wellness - Healthy Relationships & DIY Bouquets	02/24/2025	Student Recreation Center	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Student Wellness - ECU Health Fair	03/27/2025	Student Recreation Center	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX - Annual Summer Camp Director Training	04/15/2025	Powell Student Center	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Fraternity & Sorority Life - Walk a Mile Event	04/15/2025	Keen Johnson Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Student Wellness - Voices for Change	04/24/2025	Powell Student Center	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Fraternity & Sorority Life - Talk with the Title IX Guy	04/28/2025	Whitlock Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Equal Opportunity & Title IX - Denim Day Tabling	04/30/2025	Case Dining Hall	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Equal Opportunity & Title IX - Resident Life Professional Staff Training	07/23/2025	North Hall	Dating Violence, Domestic Violence, Sexual Assault, Stalking



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Equal Opportunity & Title IX – College-Specific GSD 101 Instructors Training	07/23/2025	Kit Carson Commons	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – Learning Community GSD 101 Instructors Training	07/30/2025	Crabbe Library FCT&L	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – College-Specific GSD 101 Instructors Training	08/06/2025	New Science Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – College-Specific GSD 101 Instructors Training	08/07/2025	Wallace Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – Residence Life Resident Advisors Training	08/07/2025	Perkins Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – College-Specific GSD 101 Instructors Training	08/07/2025	Crabbe Library	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Residence Life – Campus Partner Experience	08/08/2025	Keen Johnson Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking
El Centro – Puente Resource Fair	08/12/2025	Crabbe Library	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Equal Opportunity & Title IX – Counseling Center Doctoral Interns	08/14/2025	Whitlock Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Campus Recreation – Wellness Walk-By Event	08/14/2025	Student Recreation Center	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Student Life – Zero Shades of Gray	08/16/2025	EKU Center for the Arts	Dating Violence, Domestic Violence, Sexual Assault, Stalking, Prevention/Consent
Equal Opportunity & Title IX – Title IX Hearing Advisors Training	08/25/2025	Virtual	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – New Employee Orientation	08/26/2025	Virtual	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – GSD Class Presentation	09/08/2025	Stratton Building	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX – Monthly New Employee	09/23/2025	Virtual	Dating Violence, Domestic Violence, Sexual Assault, Stalking



Orientation Training			
Equal Opportunity & Title IX - Monthly New Employee Orientation Training	10/22/2025	Virtual	Dating Violence, Domestic Violence, Sexual Assault, Stalking
Equal Opportunity & Title IX - Monthly New Employee Orientation Training	12/09/2025	Virtual	Dating Violence, Domestic Violence, Sexual Assault, Stalking

Procedures for Reporting an Incident of Sexual Misconduct

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic transportation and working accommodations, if reasonably available, regardless of whether the victim chooses to report the crime to the Eastern Kentucky University Police Department or local law enforcement.

Students and employees can file a report with the Office of Equal Opportunity & Title IX:

https://cm.maxient.com/reportingform.php?EasternKentuckyUniv&layout_id=10. In addition, should an EKU community member have questions, students and/or employees may contact them at (859) 622-8020 located in Jones Building, Suite 416, 521 Lancaster Avenue, Richmond, KY 40475. Sterling Crayton is the Director of Equal Opportunity & Title IX and Compliance Coordinator for Eastern Kentucky University. After an incident of sexual assault or domestic violence, the complainant should consider seeking medical attention as soon as possible at Baptist Health in Richmond, Kentucky (or the medical facility of their choice); evidence may be collected even if you choose not to make a report to law enforcement. It is important that a complainant of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if complainants do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Complainants of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether or not to make such a report and complainants have the right to decline involvement with the police and/or the Office of Equal Opportunity & Title IX. Certain members of the campus community are considered "Mandatory Reporters". A "Mandatory Reporter" is defined in the policy on Discrimination and Harassment as follows:

"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."

The University will assist any complainant with notifying campus or local police if they so desire. Richmond Police Department may also be reached directly by calling 859-623-8911, or in person at 1721 Lexington Road, Richmond, Kentucky.

Following Receipt of Report

Following receipt of notice or a report, an initial determination is made whether the reported information falls within the purview of the Office of Equal Opportunity & Title IX and/or whether conflict resolution might be appropriate. If the report does not appear to allege a violation of this policy or if conflict resolution is desired and appears appropriate given the nature of the report, then the report does not proceed to investigation by the Office of Equal Opportunity & Title IX.

If the reported information, as alleged, is within the purview of the policy on Discrimination and Harassment, the Office of Equal Opportunity & Title IX will pursue a full investigation as appropriate under the policy.

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. The Office of Equal Opportunity & Title IX will provide written notice of any delays and/or extensions to the parties and describe the reason(s) for the delays and/or extension.

Statement of Rights for Complainants

A party bringing a complaint 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 Complainant;
- 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.

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking. We will provide each victim with a written explanation (see below) about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.

If you or someone you know experiences sexual violence, assault, or misconduct, as well as intimate partner violence or stalking, or any other form of discrimination and harassment, it may be difficult to know where to go to get help and find the services that meet your needs. The Office of Equal Opportunity & Title IX has created the resource sheet located above as a means to provide a one stop guide of all the offices on campus and local partners you can contact for assistance.

For assistance with Visa and immigration matters, students should contact the ECU Office of International Student and Scholar Services located in Powell Building, Room 013, or call 859-622-1478. Employees seeking assistance with Visa and immigration matters should contact Human Resources, located in Jones Building, Room 117, or call 859-622-5094.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<https://www.rainn.org/> - Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<https://www.ed.gov/about/ed-offices/ocr> - Department of Education, Office for Civil Rights

Commonwealth of Kentucky Victim Rights

In Kentucky, a victim of domestic violence, dating violence, sexual assault, or stalking has the following rights:

421.500 Definitions for KRS 421.500 to 421.575 – Applicability – Required notifications – Duties of public officers and agencies.

1. (a) As used in KRS 421.500 to 421.575, "victim" means an individual directly and proximately harmed as a result of:
 1. The commission of a crime classified as a felony; a misdemeanor involving threatened or actual physical injury, harassment, or restraint; a misdemeanor involving a child or incompetent person; or a misdemeanor involving a sexual offense or a trespass; or
 2. Conduct which, if committed by an adult, would be classified as a felony or a misdemeanor described in subparagraph 1. of this paragraph.

If the victim is a minor, incapacitated, or deceased, "victim" also means one (1) or more of the victim's spouse, parents, siblings, children, or other lawful representatives which shall be designated by the court unless the person is the defendant or the person the court finds would not act in the best interests of the victim.

(b) In a case in which the number of victims makes it impracticable to accord all victims those rights provided by KRS 421.500 to 421.575, the court may fashion a reasonable procedure that does not unduly complicate or prolong the proceeding, to give effect to this section.

(c) If the victim is deceased and the relation is not the defendant, the following relations shall be designated as "victim" for the purpose of presenting victim impact testimony under KRS 532.055(2)(a)7.:

1. A spouse;
2. An adult child;
3. A parent;
4. A sibling; and
5. A grandparent.

2. If any court believes that the health, safety, or welfare of a victim who is a minor or is legally incapacitated would not otherwise adequately be protected, the court may appoint a special advocate to represent the interest of the victim and to exercise those rights provided for by KRS 421.500 to 421.575. Communication between the victim and the special advocate shall be privileged.

3. Law enforcement personnel shall ensure that victims receive information on available protective, emergency, social, and medical services upon initial contact with the victim and are given information on the following as soon as possible:

- a. Availability of crime victim compensation where applicable;
- b. Community based treatment programs;
- c. The criminal justice process as it involves the participation of the victim or witness;
- d. The arrest of the accused; and

- e. How to register to be notified when a person has been released from prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A.
4. Law enforcement officers and attorneys for the Commonwealth shall provide information to victims and witnesses on how they may be protected from intimidation, harassment, and retaliation as defined in KRS 524.040 or 524.055.
5. Attorneys for the Commonwealth shall make a reasonable effort to insure that:
- a. All victims and witnesses who are required to attend criminal justice proceedings are notified promptly of any scheduling changes that affect their appearances;
 - b. If victims so desire and if they provide the attorney for the Commonwealth with a current address and telephone number, they shall receive prompt notification, if possible, of judicial proceedings relating to their case, including, but not limited to, the defendant's release on bond and any special conditions of release; of the charges against the defendant, the defendant's pleading to the charges, and the date set for the trial; of notification of changes in the custody of the defendant and changes in trial dates; of the verdict, the victim's right to make an impact statement for consideration by the court at the time of sentencing of the defendant, the date of sentencing, the victim's right to receive notice of any parole board hearing held for the defendant, and that the office of Attorney General will notify the victim if an appeal of the conviction is pursued by the defendant; and of a scheduled hearing for shock probation or for bail pending appeal and any orders resulting from that hearing; and
 - c. The victim knows how to register to be notified when a person has been released from a prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A;
 - d. The victim receives information on available:
 - i. Protective, emergency, social, and medical services;
 - ii. Crime victim compensation, where applicable;
 - iii. Restitution, where applicable;
 - iv. Assistance from a victim advocate; and
 - v. Community-based treatment programs; and
 - e. The victim of crime may, pursuant to KRS 15.247, receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts.
6. The victim shall be consulted by the attorney for the Commonwealth on the disposition of the case including dismissal, release of the defendant pending judicial proceedings, any conditions of release, a negotiated plea, and entry into a pretrial diversion program.
7. In prosecution for offenses listed in this section for the purpose of defining "victim," law enforcement agencies and attorneys for the Commonwealth shall promptly return a victim's property held for evidentiary

purposes unless there is a compelling reason for retaining it. Photographs of such property shall be received by the court as competent evidence in accordance with the provisions of KRS 422.350.

8. A victim or witness who so requests shall be assisted by law enforcement agencies and attorneys for the Commonwealth in informing employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work.

9. The Attorney General, where possible, shall provide technical assistance to law enforcement agencies and attorneys for the Commonwealth if such assistance is requested for establishing a victim assistance program.

10. If a defendant seeks appellate review of a conviction and the Commonwealth is represented by the Attorney General, the Attorney General shall make a reasonable effort to notify victims promptly of the appeal, the status of the case, and the decision of the appellate court.

11. Full restitution to a named victim, if there is a named victim, shall be ordered by the court to be paid by the convicted or adjudicated party in a manner consistent, insofar as possible, with this section and KRS 439.563, 532.032, 532.033, 533.020, and 533.030 in addition to any other penalty.

12. Nothing in KRS 421.500 to 421.575 shall be construed as altering the presumption of innocence in the criminal justice system, or to be a waiver of sovereign immunity or any other immunity or privilege maintained by the Commonwealth; its cabinets, departments, bureaus, political subdivisions, and agencies; and its officers, agents, and employees.

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 for Students: 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, but are not limited to, 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.

Supportive Measures for Employees: 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, but are not limited to, 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.

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. The University may temporarily suspend or place on leave a student or employee pending the completion of investigation and resolution. The following procedures apply to the imposition of temporary leave or suspension.

Emergency Removal of Students: 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.

Administrative Leave for Employees: 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.

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 the Office of Equal Opportunity & Title IX 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 OEO 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 the Office of Equal Opportunity & Title IX, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

Eastern Kentucky University complies with Commonwealth of Kentucky law in recognizing orders of protection by Kentucky or any other state. Any person who obtains an order should provide a copy to Eastern Kentucky University Police Department to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, providing a temporary cellphone, changing classroom location, or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. Protection from abuse orders in Madison County may be available through Madison County Family Court at 119 N. First Street, Richmond, KY or after hours, at Eastern Kentucky University Police Department.

Confidentiality

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Eastern Kentucky University Police Department's Daily Crime Log or online. A student may request confidentiality of directory information by writing to the Office of the Registrar / Big E Central Whitlock Building, Room 210, 521 Lancaster Avenue Richmond, KY 40475 . This request must include student ID number, current mailing, phone, and EKU email address, in addition to the student's signature. The student may be asked to come to the Registrar's Office, with photo identification, to verify the signature on the request letter.

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 the Office of Equal Opportunity & Title IX not share their name (or other identifiable information) with the Respondent, or that the Office of Equal Opportunity & Title IX take no action in response to a Report. The Office of Equal Opportunity & Title IX, as appropriate, has the responsibility for evaluating confidentiality requests. If the potential Complainant makes such a request, the Office of Equal Opportunity & Title IX 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. The Office of Equal Opportunity & Title IX 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.

Investigation

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 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.

Filing a Complaint

A Complaint may be filed with the Office of Equal Opportunity & Title IX, 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 OEO online reporting portal, by using the contact information listed for the Office of Equal Opportunity & Title IX and/or Title IX Coordinator.

In some instances, a Complaint may be signed by the 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 the Office of Equal Opportunity & Title IX, as well as the scope of the 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.

Resolution

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.

Hearing and Sanctioning Procedures

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

- The Office of Equal Opportunity & Title IX will be called as the first witness and will testify as to the preliminary findings of the investigation.

- 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.
- 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.
- Both the Complainant and the Respondent may rebut unfavorable inferences.
- Both the Complainant and the Respondent may provide an impact statement.
- A record shall be made of the hearing and maintained in the Office of Equal Opportunity & Title IX in compliance with the State University Model Records Retention Schedule.

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:

- **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.
- **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.
- **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.

Hearings involving Title IX Sexual Harassment

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

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.

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 Hearing Officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing.

Hearing Record: EKU 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.

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.

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

- Identification of the allegations;
- 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;
- Findings of fact to support the determination;
- Conclusions, using the Preponderance of Evidence Standard, regarding the application of the University's Policy to the facts;
- 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
- EKU'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.

Appeal of sanctions: 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 the Office of Equal Opportunity & Title IX 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:

- **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.
- **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.
- **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.
- **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 OEO 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 not 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.

- **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 OEO with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by OEO (as in cases of bias), the ECAC or Board of Regents may order a new investigation with a new investigator.
- **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 OEO to reconsider the Complaint in light of the new information only, and to reconsider the original findings as appropriate. OEO 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.
- **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 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.
- **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.

Student Withdrawal While Charges Are 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.

Employee Resignation While Charges Are Pending

Should an employee resign while an investigation is pending, the records of the Director of the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX and/or the Title IX Coordinator will act promptly with appropriate action to address the effects of the prohibited conduct upon the victim and the community.

Failure (Student or Employee to Complete Sanctions and/or Comply with Actions)

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.

Hazing

The University recognizes the role which organized activities serve in enhancing the educational experience of the members of the University community. Intellectual and personal growth takes place in student organizations which have effective leaders and effective members. Registered Student Organizations (RSOs) at Eastern Kentucky University are based on, centered around, governed, and led by students. All RSOs and members are required to uphold all University policies and procedures.

Hazing is defined as an act that endangers the mental or physical health or safety of a Student and/or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this provision.

The University is concerned about the emotional, psychological, and physical health and well-being of its Students. Any form of Hazing by individuals or groups is unacceptable and is in direct conflict with institutional values related to the rights and dignity of Students, all of whom have the right to belong to groups without risk of danger or humiliation. Consent to Hazing is never a defense to a violation of this statement.

All Kentucky colleges and universities are required by KRS 164.375 to adopt policy statements regarding hazing activities. The University has adopted **Administrative Regulation 5.1.3, Student Code of Conduct and Disciplinary Procedures**, which further addresses hazing activities. Hazing is further defined in that regulation.

All reports of Hazing or Student Organization Misconduct will follow the procedures outlined in the Student Code of Conduct. The Student Code of Conduct and Disciplinary Procedures Policy (**Student Code of**



Conduct and Disciplinary Procedures 5.1.3 - Eastern Kentucky University, see Appendix G) sets forth a prohibition on any activity which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, commonly known as hazing, and establishes the process and disciplinary procedures which apply.

Hazing can be reported to the University at:

https://cm.maxient.com/reportingform.php?EasternKentuckyUniv&layout_id=6.

Every effort will be made to keep identity confidential. However, depending upon the nature of the matter and the outcome of the investigation, it may be necessary, in limited circumstances, such as the receipt of a subpoena, to release that information to third parties. If you have any questions regarding this form, please contact the Office of Student Conduct and Community Standards at 859-622-1500 or by email to Student Conduct (studentconduct@eku.edu).

For a complete copy of Eastern Kentucky University's policy governing hazing, visit

<https://www.eku.edu/in/policies/student-code-of-conduct-and-disciplinary-procedures/>

(See Appendix G)



Eastern Kentucky University
Clery Act Annual Security and Fire Safety Report for 2025

Richmond Campus	2025				2024				2023			
Crime Category	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	8	7	0	0	10	8	0	0	7	7	0	0
Fondling	4	3	0	0	6	4	0	0	4	3	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	1	0	0	0	0	0	0	0
Burglary	12	8	0	0	9	6	0	0	11	5	5	0
Motor Vehicle Theft	1	0	1	0	1	0	0	0	1	0	0	0
Arson	0	0	0	0	1	0	0	0	1	1	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	3	2	0	0	0	0	0	0	3	1	0	0
Dating Violence	5	4	0	0	3	2	0	0	6	3	0	0
Stalking	1	1	0	0	3	2	0	0	6	1	0	0
Arrests												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	15	1	0	2	10	6	0	5	8	3	0	2
Liquor Law Violations	0	0	0	1	0	0	0	0	2	1	0	0
Referrals												
Weapons Law Violations	0	0	0	0	0	0	0	0	1	1	0	0
Drug Law Violations	13	10	0	0	7	6	0	0	3	3	0	0
Liquor Law Violations	86	86	0	0	67	67	0	1	79	79	0	0



Eastern Kentucky University
Clery Act Annual Security and Fire Safety Report for 2025

Corbin Campus	2025				2024				2023			
Crime Category	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0



Eastern Kentucky University
Clery Act Annual Security and Fire Safety Report for 2025

Manchester Campus	2025				2024				2023			
	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property
Crime Category												
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	1	1	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0



Eastern Kentucky University
Clery Act Annual Security and Fire Safety Report for 2025

Lancaster Higher Education Center	2025				2024				2023			
Crime Category	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property	On Campus	Residential Facilities	Non Campus	Public Property
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

ON CAMPUS - On Campus property includes all property owned or controlled by the Institution.



RESIDENTIAL FACILITIES - These are not additional crimes. They are the number of crimes that were reported in residence halls, and student apartment housing. These numbers are included in the on-campus property totals.

NON-CAMPUS PROPERTY - These are any of the officially recognized/owned/leased/controlled institution properties that are located off the main campus area.

PUBLIC PROPERTY - Public Property within the same reasonable contiguous area of the institution (sidewalk, street, other thoroughfare or parking facility) or adjacent to a facility owned or controlled by the Institution. These crime statistics are those reported to the Richmond Police Department, the Corbin Police Department, the Manchester Police Department, and the Lancaster Police Department, or other law enforcement agencies with jurisdiction for these areas.

RICHMOND CAMPUS

Hate Crimes

2025: No hate crimes reported.

2024: No hate crimes reported.

2023: 1 hate crime On Campus Criminal Damage Intimidation.

Unfounded Crimes

2025: No crimes unfounded.

2024: 1 Burglary on campus/residential facility unfounded. 1 Dating Violence on campus/residential facility unfounded. 1 Fondling on campus unfounded.

2023: No crimes unfounded.

CORBIN CAMPUS

Hate Crimes

2025: No hate crimes reported.

2024: No hate crimes reported.

2023: No hate crimes reported.

Unfounded Crimes

2025: No crimes unfounded.

2024: No crimes unfounded.

2023: No crimes unfounded.

MANCHESTER CAMPUS

Hate Crimes

2025: No hate crimes reported.

2024: No hate crimes reported.

2023: No hate crimes reported.

Unfounded Crimes

2025: No crimes unfounded.

2024: No crimes unfounded.

2023: No crimes unfounded.

LANCASTER HIGHER EDUCATION CENTER

Hate Crimes

2025: No hate crimes reported.

2024: No hate crimes reported.

2023: No hate crimes reported.

Unfounded Crimes

2025: No crimes unfounded.

2024: No crimes unfounded.

2023: No crimes unfounded.

*The Lancaster Campus was closed December 2025.

Description of the Fire Safety System for On-campus Student Housing Facilities



The EKU buildings noted with an asterisk (*) below have fire alarm systems manufactured by Simplex and will be monitored by the Simplex Information Management System (IMS) (also known as the Network Processing Unit) located in Police Dispatch. This IMS operates by monitoring the fire alarm panels, and associated systems, in all Simplex networked buildings on campus (See below).

EKU maintains a Daily Crime and Fire Log which is maintained at <https://www.eku.edu/police-reports/>. EKU Police will respond to all Priority 1 and Priority 2 alarms. Priority 1 alarms (red) are considered an emergency. The officer(s) dispatched to the alarm are to refer to EKU PD Policy number 305.00 for response actions under section 305.02. Priority 2 alarms (blue) require a building check (non-emergency) at the location of the alarm indicated by the IMS. The purpose of the Priority 2 alarms is to investigate smoke detector issues in the Residence Halls that have only an instantaneous reading (not continual – i.e., a very light mist of hair spray). Trouble (yellow) and Supervisory (purple) alarms will be addressed by Facilities (see note). The following is a summary of alarm conditions and associated colors:

- Priority 1 – Red (EMERGENCY RESPONSE)
- Priority 2 – Blue (NON-EMERGENCY RESPONSE)
- Supervisory – Purple (just acknowledge)
- Trouble – Yellow (just acknowledge)

FIRE SAFETY SYSTEMS



Residence Hall	Fire Sprinkler System	Networked Fire Alarm	Local only Fire Alarm	Fire Pump
Burnam Hall*	Yes	Yes	No	Yes
Clay Hall*	Yes	Yes	No	Yes
Grand Campus Bldg. 1**	Yes	Yes	No	No
Grand Campus Bldg. 2**	Yes	Yes	No	No
Keene Hall*	Yes	Yes	No	Yes
Kit Carson Commons Bldg. A*	Yes	Yes	No	No
Kit Carson Commons Bldg. B*	Yes	Yes	No	No
Kit Carson Commons Bldg. C*	Yes	Yes	No	No
Martin Hall*	Yes	Yes	No	Yes
Mattox Hall*	Yes	Yes	No	Yes
McGregor Hall*	Yes	Yes	No	Yes
North Hall*	Yes	Yes	No	Yes
Palmer Hall*	Yes	Yes	No	Yes
Scholar House Bldg. 2*	Yes	Yes	No	No
Scholar House Bldg. 3*	Yes	Yes	No	No
Scholar House Bldg. 4*	Yes	Yes	No	No
South Hall**	Yes	Yes	No	Yes
Sullivan Hall**	Yes	Yes	No	No
Telford Hall*	Yes	Yes	No	Yes
Walters Hall*	Yes	Yes	No	Yes



The ECU buildings listed with a double asterisk (**) below have a fire alarm system manufactured by GE and will be monitored by the GE FireWorks system in Police Dispatch. This system operates by monitoring the fire alarm panels, and associated systems, in all GE networked buildings on campus. ECU Police will respond to all alarm (red) events. Alarms are considered an emergency. The officer(s) dispatched to the alarm are to refer to ECU PD Policy number 305.00 for response actions under section 305.02. There are no Priority 2 type alarms for this system. Trouble and supervisory alarms (yellow) will be addressed by Facilities Services.

In accordance with 8.2.8 of NFPA 72, 2002, all fire alarm signals received shall be recorded for at least one (1) year on applicable systems. The ECU Police Department will keep a log of all fire alarm activations regardless of the type of system installed (if applicable).

Each residence hall indicated above with a fire sprinkler system was designed to current code for the year in which it was approved to be installed. Each fire sprinkler system is monitored by the corresponding fire alarm system in each applicable building. If a water flow is detected, an alarm condition will be activated and the fire alarm system activated prompting a response.

Fire pumps have been installed on required buildings as listed above. These can either be fuel fired or electrical pumps. The purpose of these pumps is to boost the water pressure for the fire sprinkler system in high rise buildings in the event of fire sprinkler system activation.



Fire Drills

2025

Residence Hall	Number of Fire Drills
Burnam Hall*	1
Clay Hall**	1
Grand Campus Bldg. 1	2
Grand Campus Bldg. 2	2
Keene Hall	2
Kit Carson Commons Bldg. A	2
Kit Carson Commons Bldg. B	2
Kit Carson Commons Bldg. C	2
Martin Hall	2
Mattox Hall	2
McGregor Hall	2
North Hall	2
Palmer Hall	2
Scholar House Bldg. 2	2
Scholar House Bldg. 3	2
Scholar House Bldg. 4	2
South Hall	2
Sullivan Hall	2
Telford Hall	2
Walters Hall	2
Total	38

*Burnam Hall closed due to renovations for Spring of 2025.

**Clay Hall closed due to renovations for Spring of 2025.

EKU's Policies/Rules on Portable Electrical Appliances, Smoking, and Open Flames in Student Housing Facilities

The EKU Housing Department publishes an annual document entitled The Residential Community Guide. This document is updated annually. The guide stipulates the following concerning electrical appliances, smoking, and open flames in EKU's student housing facilities:

Smoking/Use of Tobacco Products

The use of all tobacco products is prohibited on all property that is owned, leased, occupied, or controlled by the University. The Tobacco Free Campus policy includes all forms of tobacco, including, but not limited to, cigarettes, cigars, pipes, water pipes (hookah), electronic cigarettes, bidis, clove cigarettes and smokeless tobacco products (snuff, chewing tobacco, and dipping tobacco).

For full tobacco policy see

https://policies.eku.edu/sites/policies.eku.edu/files/policies/9.2.1adr_tobacco_free_campus_0.pdf (See Appendix F)

Permitted/Prohibited Items within Residence Halls

Housing restricts use of electrical appliances within the residence halls. All appliances must be connected to a UL-approved power strip with a self-contained circuit breaker. Residents must be present when using any cooking appliance or iron within the residence hall.

Candles, incense, and any item with an open flame or exposed heat source are potential fire hazards, and thus are prohibited within all living spaces. This policy includes candles that have never been burned and floor heaters.

Halls other than Grand Campus

Permitted Items:

- Air Popcorn Poppers
- Coffee pots and Keurig machines
- Crockpots / Rice cookers
- Electric Shavers
- Hair Dryers
- Insta-pots
- Irons
- Microwave Ovens (less than 700 watts)
- Power Strips (UL-approved) with circuit breaker
- Radios
- Refrigerators (less than 4.5 cubic feet)
- TVs and Stereos

Prohibited Items:

Appliances with open heating flame or element, including but not limited to:

Air Fryer
Adhesive lights
Flushable wipes
Pressure cookers (instant pots)
Bed Riser – any form
Candle warmers
Deep fryers
Electric heaters or Space heaters
Hot plates
George Foreman or similar grills
Oil popcorn poppers
Open coiled or open flame appliances
Convection ovens
Induction cooktops
Sandwich makers / Quesadilla makers
Toaster ovens / Pop-up toasters
Candles
Burning of incense
Ether (found in older refrigerators)
Extension Cords
Gasoline, Oil, Kerosene, & Other Flammable Liquids
Hover boards, electronic scooters & similar transportation devices
Lava lamps
Octopus lamps, torcher lamps, neon lights
Room dividers/screens
5-gallon water coolers appliances
Outlet Extenders or any device that increases the number of outlets
Door and other security camera (Ring, Blink, etc.)

Grand Campus Apartments

Permitted Items:

Air Fryer
Air Popcorn Poppers
Coffee Pots and Keurig machines
Crockpots / Rice cookers
Electric Shavers
George Foreman or similar grills
Hair Dryers
Insta-pots
Irons
Microwave Ovens (less than 700 watts)

Pop-up toasters
Power Strips (UL-approved) with circuit breaker
Radios
Refrigerators (less than 4.5 cubic feet)
Sandwich makers / Quesadilla makers
TVs and Stereos

Prohibited Items:

Air Conditioners (additional or privately owned)
Appliances with open heating flame or element
Adhesive lights
Flushable wipes
Bed riser – any form
Candle warmers
Deep fryers
Electric heaters or Space heaters
Grills (charcoal, gas, or electric) of any form on patios or balconies
Hammocks strapped on patios or balconies
Hot plates
Oil popcorn poppers
Open coiled or open flame appliances
Convection ovens
Induction cooktops
Toaster ovens
Candles
Burning of incense
Ether
Extension Cords
Gasoline, Oil, Kerosene, & Other Flammable Liquids
Hover boards electronic scooters & similar transportation devices
Lava lamps
Neon lights
Octopus lamps
Outlet Extenders or any device that increases the number of outlets
Torcher Lamps
5-gallon water coolers appliances
Door and other security cameras (Ring, Blink, etc.)

Decorations

Residents may personalize their room within established guidelines. Residents residing in a residence hall with drywall walls should reference the ECU Housing and Residence Life drywall policy prior to personalizing the space. Items approved to hang posters and other personal items include straight pins and thumb tacks; all other adhesive material or nails/screws damage walls resulting in

charges. Fire regulations prohibit covering more than 20% of the walls or room door with flammable material. No decorations may be attached to the ceiling or near fire equipment, including sprinklers.

Safety Devices

Tampering with fire and safety equipment in the residence halls or in any campus building is prohibited. Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. Students responsible will be assessed for all damages that occur as a result of their tampering with fire and/or safety equipment. In addition, all violators are subject to judicial action, financial restitution, and possible criminal prosecution. All student rooms and stairwells are equipped with closing mechanisms. Tampering with closing mechanisms is prohibited.

Procedures for Student Housing Evacuation

The Office of Housing & Residence Life has the following policy/procedure for all residence halls. It states:

Fire Safety Procedures

When an Alarm Sounds:

1. Leave your room immediately.
2. Close and lock the room door.
3. Walk quietly and quickly to the nearest exit. Do not use the elevators.
4. Remain outside in a designated area until the signal is given to return inside the building.

For the protection of all residents, obey all fire regulations. Failure to evacuate a hall when an alarm sounds or tampering with fire safety equipment may result in disciplinary action. If a situation requires a resident to shelter-in-place, it is the responsibility of the resident to alert first responders to the shelter-in-place location. ECU Police may be reached at (859) 622-1111.

Method of Alert

- To alert occupants of a fire, pull the nearest fire alarm.
- Call Campus Police (859-622-1111) and report the fire. Give name and location of the fire.
- Remain near the main entrance to direct Campus Police and/or the Richmond Fire Department to the fire.

Evacuation

Professional Staff

1. Confirm notification of Campus Police.
2. Remain at the lobby desk to check with your RA staff to ensure that floors are clear.
3. Identify yourself as a Professional Staff member to Campus Police and the Fire Department and provide any pertinent information.
4. Collect the hall's Floor Plan. Assign RA's responsibilities as necessary to complete evacuation and/or relocation.

5. Make sure that students are a safe distance away from the building or find them another location to wait in case of bad weather.
6. Keep a clear path to the building for Campus Police and the Fire Department.
7. DO NOT let residents return to their rooms until Campus Police or the Fire Department says it is clear to return.
8. Once the Fire Department arrives, they are in charge of the building. Hall Staff should use some form of identification and respond to any instructions promptly.
9. Immediately email the RHC duty report when the situation has been resolved and residents have been allowed back into the hall. If it is an actual fire, you are expected to call the AOC immediately.

RA Staff

1. Notify each resident on the floor by knocking loudly on each door and shouting, "Fire alarm." DO NOT stay and wait to evacuate residents who do not want to go. Report them to the Professional Staff on duty.
2. Keep residents calm and moving toward exits.
3. Help residents who need assistance to exit the building.
4. Report to the front desk in the lobby for further instructions from Professional Staff. Notify Professional Staff about any visible smoke or fire.
5. DO NOT go up the stairs to check on any other floor. ONLY go downstairs to check on lower floors.

Students

1. Wear shoes and wear or carry a coat or blanket.
2. Walk in a single file to the outside of the hall.
3. Stay with the group, away from the building until the signal is given to return.

General Procedures for Students and Employees to Follow in Case of a Fire

- See a fire – pull the alarm – exit the building using the NEAREST exit, not the one you are most comfortable with.
- Know where all stairwells and exits lead to.
- DO NOT attempt to extinguish the fire yourself.
- Hear an alarm – exit the building. Failure to leave will result in referral to the Office of Student Conduct.
- FIRST: Check the top of your door for heat – DO NOT open if hot to the touch.
- DO NOT use elevators as a means of exit.
- Gather outside the building at the location identified by your Resident Advisor as the meeting place for your floor.
- Have information about the emergency? Report it to the ECU Police Department

Tobacco-Free Campus

The use of all Tobacco is prohibited on all property that is owned, leased, occupied, or controlled by the University. This includes buildings and structures, residence halls, housing facilities operated by employee housing, grounds, exterior open spaces, parking lots, and garages, on-campus sidewalks, streets, driveways,



stadiums, recreational spaces, practice fields, University property outside the main campus such as regional campuses, farm facilities, art galleries, performance venues, and sporting venues and functions that are held in these facilities and venues.

The use of tobacco is prohibited in vehicles owned, leased, or rented by the University, including maintenance vehicles, automobiles, shuttles, utility vehicles, and golf carts as well as while in personal vehicles on University property.

For more on the Tobacco-Free Campus Policy, see:

https://policies.eku.edu/sites/policies.eku.edu/files/policies/9.2.1adr_tobacco_free_campus_0.pdf

(See Appendix F)

Emergency Response and Evacuation Procedures (EREP) Testing

Your safety is very important to ECU. Maintaining your safety is a joint responsibility, between you, the University, and emergency response agencies. The person most responsible for your safety is you. Here is some important advice so that you can take responsibility for your own personal safety and make informed decisions about actions you can take in an emergency: Generally, during an emergency, where evacuation is the protective action recommendation, like a fire or fire alarm, everyone should evacuate. If someone cannot evacuate, for any reason, they should take refuge in a safe place, like an enclosed stairwell or in a room. Any individual in need of rescue must call 911 (from a campus phone) or (859) 622-1111 (from a cell phone) and report their location to emergency responders. Individuals with hearing loss can chat with Public Safety via the ECU S.A.F.E. App, call Public Safety via TDD at (859) 622-6279 and/or text message someone who can inform authorities. Help will come, but it will take time to arrive, because responders must assess the situation, make the area safe, and have resources available to conduct rescue operations.

Fire drills are a part of the University's Emergency Response and Evacuation Procedures (EREP) Testing. Public Safety is available to conduct Emergency Response and Evacuation Procedures Test Exercises for any group or member of the ECU community upon request. For more information, or to schedule a test/exercise, please contact ECU Emergency Management, located in the Adams House, or call (859) 622-8987.

Scheduled EREP tests may be announced or unannounced. EREP tests are meant to assess our emergency plans and capabilities. Emergency Management plans and other information can be found on our web page <https://emergency.eku.edu/>. One of our primary goals is to teach community members that they have a responsibility to protect themselves during an emergency. Our EREP test/exercises are designed to teach individuals how to do that. Topics covered include situational awareness, outdoor warning sirens, drills to test procedural operations, coordination of first responders, an opportunity to provide feedback, and an evaluation of whether our goals have been met.

Our Annual Emergency Response and Evacuation Exercise was conducted in regular fashion on April 10th, 2025. Eastern Kentucky University, Richmond Campus, usually participates, in a limited capacity, in a manner that normally does not affect the typical operations of the University. We participated this year, by convening

our Campus Operations Team, for a facilitated discussion based off an active assailant scenario, to plan for additional operational periods and cascading situations.

This exercise was part of a larger community-wide exercise, taking place from April 7th through April 11th involving a daily set of drills on response to an active assailant scenario at a local school. Each day was a 4hr training block with functional exercises. The training and exercises were meant to be an “all of community” event, as part of the Madison County Kentucky Safe Schools Initiative. The main focus of the training and exercises was an integrated response to an active shooter event, involving initial response by law enforcement to stop the threat, and the formation of rescue task forces with membership from law enforcement, fire/rescue departments, and emergency medical services, to enter the facility, triage victims, move them to a casualty collection point, and extract them from the facility for medical care. During each session, three evolutions of the drill were conducted, with each iteration of the response becoming more effective and efficient.

The series of training and exercise sessions culminated in the administrators’ tabletop exercise on April 10th at 1:00PM, which involved a facilitated discussion based off the scenario, to plan for additional operational periods and cascading situations, such as resource management, family assistance center operations, and other wider considerations for mass casualty or impact incidents such as a school active shooter situation. While the daily sessions were mainly intended for the first responders on scene, the administrators’ tabletop was intended for Chiefs, Directors, Majors, Battalion Chiefs, Officials, or their designees.

Our EKU General Emergency Action Plan can be found at the following link:

<https://www.eku.edu/wp-content/uploads/2026/03/EKU-Emergency-Action-Plan-01132026.pdf>

(See Appendix H)

With specific regard to fire drills, they are conducted, unannounced, in the fall and spring semesters, in each residence hall. After the fire alarm is activated, and occupants evacuate the building, they are given a training session.

Fire Drill Training

Facts:

- Every fire alarm is a “real” alarm – there is no such thing as a false alarm!
- 2-3 breaths of a smoke-filled room can be lethal.
- Sprinklers save lives.

Prepare:

- Know at least two ways out of any building you are in. Look for other ways that you do not regularly use.
- Do not allow items to be placed in hallways.
- Do not allow doors to be propped open.

During an Alarm:

- When you hear the alarm, check your door to see if it is hot.
- If it is hot, do not open the door! Place a towel, shirt, or other cloth-like material at the base of the door. Hang a sheet or towel in your window and call either 911 or campus police at 622-1111 to let them know your location. Describe the heat and smoke in the hallway.
- If the door is not hot, exit your room and leave via the closest exit.
- Make sure stairwell doors remain closed at all times unless someone is actively entering or exiting the stairwell. This will prevent/minimize heat and smoke from traveling throughout the building.
- Move away from the building and DO NOT RE-ENTER.

Fire Protection Equipment:

- It is there to protect you. Do not block, disturb, or tamper with for any reason.

Fire Extinguishers:

- They are there to save lives. First Responders may use the extinguishers on your floors if they are able. If they are tampered with, they will not be usable during an emergency.

Sprinkler Systems:

- They are designed to contain a fire, not necessarily put it out. They will only work if they are not blocked in any way.
- Do not hang items on or near the sprinkler heads.
- Do not place bunk beds in front of or under the heads.

Fire Doors:

- Keep all stairwell doors closed. They will keep smoke and flames from traveling through the structure.
- Do not prop doors open.

Fire Alarm:

- Fire Alarm:
- Pull the fire alarm pull station if you smell smoke, see smoke or flames. This is your way of notifying everyone in the building that there is an emergency.
- Do not falsely activate alarms. It puts peoples' lives in danger. There are emergency vehicles on the road, mass amounts of people are moving and it leads to complacency. This could lead to someone getting seriously hurt or killed.
- Leading cause of fire alarms in Residence Halls:
- Burned food.
- Steam leaks.

Emergency Warning System:

- Regarding community wide hazardous materials incidents Eastern Kentucky University is located in Zones:
- 2-E (Richmond Campus North of the Bypass)
- 2-D (Richmond Campus South of the Bypass)

In the event of a community wide chemical incident, where the protective action decision is to shelter in place, go to one of the enhanced shelter in place (ESIP) buildings:

- Combs Building
- Dizney Building
- Model Lab School Gym
- Perkins Building
- University Building
- Whitlock Building

Policies for Fire Safety Education and Training Programs for Students, Faculty, and Staff

EKU Housing and Residence Life publishes an annual document entitled Eastern Kentucky University, [The Residential Community Guide](#). This document is updated annually. The guide stipulates the following:

"Tampering with fire and safety equipment in the residence halls or in any campus building is prohibited. Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. Students responsible will be assessed for all damages that occur as a result of their tampering with fire and/or safety equipment. In addition, all violators are subject to judicial action, financial restitution, and possible criminal prosecution. All student rooms and stairwells are equipped with closing mechanisms. Tampering with closing mechanisms is prohibited. The University Fire Marshal participates in annual Resident Hall Coordinator training and the annual Residence Hall Assistant training to give an overview of fire safety in the Residence Halls."

The University Fire Marshal, in conjunction with the Richmond Fire Department, hosted an educational campaign as part of Campus Fire Safety Month in September.

Titles of Each Person or Organization to which Individuals Should Report a Fire

All fires on campus should be reported to the ECU Police Department by dialing 911 from a campus phone or (859) 622-1111 from a cell phone. You may call 911 from an external line or cell phone to reach the Madison County Emergency Operation Center who will notify ECU Police. ECU Police will notify the University Fire Marshal. If a member of the ECU community finds evidence of a fire that has been extinguished, and the person is not sure whether ECU Police has already responded, the community member should immediately notify ECU Police to investigate and document the incident for inclusion in the annual fire safety report.

Plans for Future Improvements in Fire Safety

ECU assesses fire safety equipment and procedures on an on-going basis to determine if any improvements are necessary. Currently, the institution does not have improvements scheduled for fire safety enhancements. Fire Safety Month (September) will continue to be recognized. The annual Safety Fair/Day will be held in April. Public Safety will continue to offer training sessions for any member or group of the university community in 2025-2026.



2025
FIRES
ON-CAMPUS STUDENT HOUSING FACILITIES STATISTICS

Residence Hall	Total Fires	Fire Number	Injuries	Deaths	Cause	Value of Damage
Burnam Hall*	0	NA	NA	NA	NA	NA
Clay Hall*	0	NA	NA	NA	NA	NA
Grand Campus Bldg. 1	0	NA	NA	NA	NA	NA
Grand Campus Bldg. 2	0	NA	NA	NA	NA	NA
Keene Hall	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. A	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. B	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. C	0	NA	NA	NA	NA	NA
Leake Apts.	0	NA	NA	NA	NA	NA
Martin Hall	1	1	0	0	Arcing from socket	\$30
Mattox Hall	1	1	0	0	Surge protector arcing fire	\$0
McGregor Hall	2	1	0	0	Small grease fire	\$0
McGregor Hall	2	2	0	0	Fire pump electrical fire	\$99,681
North Hall	0	NA	NA	NA	NA	NA
Palmer Hall	0	NA	NA	NA	NA	NA
Scholar House Bldg 2	0	NA	NA	NA	NA	NA
Scholar House Bldg 3	0	NA	NA	NA	NA	NA
Scholar House Bldg 4	0	NA	NA	NA	NA	NA
South Hall	0	NA	NA	NA	NA	NA
Sullivan Hall	0	NA	NA	NA	NA	NA
Telford Hall	0	NA	NA	NA	NA	NA
Walters Hall	0	NA	NA	NA	NA	NA

*Burnam and Clay Halls were both closed for Spring 2025



2024

FIRES | ON-CAMPUS STUDENT HOUSING FACILITIES STATISTICS

Residence Hall	Total Fires	Fire Number	Injuries	Deaths	Cause	Value of Damage
Burnam Hall	0	NA	NA	NA	NA	NA
Clay Hall	1	1	0	0	Burnt food	\$0
Grand Campus Bldg. 1	1	1	0	0	Hot grease poured into trash can	\$10
Grand Campus Bldg. 2	0	NA	NA	NA	NA	NA
Keene Hall*	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. A	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. B	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. C	0	NA	NA	NA	NA	NA
Leake Apts.	0	NA	NA	NA	NA	NA
Martin Hall	0	NA	NA	NA	NA	NA
Mattox Hall*	0	NA	NA	NA	NA	NA
McGregor Hall	0	NA	NA	NA	NA	NA
North Hall	0	NA	NA	NA	NA	NA
Palmer Hall	0	NA	NA	NA	NA	NA
Scholar House Bldg 2	0	NA	NA	NA	NA	NA
Scholar House Bldg 3	1	1	0	0	Hot grease	\$0
Scholar House Bldg 4	0	NA	NA	NA	NA	NA
South Hall	0	NA	NA	NA	NA	NA
Sullivan Hall	0	NA	NA	NA	NA	NA
Telford Hall	0	NA	NA	NA	NA	NA
Walters Hall	0	NA	NA	NA	NA	NA

Mattox Hall became a residence hall in Fall 2023 / Keene Hall offline until 2024



2023

FIRES | ON-CAMPUS STUDENT HOUSING FACILITIES STATISTICS

Residence Hall	Total Fires	Fire Number	Injuries	Deaths	Cause	Value of Damage
Burnam Hall	0	NA	NA	NA	NA	NA
Clay Hall	0	NA	NA	NA	NA	NA
Grand Campus Bldg. 1	0	NA	NA	NA	NA	NA
Grand Campus Bldg. 2	0	NA	NA	NA	NA	NA
Keene Hall*	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. A	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. B	0	NA	NA	NA	NA	NA
Kit Carson Commons Bldg. C	1	1	0	0	Unintentional cooking fire	\$0
Leake Apts.	0	NA	NA	NA	NA	NA
Martin Hall	0	NA	NA	NA	NA	NA
Mattox Hall	0	NA	NA	NA	NA	NA
McGregor Hall	0	NA	NA	NA	NA	NA
North Hall	0	NA	NA	NA	NA	\$20
Palmer Hall	0	NA	NA	NA	NA	NA
Scholar House Bldg 2	0	NA	NA	NA	NA	NA
Scholar House Bldg 3	0	NA	NA	NA	NA	NA
Scholar House Bldg 4	0	NA	NA	NA	NA	NA
South Hal	0	NA	NA	NA	NA	NA
Sullivan Hall	0	NA	NA	NA	NA	NA
Telford Hall	1	1	0	0	Intentional/burned papers in a canteen	\$0
Walters Hall	0	NA	NA	NA	NA	NA

Keene Hall was offline until 2024*



The information in this report is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (20 USC 1092 (f), 34 CFR Part 668.46), and the Michael Minger Act (KRS 164.948 to 164.9489; KRS 164.993).

All policy statements in this Annual Security and Fire Safety Report apply to the following campuses unless otherwise stated in the report:

Richmond Campus
Corbin Campus
Lancaster Center
Manchester Campus



Appendix A

University Policy: 9.1.1POL Service, Sale and Consumption of Alcoholic Beverages



Eastern Kentucky University

Policy and Regulation Library

University Policy: 9.1.1POL

Responsible Office(s): Athletics, Conferencing and Events, and Center for the Arts

Effective: August 29, 2019

Next Review Date: February 28, 2023

University Policy: 9.1.1POL

Service, Sale and Consumption of Alcoholic Beverages

Statement

The University is committed to providing a healthy and safe environment for all Internal and External Constituents. The service, sale and consumption of Alcoholic Beverages is controlled by State Laws, Ordinances, Regulations, and University Policies. All Internal and External Constituents are expected to comply with these State Laws, Ordinances, Regulations, and University Policies.

This policy establishes the University's policies and procedures for the service, sale and consumption of Alcoholic Beverages on University Property and at University Events.

The University prohibits the service, sale and consumption of Alcoholic Beverages on University Property and/or at University Events and Non-University Events except as permitted by law and specifically authorized by this policy.

The University desires to preserve an environment compatible with academic endeavors without unnecessarily restricting exercise of legal privileges, while also promoting an environment where there is zero tolerance for underage drinking and alcohol education and counseling programs are readily available.

Entities Affected

Internal and External Constituents.

Procedures

I. General Rules

- The service, sale and consumption of Alcoholic Beverages on University Property and/or at University Events and Non-University Events shall be in

compliance with all State Laws, Ordinances, Regulations, and University Policies.

- The possession and/or consumption of Alcoholic Beverages in residence halls is strictly prohibited, with the exception of Grand Campus, as outlined in Section VII of this policy.
- The University reserves the right, in its sole discretion, to terminate the service and/or sale of Alcoholic Beverages at any time during any event held on University Property.

II. General Procedures

Alcoholic Beverages may be served and/or sold at University Events and Non-University Events only at specific reserved locations and with the approval of:

- 1) A Request for Approval to Serve Alcoholic Beverages and Agreement submitted to the Director of Conferencing and Events; or
- 2) A Request for Approval to Serve Alcoholic Beverages and Agreement submitted to the Executive Director for EKU Center for the Arts (for University Events and Non-University Events held at the EKU Center for the Arts only); or
- 3) A Request for Approval to Serve Alcoholic Beverages and Agreement submitted to the Director of Athletics (for events sponsored by the Department of Athletics).
- 4) If approval is granted, Alcoholic Beverages may only be served and/or sold as outlined in Sections III, IV and V of this policy.
- 5) The University reserves the right to require additional precautions such as greater limitations on time of service and/or the use of security to assist in ensuring compliance with this policy.

III. Server Requirements

Event Type	Fee Charged	Cash Sales Per Drink Required	Server Requirement
Public Event	Yes	Yes	Licensed Caterer
Public Event	No	Yes	Licensed Caterer
Registered	Yes	Yes	Licensed Caterer
Registered	No	Yes	Licensed Caterer
Private	Yes	Optional*	Licensed Caterer or Licensed
Private	No	Optional*	Licensed Caterer or Licensed

*Cash sales per drink are optional for Private Events; however, a Licensed Caterer is required.

No person under the age of 21 shall be permitted to sell or serve alcoholic beverages.

IV. Sponsor Requirements

Any event at which Alcoholic Beverages will be served or sold must have a designated Sponsor. The Sponsor may be either an individual of at least 21 years of age or an organization or association.

If the Sponsor is an organization or association, the Sponsor must designate an individual who is at least 21 years of age to assume responsibility on behalf of the Sponsor ("Organizer/On-Site Contact").

The Sponsor and/or Organizer/On-Site Contact is responsible for:

- 1) Ensuring compliance with State Laws, Ordinances, Regulations and University Policies governing the service, sale and consumption of Alcoholic Beverages.
- 2) Executing and submitting a Request for Approval to Serve Alcoholic Beverages at least 10 working days prior to the event.
 - For University Events, the Sponsor must also receive approval from the appropriate vice president.
- 3) Indemnifying the University for any losses resulting from noncompliance with this policy.
 - For Non-University Events, the Sponsor shall sign a statement that the University, its Board of Regents, and the University's agents, officers, and employees shall be held harmless for any accident, death, or injury to life or property that might be found attributable to the event.
- 4) Providing the University with a certificate of insurance listing Eastern Kentucky University as an additional insured and specifically list having liquor liability as a covered exposure (External Constituents only).
- 5) For events where alcohol is sold, the Sponsor and/or Organizer/On-Site Contact is responsible for providing to the Office of Risk Management and Insurance a total of annual sales no later than March 1st of each year.

V. Prohibitions and Limitations

- Registered Student Organizations are prohibited from sponsoring events where Alcoholic Beverages will be served.
- No public funds may be used to purchase Alcoholic Beverages for any University-Sponsored event.

- Consumption of Alcoholic Beverages is limited to persons 21 years of age or older. No one under the age of 21 shall be served Alcoholic Beverages.
- Alternate non-Alcoholic Beverages and food must also be provided at any event at which Alcoholic Beverages are served or sold.
- Promotion and advertising of events where alcohol will be consumed should not encourage any form of alcohol abuse nor place primary emphasis on the availability of alcohol at the event.
- Alcoholic Beverages may not be carried or consumed outside rooms or areas designated and approved for a specific event.
- The service of Alcoholic Beverages will be limited to a total of not more than five (5) hours at an approved event. In addition, the service of Alcoholic Beverages will conclude one half hour prior to the scheduled conclusion of the event.

VI. Exceptions – General

- Internal Constituents may sponsor University Events involving Students when the majority of Students in attendance are 21 years or older;
- Tailgating is permitted at Eastern Kentucky University. Please refer to University Regulation 9.1.2R, Tailgating Regulation.
- The University Club at Arlington is exempt from this policy. They are licensed separately for the sale and service of Alcoholic Beverages.

VII. Exception – Grand Campus

In this residence hall only, Alcoholic Beverages may only be consumed under the following restrictions:

- Students at least 21 years of age and their guests at least 21 years of age may consume Alcoholic Beverages within the student's private apartment only.
- Alcoholic Beverages are prohibited in all public areas including the stairwells, balcony, and porches of apartments, the clubhouse, swimming pool, and all common community areas.
- Common alcohol sources (i.e., kegs, beer balls, party punches, champagne fountains, etc.) are strictly prohibited.
- Alcoholic Beverages found in the possession of anyone under the age of 21 will be confiscated and may also be found in violation of the law if so determined by a law enforcement official on the scene. Students will face judicial charges through the University's administrative processes.
- Proof of legal drinking age must be presented by a student or guest to any College Official upon request.
- Students and guests must abide by all State Laws, Ordinances, Regulations, and University Policies.

VIII. Exception – Athletic Events

Recognizing the sentiments of the customers and fans of EKU Athletics, the Director of Athletics may approve the sale of alcohol at certain athletic events. The sale,

possession, and consumption of alcohol at athletic events is subject to Kentucky statute, University regulations, and the following restrictions:

- Alcoholic beverages are to be sold and dispensed only at designated stationary locations;
- Alcoholic beverages may not be sold by vendors within the seating areas;
- Identification check is required at every point of sale to prevent sales to minors;
- Alcoholic beverage sales are limited to beer and wine only (no hard liquor or mixed drinks may be sold in public seating areas);
- Limits must be established on the number of drinks purchased at one time by an individual;
- Alcohol must be dispensed into cups;
- Safe server training is required; and
- Designated stop times for sale and/or distribution of alcohol must be enforced as follows: Football (end of 3rd quarter); Basketball (Men's-Second half 12-minute TV timeout; Women's-End of 3rd quarter); Baseball (end of the top of 7th inning); Softball (end of the top of the 5th inning); and Other Sports (At a designated time, no later than when 75% of the event's regulation length competition is scheduled to be completed).

Patrons who choose to consume alcohol at EKU athletic events are encouraged to secure safe transportation from the event prior to consuming alcohol.

Definitions

- **Alcoholic Beverages:** Alcoholic beverages shall have the same meaning and definition as provided by the laws of the Commonwealth of Kentucky in the Kentucky Revised Statutes.
- **College Official:** Any employee (students, faculty, and staff) of the University acting in their official capacity.
- **External Constituents:** Individuals, groups, or organizations not affiliated with Eastern Kentucky University and/or Internal Constituents not acting in their official capacity at the University.
- **Fee:** Refers to any admission, donation and/or any monies paid by attendees to participate in an event.
- **Internal Constituents:** University Employees, academic departments and colleges, administrative offices, and units. For the purpose of this policy, Students, Graduate Students, and Registered Student Organizations are excluded from this definition.
- **Licensed Caterer:** An individual who has received STAR or TIPS certification.
- **Non-University Event(s):** Functions, programs, or other activities that:

- Occur on University Property;
- Are Sponsored by External Constituents;
- Are not Sponsored by any Internal Constituent acting in their official capacity at the University;
- Are not promoted, advertised or recognized as a University activity;
- Are not paid for through use of any University funds.
- **Organizer/On-Site Contact:** Individual, group or organization responsible for organizing, coordinating and communicating all conference and event logistics with the Office of Conferencing and Events or the ECU Center for the Arts.
 - For University Events, the Organizer/On-Site Contact must be an Internal Constituent.
 - For Non-University Events, the Organizer/On-Site Contact must be an External Constituent or Internal Constituent not acting in their official capacity at the University.
 - Organizer/On-Site Contact must be present at the event. At times, the Organizer/On-Site Contact and Sponsor are the same individual, group or organization.
- **Private Event:** An event that may be attended by invitation only and is not advertised to the general public.
- **Public Event:** An event open to the general public. A fee may or may not be charged.
- **Registered Event:** An event for which an invitation, membership, or registration is required. A fee may or may not be charged.
- **Server Training In Alcohol Regulations (STAR):** A responsible beverage server training course developed by the Alcoholic Beverage Control of the Commonwealth of Kentucky and is specific to Kentucky regarding alcohol laws.
- **Sponsor:** Individual, group or organization (may be internal or external) who is ultimately responsible for the conference or event, including financial and legal obligations for using campus facilities and/or other services and resources. At times, the Organizer/On-Site Contact and Sponsor are the same individual, group or organization.
- **State Laws, Ordinances, Regulations, and University Policies:** Kentucky state laws, ordinances, administrative regulations, and University policies or procedures.
- **Students:** Students currently enrolled at the University.
- **Training For Intervention Procedures (TIPS):** A global educational certification program designed to educate people for the responsible service, sale, and consumption of alcohol.

- **University:** Eastern Kentucky University.
- **University Event(s):** Functions, programs, or other activities that:
 - Occur on University Property;
 - Are Sponsored by Internal Constituents;
 - Are promoted, advertised or recognized as a University activity; and
 - Are paid for through use of any University funds.
- **University Property:** Any real property, buildings, and facilities under the primary control of the University through ownership, lease, or other means.

Violations of the Policy

Internal and/or External Constituents that violate this policy may be barred by the University from the sponsorship of further events on campus.

Failure to abide by the terms of this policy or other University policies may result in charges of violations of the Student Code of Conduct, or of other University regulations in the case of Internal Constituents.

Any persons failing to comply with this policy may also be found in violation of the law if so determined by a law enforcement official on the scene.

Statutory or Regulatory References

Kentucky Revised Statutes Chapters 241-244
 Kentucky Revised Statute 243.033 (governing caterers)
 Kentucky Revised Statute 243.260 (governing special temporary licenses)
 Student Code of Conduct
 University Regulation 9.1.2R, Tailgating

Policy Adoption Review and Approval

<u>Date</u>	<u>Entity</u>	<u>Action</u>
February 28, 2020	Board of Regents	Adopted
August 29, 2019	President Benson	Approved Interim
October 19, 2015	Board of Regents	Adopted
October 6, 2015	President Michael Benson	Approved
August 12, 2015	Provost Council	Approved
May 4, 2015	Faculty Senate	Approved
March 3, 2015	Staff Council	Approved
April 30, 2012	Vice President of Administration	Approved
October 21, 2010	Executive Vice President for Administration	Approved
July 20, 2010	President Douglas Whitlock	Approved Interim

September 19, 2009	Board of Regents	Amendment to Appendix A Adopted
December 4, 2003	Board of Regents	Adopted
November 8, 2002	Board of Regents	Adopted



Appendix B

Administrative Regulation: 8.3.7ADR Drug Free Workplace



Eastern Kentucky University

Policy and Regulation Library

Administrative Regulation: 8.3.7ADR

Responsible Office(s): Office of Human Resources

Effective: August 1, 2002

Next Review Date: January 3, 2014

Administrative Regulation: 8.3.7ADR

Drug Free Workplace

Statement

Eastern Kentucky University is a drug free workplace. Unlawful manufacture, distribution, dispensation, possession, or use of controlled substance is prohibited in the workplace. In 1988, Congress enacted the Drug-Free Workplace Act, which places certain responsibilities on Eastern Kentucky University as a recipient of federal grants and contracts. To be in compliance with this act, ECU adopted this Drug Free Workplace Policy.

Entities Affected

All individuals are subject to this policy while they are in facilities or on property owned, controlled or operated by the University.

Policy Background

August 1, 2002 approved by the Board of Regents as part of the Staff Handbook approval. Procedures for this policy were adopted by the Human Resources Department in April 2006.

Procedures

UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF CONTROLLED SUBSTANCE

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited on all university property, work sites or while conducting University business off University premises. Any employee, who engages in any of these actions on University property or the work site or during work time, may be subject to disciplinary action up to and including termination.

EMPLOYEES CONVICTED OF ANY CRIMINAL DRUG STATUTE

Under the requirements of this federal law, employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their department director, chair, dean and/or vice president within five days of the conviction. If an employee receives such a conviction the University shall:

- a. Take appropriate personnel action against the employee, up to and including termination; and
- b. Require the employee to participate satisfactorily in an approved drug-abuse assistance or rehabilitation program.

INFORMATION ABOUT DRUG COUNSELING

Through the human resources office the University makes available to employees information about drug counseling, rehabilitation, and employee assistance programs which may be accessed by contacting the Employee Assistance Program (EAP) at 800-364-4748 or www.enweb.com.

EMPLOYEES UNDER THE INFLUENCE

When it is reasonably believed that an employee is under the influence of drugs or alcohol while on the job, the following guidelines apply:

- a. The employee may be removed from the workplace until the employee is no longer under the influence and during the time an investigation is underway. In such circumstances, the supervisor will arrange to have the employee transported home.
- b. The employee may be required to undergo drug or alcohol testing. This could occur both at the time the employee is suspected of being under the influence and/or before the employee is allowed to return to work as evidence the employee is no longer under the influence.
 - i. Contact Director of Human Resources who will then arrange for confidential testing of the employee.
 - ii. An employee's refusal to participate in requested drug and/or alcohol testing is a separate offense subject to corrective action up to and including termination
- c. An employee found to be under the influence is subject to disciplinary action as provided in the Corrective Action Policy.
- d. The Supervisor may counsel the employee to seek assistance.

OFF-WORK USE OF ALCOHOL OR DRUGS

An employee whose off-work use of alcohol or drugs can reasonably be established to be the cause of excessive absenteeism or tardiness, or the cause of accidents or poor performance will be counseled to seek assistance.

- a. Job performance problems are subject to the steps of the Corrective Action policy.

EMPLOYEE ASSISTANCE

Employees requiring assistance in dealing with the use of alcohol or a controlled substance can receive such assistance in two ways: self refer and university referral to a Physician and/or Employee Assistance Program at 800-364-4748 or www.enweb.com.

Responsibilities

- All ECU employees are responsible for maintaining a drug free workplace and complying with this policy

Violations of the Policy

Violations of this policy will be handled according to normal University procedures.

Statutory or Regulatory References

Drug Free Workplace Act of 1988

Relevant Links

[Drug Free Workplace Act of 1988](#)

Regulation Adoption Review and Approval

Regulation Revisions

Date
April 2006

Entity
Office of Human Resources

Action
Approved

Regulation Issued

Date
August 1, 2002

Entity
Board of Regents

Action
Adopted*



Appendix C

Drug and Alcohol Abuse Prevention Program (DAAPP)

EASTERN KENTUCKY UNIVERSITY

Serving Kentuckians Since 1906



Drug and Alcohol Abuse Prevention Program (DAAPP)



Purpose

The Higher Education Act of 1965, as amended by the Drug-Free Schools and Communities Act of 1989, requires that any institution of higher education that receives federal financial assistance must adopt and implement a program to prevent the use of illicit drugs and alcohol abuse by students and employees ([34 CFR 86.1](#)). The University's drug prevention program must include, at a minimum, an annual distribution in writing to all students and employees, and a biennial review to assess the effectiveness of the program and implement changes. The annual distribution to students and employees must include the standards of conduct, a description of applicable legal sanctions under local, State, and Federal law, a description of the health risks, a description of any educational resources and treatment options, and a clear statement from the University ([34 CFR 86.100](#)).

Standards of Conduct

The Student Code of Conduct, as seen in [University Policy 5.1.3ADR](#), prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students. Specifically, the Student Code of Conduct states the following expectations and rules:

- **Alcohol.** Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and the University/College's Alcohol Policy 9.1.1 and includes but is not limited to exhibiting behavior under the influence of alcohol that unreasonably disrupts others in the vicinity or that endangers self, others, or property.
- **Drugs.** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia, except as expressly permitted by law, including but not limited to exhibiting behavior under the influence of drugs that unreasonably disrupts others in the vicinity or that endangers self, others, or property.

The EKU Staff Handbook, as seen [here](#), prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by employees on its property or as part of any of its activities. Specifically, the Staff Handbook states the following expectations and rules:

- The possession and/or consumption of alcoholic beverages on university property is subject to Kentucky statute and University regulations. Alcoholic beverages may be served and consumed at official University functions and approved non-University functions in accordance with the University's Policy concerning Service, Sale, and Consumption of Alcoholic Beverages (9.1.1POL). Per the Employee Conduct Regulation (8.3.3HRR).
- Eastern Kentucky University is a Drug Free Workplace. The University specifically prohibits the abuse of, consumption of, unauthorized use of, and/or being under the influence of drugs while on university property and/or while on the job. EKU Regulation also prohibits violation of local, state, and/or federal law while working and/or on university property.

Sanctions and Penalties

Students who are found to have violated the Student Code of Conduct are subject to disciplinary sanctions. Such sanctions shall bear a reasonable relation to the nature of the violation and, in determining possible sanctions, judicial hearing officers or the Student Disciplinary Council shall

consider the violation at hand, the welfare of the University community, and any prior disciplinary records of the Respondent. Examples of University sanctions can be found in the [Student Code of Conduct](#). Cases of Serious Misconduct are subject to the possible sanctions of suspension, expulsion, or eviction from Housing.

Employees that engage in alcohol use, or the influence thereof, or the unauthorized use or consumption of, while on the job or while on university property, except as otherwise noted in [Policy 9.1.1](#) or as part of official University business, is considered gross misconduct and grounds for immediate dismissal. Under no circumstance may anyone under the age of 21 be served or provided alcoholic beverages. [8.3.3HRR](#) outlines four categories of behavior set forth to inform all employees of examples of personal misconduct that could result in disciplinary action, ranging from, for example, verbal reprimand to immediate termination of employment, depending upon the specific form of conduct, the severity of the offense, and the number and dates of infractions. All disciplinary actions shall be appropriately documented and may be subject to the appropriate grievance policy.

Under the requirements of the Drug Free Workplace Act of 1988, employees who are convicted of any criminal drug statute violation occurring in the workplace must notify ECU within five days of the conviction. Violations of the Drug Free Workplace Regulation will subject the employee to disciplinary action, up to suspension and termination of employment. The complete Drug Free Workplace Regulation (8.3.7ADR) can be found at: policies.ecu.edu.

In addition to university sanctions, students & employees could face applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol. [21 U.S.C § 841-865 \(2021\)](#) sets forth the Federal penalties for unlawful acts in relation to illicit drugs and alcohol. [KRS Chapter 218A](#) & [KRS Chapter 244](#) sets forth the State penalties for unlawful acts in relation to illicit drugs and alcohol. The severity of the legal sanctions can vary depending on the prior offenses, the illegal activity that occurred (possession or trafficking), and the illegal substance involved. Conviction of a misdemeanor or felony can result in monetary fines and/or jail time. The more severe the violation, the more severe the penalty will be.

Health Risks

[The National Institute on Alcohol Abuse and Alcoholism](#) (NIAAA) has research-based information about the impact drinking alcohol has on the body. Alcohol abuse can affect many of your major organs, including your brain, heart, liver, & pancreas. Over-drinking can cause disruption of the brain's communication pathways, causing changes in your thinking & physical movements. Effects on the heart include cardiomyopathy, arrhythmias, stroke, & high blood pressure. Alcohol greatly impacts the liver and pancreas. Heavy drinking can lead to steatosis, alcoholic hepatitis, fibrosis, & cirrhosis. Alcohol also causes the pancreas creates a toxic substance that will eventually lead to pancreatitis. Research also shows that certain cancers are prevalent amount individuals who struggle with alcohol abuse. This includes cancers of the head, neck, esophagus, liver, breast, & colon. Not only does heavy drinking effect your major organs, but it can also weaken your immune system. This increases the likelihood of developing a chronic illness. ("Alcohol's Effects on the Body." *National Institute on Alcohol Abuse and Alcoholism*, www.niaaa.nih.gov/alcohols-effects-health/alcohols-effects-body. Accessed 3 Aug. 2023.)

[The U.S. Drug Enforcement Agency](#) (DEA) enacted the [Controlled Substance Act](#) (CSA) to regulate 5 classes of drugs. The classes are narcotics, depressants, stimulants, hallucinogens, and anabolic steroids. These drugs carry a high potential for abuse and are similar in the way they affect the body. Some of these drugs have sanctioned medical uses. When they are used contrary to the medical use, that is considered drug abuse. In addition to the potential for drug abuse, these classes of drugs also have the high potential for physical dependency, psychological dependency, and addiction. The use of the illicit drugs covered by CSA effect the body in various ways. This includes, but not limited to, drowsiness, respiratory depression or failure, impaired coordination, slowed or rapid heartbeat, insomnia, seizures, heart attack, stroke, multiple organ failure, coma, & death. (*Drugs of Abuse: A DEA Resource Guide*, 2022, www.campusdrugprevention.gov/sites/default/files/2022-11/2022_DOA_eBook_File_Final.pdf.)

Educational Resources & Treatment

- The ECU Counseling Center (ECC) provides confidential psychotherapy and other psychological services for currently enrolled ECU students. ECC also provides psychoeducational events and programs to increase mental health awareness within the ECU community through prevention, education, and stigma reduction. It is of utmost importance to ECC to provide mental health services in a welcoming, comfortable, and multi-culturally sensitive environment for all in the ECU community. ECC can provide students with outpatient counseling for some substance use issues. We provide referrals to off-campus providers when the substance use issue is beyond our scope of practice, e.g., detox, active chemical dependence, any concern that requires drug testing, or concerns that require more intensive treatments like rehabilitation or intensive outpatient care.
- The ECU Psychology Clinic is an outpatient behavioral health facility operated by the Department of Psychology. Not to be confused with the University's Counseling Center, which services our student population, the Psychology Clinic services faculty, staff, and students. General services provided include:
 - Individual Therapy
 - Assessment, Evaluation, or Testing Services
 - Consultation Services
 - Couples & Family Therapy
 - Therapy, Processing, & Support Groups
 - Outreach Services
 - Telepsychological Services

As a non-profit organization, the Psychology Clinic does not accept insurance; rather, costs for services are based on a sliding scale, and individual sessions range from \$6.00 to \$40.00 per visit. For more information about the Psychology Clinic, please visit <https://psychologyclinic.ecu.edu/>.

- ECU provides an Employee Assistance Program through NexGen EAP. It is a no-cost, confidential, total wellbeing benefit available to employees and eligible family members. EAP coverage is paid for by the University and is free to employees and their families.

Services provided by the EAP are completely confidential. University officials (including HR staff) will not know either who has accessed these services, or for what reason. Services include:

- Mental Health Counseling - Members receive six sessions per issue with a mental health professional.
- Wellness Resources - Schedule coaching calls and get assistance with any area of wellness.
- Health Advocacy - Receive assistance on challenges surrounding healthcare.
- Entertainment Discounts - Up to 60% off through the Working Advantage discount program.
- E-Learning Resources

Additionally, university-provided health insurance plans include coverage for mental health services. There is no limit to the number of visits individuals can have with their mental health provider, but the individual's insurance plan selection will determine the amount of cost coverage available. A physician's referral is not required before a visit to a mental health provider if covered by university-provided health insurance. For information about university-provided health insurance, please visit <https://hr.eku.edu/employee-benefits>.

University Statement

Eastern Kentucky University is committed to providing a healthy and safe environment for all students and employees. All students and employees are expected to comply with State Laws, Ordinances, Regulations, and University Policies. The University prohibits the service, sale, and consumption of Alcoholic Beverages on University Property and/or at University Events and Non-University Events except as permitted by law and specifically authorized by [University Policy: 9.1.1POL](#). The University specifically prohibits the abuse of, consumption of, unauthorized use of, and/or being under the influence of drugs while on university property and/or while on the job. The University desires to preserve an environment compatible with academic endeavors without unnecessarily restricting exercise of legal privileges, while also promoting an environment where there is zero tolerance for underage drinking and alcohol education and counseling programs are readily available. Students or employees in violation of local, State, or Federal laws and/or University Policies, may result in disciplinary sanctions up to expulsion, termination of employment, and/or prosecution.



Appendix D

Administrative Regulation: 9.3.1ADR Missing Student Policy



Eastern Kentucky University

Policy and Regulation Library

Administrative Regulation: 9.3.1ADR

Responsible Office(s): ECU Police Department

Effective: February 26, 2011

Next Review Date: December 16, 2022

Administrative Regulation: 9.3.1ADR

Missing Student Policy

Statement

The Higher Education Opportunity Act ("HEOA") requires universities with on-campus housing to establish policy and procedures regarding reporting, investigation, and required emergency notification when a Residential Student is deemed to be missing.

This policy is directed to all faculty and staff who share the responsibility of reporting to designated University officials when they believe that a Residential Student is Missing.

Entities Affected

- ECU Police Department
- Office of Housing and Residence Life
- All Students
- Faculty and Staff

Procedures

Notification to Residential Students

- A. Residential Students are to be informed that they may identify an individual, or individuals, to be contacted by the institution within 24 hours of the time that the student is determined missing. The Office of Housing and Residence Life will collect and maintain the confidential contact information. The Residential Student is responsible for ensuring that the contact information is up-to-date and accurate.
- B. Residential Students, who are under 18 years of age and not emancipated individuals, are to be informed that the University is required to notify a custodial parent or guardian, in addition to any designated contact, within 24 hours of the time that the Residential Student is determined to be Missing.

- C. Residential Students are to be informed that the ECU Police Department will be notified immediately when the Residential Student is determined Missing.

Procedures for Reporting and for Investigating Missing Students

- A. Any University employee who receives a report that a student (whether a Residential Student or not) is Missing, or has independent information that a student is Missing, must immediately report the information to the ECU Police Department.
- B. **Non-Residential Student:** If the student is not a Residential Student, the ECU Police Department will conduct a preliminary investigation in order to verify the situation and to determine the circumstances which exist relating to the reported Missing student. If the ECU Police Department determines that the student should be considered Missing, it will contact and request assistance from all pertinent law enforcement agencies.
- C. **Residential Student:** If the student is a Residential Student, the Office of Housing and Residence Life will immediately contact and work in conjunction with the ECU Police Department in order to verify the situation and determine the circumstances which exist relating to the reported Missing Residential Student.
1. A staff member will attempt to contact the reported Missing Residential Student via his or her telephone.
 2. If the reported Missing Residential Student cannot be reached by telephone, a staff member will visit the room or housing unit of the reported Missing Residential Student in question to verify their whereabouts and/or wellness.
 3. If there is no response when the staff members knock on the door of the room or housing unit or there are occupants who do not know of the reported Missing Residential Student's whereabouts, the Office of Housing and Residence Life, in conjunction with the ECU Police Department, will enter into the room or housing unit in question, by key if necessary, to perform a health and safety inspection.
 4. If these steps do not provide the Office of Housing and Residence Life an opportunity to speak with the reported Missing Residential Student or to learn his or her whereabouts, the ECU Police Department will investigate further.
 5. If the reported Missing Residential Student has been Missing for more than 24 hours, is under 18 years of age, and is not an emancipated individual, the Office of Housing and Residence Life will notify the Dean of Students who will contact the student's custodial parent or legal guardian within 24 hours. If the reported Missing Residential Student has been Missing for more than 24 hours

and is age 18 or over, the Office of Housing and Residence Life will notify the Dean of Students who will contact the student's confidential contact within 24 hours.

6. If these steps provide the Office of Housing and Residence Life an opportunity to speak with the reported Missing Residential Student, the Office of Housing and Residence Life shall work with the ECU Police Department to verify the student's state of health and intention to return to campus.
7. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, ECU Police Department will inform all other local law enforcement agencies with jurisdiction in the area of the student's housing within 24 hours that the student is missing.

If the ECU Police Department determines that the student, whether residential or non-residential, should be considered Missing, a missing persons report will be filed and the student will be entered into LINK/NCIC (Law Information Network of Kentucky/National Crime Information Center) in accordance with LINK/NCIC policy.

Definitions

- **Missing:** For purposes of this policy, a Residential Student may be considered missing if he or she is overdue in reaching home, campus or another specific location past their expected arrival, additional factors lead university staff to believe he or she is missing, and a check of their residence supports that determination.
- **Non-Residential Student:** A student who does not live in On Campus Housing.
- **On Campus Housing:** A dormitory or other residential facility for students that is located on an institution's campus.
- **Residential Student:** For purposes of this policy, a student who resides in on campus housing under a housing contract or lease and is currently enrolled at the university.
- **University:** Eastern Kentucky University

Violations of the Policy

Any person who violates this policy is subject to disciplinary action in accordance with University procedures.

Statutory or Regulatory References

Higher Education Opportunity Act, 20 U.S.C.S. §1092; 42 U.S.C.S. § 5579

Regulation Adoption Review and Approval

Regulation Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
January 26, 2011	Board of Regents	Adopted
January 7, 2011	President	Approved
January 7, 2011	Administrative Council	Approved



Appendix E

University Policy: 1.4.1POL Discrimination and Harassment



Eastern Kentucky University

Policy and Regulation Library

University Policy: 1.4.1POL

Responsible Office(s): Office of Equal
Opportunity & Title IX

Effective: August 6, 2024

Next Review Date: Fall 2029

University Policy: 1.4.1POL

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 Equal Opportunity & Title IX 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 Equal Opportunity & Title IX. The following person has been designated to handle inquiries regarding this Policy:

Sterling Crayton
Director of the Office of Equal Opportunity, Compliance & Title IX Coordinator
sterling.crayton@ecu.edu
(859) 622-8020

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 & ADA Coordinator
john.dixon@ecu.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 Office of Equal Opportunity & Title IX 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.

I. 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 Equal Opportunity & Title IX and the Title IX Coordinator

The Office of Equal Opportunity & Title IX is responsible for addressing all allegations of discrimination, harassment and other conduct prohibited by this Policy. The Director of the Office of Equal Opportunity & Title IX is responsible for coordinating EKU'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 Office of Equal Opportunity and Title IX Director serves as the Coordinator for the University's efforts to comply with laws other than Title IX.

As part of the Office of Equal Opportunity & Title IX, 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 the Office of Equal Opportunity & Title IX 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
- Disability Discrimination
- 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 the Office of Equal Opportunity & Title IX within five (5) Business Days of the notification of the issuance of a temporary suspension. The Director of the Office of Equal Opportunity & Title IX will review the appeal to determine whether the decision was supported. The Director of the Office of Equal Opportunity & Title IX'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 the Office of Equal Opportunity & Title IX is final.

During a temporary suspension, a student Respondent may be denied access to the

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.

University's campus, facilities, or events. As determined by the Office of Equal Opportunity & Title IX, 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.

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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX, 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 Office of Equal Opportunity & Title IX and/or Title IX Coordinator, or by any other means that results in the Office of Equal Opportunity & Title IX 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 Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX, 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX and criminal reports may be made simultaneously, however, the processes are separate (i.e., the Office of Equal Opportunity & Title IX is not required to relay reports it receives to law enforcement)

B. Reporting to the University

Individuals are encouraged to contact the Office of Equal Opportunity & Title IX and/or the Title IX Coordinator, either directly or through the Office of Equal Opportunity & Title IX'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 the Office of Equal Opportunity & Title IX 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

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.

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 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 the Office of Equal Opportunity & Title IX, 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 Office of Equal Opportunity & Title IX online reporting portal, by using the contact information required to be listed for the Office of Equal Opportunity & Title IX and/or Title IX Coordinator provided in this Policy.

In some instances, a Complaint may be signed by the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX as well as the scope of the Office of Equal Opportunity & Title IX'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 the Office of Equal Opportunity & Title IX and/or the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Office of Equal Opportunity & Title IX or the Title IX Coordinator take no action in response to a Report. The Office of Equal Opportunity & Title IX and/or the Title IX Coordinator, as appropriate, have the responsibility for evaluating confidentiality requests. If the potential Complainant makes such a request, the Office of Equal Opportunity & Title IX 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. The Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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. The Office of Equal Opportunity & Title IX 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, The Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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

The Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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.

The Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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

The Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX retains the discretion to determine which cases are appropriate for Informal Resolution. The Office of Equal Opportunity & Title IX 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.

The Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX'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. The Office of Equal Opportunity & Title IX 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

The Office of Equal Opportunity & Title IX will issue a Draft Final Report that will include: the Preliminary Report; the parties' responses to the Preliminary Report (if applicable); The Office of Equal Opportunity & Title IX determinations regarding the parties' responses (if applicable); and The Office of Equal Opportunity & Title IX'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 the Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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 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 Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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, the Office of Equal Opportunity & Title IX 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. The Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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. The Office of Equal Opportunity & Title IX will forward the request to the Title IX Coordinator, 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 Office of Equal Opportunity & Title IX 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 Office

of Equal Opportunity & Title IX 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.
 - 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 the Office of Equal Opportunity & Title IX 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 provide 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the Office of Equal Opportunity & Title IX (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 Office of Equal Opportunity & Title

IX to reconsider the Complaint in light of the new information only, and to reconsider the original findings as appropriate. The Office of Equal Opportunity & Title IX 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 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 Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX 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

The Office of Equal Opportunity & Title IX 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 EKU 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 Complainant;
- 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 the Office of Equal Opportunity & Title IX 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 Office of Equal Opportunity & Title IX 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.
- **Disability Discrimination:** Treating an individual unfavorably because they have a physical or mental condition that substantially limits a major life activity; have a history of such condition; or, are regarded as having such condition.

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

- **Discrimination:** Actions that deprive or limit access to education, employment, benefits, or 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 the Office of Equal Opportunity & Title IX. 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 the Office of Equal Opportunity & Title IX , 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.

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

- **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 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.

⁵ VAWA, 34 U.S.C. 12291(a)(30).

- **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 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 Equal Opportunity & Title IX 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 the Office of Equal Opportunity & Title IX, 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.

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>
November 11, 2024	Policy Designee	Editorial Revision
August 6, 2024	Policy Designee	Editorial Revision
January 25, 2024	Policy Designee	Editorial/Legal

October 28, 2022	Policy Designee	Revisions
September 10, 2020	Board of Regents	Editorial Revision
August 18, 2020	President David T. McFaddin	Adopted
June 18, 2019	Board of Regents	Adopted Interim
May 21, 2018	Director, Policy and Legal Operations	Adopted
September 25, 2017	Director, Policy and Legal Operations	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 Support
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



Appendix F

Administrative Regulation: 9.2.1ADR Tobacco-Free Campus



Eastern Kentucky University

Policy and Regulation Library

Administrative Regulation: 9.2.1ADR

Responsible Office(s): Office of Human Resources, Office of Student Affairs

Effective: June 1, 2014

Next Review Date: April 14, 2017

Administrative Regulation: 9.2.1ADR

Tobacco-Free Campus

Statement

EKU supports initiatives designed to foster a healthy campus climate for EKU faculty, staff, students, volunteers, vendors, patrons, customers, guests, visitors, and contractors ("Persons"). This Policy is designed to support health initiatives for EKU and its extended regional campuses by designating all EKU owned, rented, and leased property as Tobacco-free, including surrounding exterior spaces and recreational areas.

Entities Affected

This Policy is in effect for all Persons, at all times, who are attending classes, working, living, visiting, attending or participating in athletic events and all activities and programs on University owned, leased, occupied or controlled property including buildings and structures residence halls, housing facilities operated by Employee Housing, grounds, exterior open spaces, parking lots and garages, on-campus sidewalks, streets, driveways, stadiums, recreational spaces, practice fields, University Property outside the main campus such as regional campuses, farm facilities, art galleries, performance venues, and sporting venues and functions that are held in these facilities and venues. This Policy is also in effect for all Persons, at all times, who are in vehicles owned, leased or rented by the University, including maintenance Vehicles, automobiles, shuttles, utility Vehicles, and golf carts as well as personal Vehicles while on University Property.

Policy Background

In 2005, a Smoke Free Zone Task Force developed a University-wide Smoke Free Zone Policy approved by the Board of Regents on June 12, 2006 effective July 1, 2006. This policy supersedes the 2006 Smoke Free Zone Policy.

Procedures

The use of all Tobacco is prohibited on all Property that is owned, leased, occupied, or controlled by the University. This includes buildings and structures, residence halls, housing facilities operated by Employee Housing, grounds, exterior open spaces, parking lots, and garages, on-campus sidewalks, streets, driveways, stadiums, recreational spaces, practice fields, University Property outside the main campus such as regional campuses, farm facilities, art galleries, performance venues, and sporting venues and functions that are held in these facilities and venues.

The use of Tobacco is prohibited in Vehicles owned, leased or rented by the University, including maintenance Vehicles, automobiles, shuttles, utility Vehicles, and golf carts as well as while in personal Vehicles on University Property.

The University will provide educational information and programs on Tobacco use cessation.

Exemptions

- Tobacco use may be permitted for controlled research with prior approval of the appropriate dean or director. Smoke, like any other laboratory air contaminant generated, shall be controlled locally in a chemical hood or other exhaust system that provides 100% exhaust to the outside.
- Tobacco use may be permitted for educational, clinical, or religious ceremonial purposes or as part of University sanctioned theatrical events with prior approval of the appropriate dean.
- Tobacco use may be permitted on properties the University owns, but leases or otherwise conveys an interest (e.g. an easement) to a non-University party, according to the provisions of the applicable lease or agreement.
- Tobacco use may be permitted in employee housing units under current leases. Any new leases for new tenants after June 1, 2014 will prohibit the use of tobacco in employee housing units.

Definitions

- **Persons:** ECU faculty, staff, students, volunteers, vendors, patrons, customers, guests, visitors, and persons employed as an ECU contractors.
- **Property:** Property that is owned, leased, occupied, or controlled by the University including buildings and structures, residence halls, housing facilities operated by Employee Housing, grounds, exterior open spaces, parking lots, and garages, on-campus sidewalks, streets, driveways, stadiums, recreational spaces, practice fields, University Property outside the main campus such as regional campuses,

farm facilities, art galleries, performance venues, and sporting venues and functions that are held in these facilities and venues.

- **Tobacco:** All forms of Tobacco including, but not limited to, cigarettes, cigars, pipes, water pipes (hookah), electronic cigarettes, bidis, clove cigarettes and smokeless tobacco products (snuff, chewing tobacco, and dipping tobacco). Tobacco does not include nicotine replacement therapies such as patches, gum or prescription medication intended to assist an individual in quitting the use of Tobacco.
- **University:** Eastern Kentucky University
- **Vehicles:** Vehicles owned, leased or rented by the University, including maintenance Vehicles, automobiles, shuttles, utility Vehicles, and golf carts as well as personal Vehicles on University Property.

Responsibilities

All Persons and members of the University community share in the responsibility for adhering to this policy and bringing it to the attention to visitors.

The authority for enforcement is vested in the Senior Vice President or appropriate Vice President in conjunction with the Office of Human Resources and Executive Vice President for Student Success & University Counsel.

Violations of the Policy

Violations of this policy are subject to the corrective action and disciplinary procedures as set forth in the Faculty Handbook, Staff Handbook or Student Handbook, as applicable. Persons refusing to comply may be asked to leave campus.

Relevant Links

KRS 61.165

Regulation Adoption Review and Approval

<u>Date</u>	<u>Entity</u>	<u>Action</u>
April 14, 2014	Board of Regents	Adopted



Appendix G
EKU Student Code of Conduct and Disciplinary
Procedures 5.1.3



**Eastern
Kentucky
University
Policy and Regulation Library**

Administrative Regulation: 5.1.3ADR

Responsible Office(s): Student Conduct
and Community Standards

Effective: October 5, 2022

Next Review Date: March 4, 2026

Administrative Regulation: 5.1.3ADR

Student Code of Conduct and Disciplinary Procedures

Statement

The Office of Student Conduct and Community Standards (Office of Student Conduct or Office) at Eastern Kentucky University (University) promotes student success by upholding the Student Code of Conduct (Code of Conduct), advocating for community standards, and maintaining a fair conduct system that addresses the diverse needs of the individual and community. The Office fosters student development through the values of honesty, mutual respect, responsibility, and integrity.

In compliance with KRS 164.370, this Regulation sets forth the rules for non-academic student conduct and establishes disciplinary procedures to enforce those rules. Additionally, this Regulation provides the rules for establishing the admissibility of evidence.

Further, in compliance with KRS 164.375, this Regulation sets forth a prohibition on any activity which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, commonly known as hazing, and establishes the process and disciplinary procedures which apply.

Individuals/Entities Affected

All Students and Registered Student Organizations

Related Documents and Forms

University Policies and Documents
Student Code of Conduct
Discrimination and Harassment Policy
Academic Integrity Policy

Procedures

I. What the University Expects of Students

Students will:

- Show respect for others, themselves, and the University community;
- Take responsibility for their behavior;
- Read and understand this Regulation as well as the University Student Handbook; and.
- Act with honesty and integrity upholding the Student Code of Conduct.

II. Rights of Students and Registered Student Organizations Involved in the Student Conduct Process

A. Right of All Students

1. To be treated fairly and impartially in the student conduct process.
2. For Respondents, to be provided written notice of a formal charge for any alleged violation of the Code of Conduct or another University Policy or Regulation, as well as the specific details of the facts upon which the alleged violation is based.
3. For Respondents, to be presumed not responsible for a violation until determined otherwise; however, this presumption shall not be construed to mean that a Complainant or any witness has presented false testimony or evidence. The burden of proving a violation of the Code of Conduct is on the University.
4. To present relevant information verbally or in writing on their behalf and to otherwise participate meaningfully at any disciplinary hearing to which they are a party.
5. To know the identity of persons speaking or providing written information during any disciplinary hearing to which they are a party.

6. To ask reasonable questions or challenge, either verbally or in writing, the allegation(s), formal charge(s), or information provided during a student conduct meeting.
7. A Respondent or Complainant may have up to two (2) Support Persons present at any phase of the disciplinary process so long as such does not violate the privacy rights of another Student or substantially delay the disciplinary process. Support Persons can provide emotional or other support but cannot participate in the disciplinary process. To not speak or answer any questions during a student conduct meeting. Refusal to do so is not considered admitting responsibility for an alleged violation.
8. To request that a member of the hearing body be removed from the hearing based on a conflict of interest or bias.
9. For Respondents, to appeal any decision pursuant to this Regulation.

B. Additional Rights Afforded to Students and Registered Student Organizations for a Serious Misconduct Violation

1. Any Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation will also be provided written notice of:
 - a. The rights of the Respondent and Complainant as set forth in the Code of Conduct as well as in KRS 164.370 and other applicable law, if any; and,
 - b. The date, time, and location of each phase of the disciplinary process at least:
 - i. Three (3) business days prior to any scheduled event at which the Participant is expected to participate; and,
 - ii. Ten (10) business days prior to a disciplinary hearing.
2. A Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation will also be granted reasonable continuing access to the General Incident Reporting Form as well as all other information in the University's Administrative File, which encompasses all documents and evidence in the University's possession or control relevant to the alleged violation with the exception of privileged documents or internal memorandums the University does not intend to introduce at any hearing.
3. A Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation also will have access to the hearing recording.
4. A Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation may be represented, at the Participant's own

expense, by counsel at each material phase of the disciplinary process. Upon written notice, the University will direct all communications related to disciplinary proceedings to both counsel and the Respondent or Complainant.

III. Core Values and Behavioral Expectations

A. Code of Conduct

The following expectations and rules, hereinafter referred to as the Code of Conduct, apply to all Students, whether undergraduate, graduate, doctoral, or professional:

1. *Falsification. Knowingly falsifying one's identity, or furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification, social media, or financial instruments.
2. Academic Dishonesty. Acts of academic dishonesty as outlined in the Academic Integrity Policy 4.1.3. Academic dishonesty is addressed through the process outlined in Policy 4.1.3, which may not follow the Procedures in Non-Academic Student Conduct Cases outlined below, and, to the extent this Regulation conflicts with Policy 4.1.3, Policy 4.1.3 governs.
3. Unauthorized Access/Entry. Unauthorized access to any University building (i.e. keys, cards, fobs, etc.) or services; unauthorized possession, duplication, use of means, providing access to any University building. Unauthorized entry by misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building.
4. Collusion. Encouraging, assisting or helping someone violate University Policy or Regulation.
5. Breach of Trust. Violations of positions of authority, whether elected, hired or appointed, within the University community.
6. Election Tampering. Tampering with the election of any Registered Student Organization.
7. *Taking of Property. Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables.
8. *Stolen Property. Knowingly taking or maintaining possession of stolen property.
9. IT and Acceptable Use. Violating the Acceptable Use of Information Technology Resources Policy 11.2.1. Interfering with the use of or abusing any part of University computing services or facilities.
10. Disruptive Behavior. Substantial disruption of University operations including but not limited to, obstruction of teaching, research, administration, residential living, other University activities, and/or other authorized non-University activities which occur on campus.

11. *Rioting. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.
12. Trademark. Unauthorized use or misuse of University or organizational names and images. See Intellectual Property Policy 4.4.2 for more information.
13. *Damage and Destruction. Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another.
14. Gambling. Gambling, including but not limited to raffles, lotteries, sports pools and online betting activities, as prohibited by the laws of the Commonwealth of Kentucky. See KRS Chapter 158.
15. *Weapons. Unless expressly exempt by Policy 9.3.2, all persons are prohibited from possessing Deadly Weapons and Dangerous Materials/Instruments including, but not limited to, tasers/stun guns, pellet guns, BB guns, airsoft guns, paintball guns and firearms, explosives, fireworks or other deadly weapons or look-alike or replica weapons on all property owned, leased, or controlled by the University. Specifically, Weapons are prohibited in, for example, all classrooms; laboratories; residence halls; clinics; office buildings; performance halls; athletics and recreation facilities; farms, forests and other natural areas; parking lots and structures; University owned, leased or controlled vehicles; and, all outdoor areas of the campus, including extended campuses and all other property now or hereafter owned, leased, or controlled by the University or any unit of the University. This provision applies equally to all persons whether or not they possess lawfully issued licenses or permits pursuant to KRS 237.110.
16. Tobacco. Smoking or tobacco use in any area of campus, to include vaping or electronic cigarettes.
17. *Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
 - a. Intentionally or recklessly causing or attempting to cause a fire on University or personal property;
 - b. Failure to evacuate a University-controlled building during a fire alarm;
 - c. Improper use of University fire safety equipment; and/or,
 - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University Sanctions.
18. Ineligible Association. Pledging or associating with a Registered Student Organization without having met eligibility requirements established by the University or organization.
19. Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted to be operated inside University buildings or residence halls or on tennis courts. Hover-boards are prohibited on campus. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities,

and individuals may be liable for damage to University property caused by these activities.

20. Retaliatory Actions. Any intentional, adverse action taken by a responding individual or allied third party against an individual participating or supporting someone participating in a protected activity under this Code.
21. Abuse of Conduct Process. Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information;
 - b. Failure to provide, destroying or concealing information during an investigation of an alleged Policy or Regulation violation;
 - c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - d. Verbal or physical harassment and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - e. Failure to comply with the Sanction(s) imposed by the campus conduct system; and/or,
 - f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
22. *Harm to Persons. Intentionally or recklessly causing or attempting to cause physical harm or endangering the health or safety of any person.
23. *Threatening Behaviors:
 - a. Threat: Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property; and/or
 - b. Intimidation: Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
24. *Harassment. Defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
25. *Hazing. Defined as an act that endangers the mental or physical health or safety of a Student and/or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this provision. See Section V. below for more information.
26. *Intimate Partner/Relationship Violence. Violence or abuse by a person in an intimate relationship with another. Intimate Partner/Relationship Violence is addressed through the process outlined in Policy 1.4.1, which may not follow the Procedures in Non-Academic Student Conduct Cases outlined below, and, to the extent this Regulation conflicts with Policy 1.4.1, Policy 1.4.1 governs.

27. *Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking is addressed through the process outlined in Policy 1.4.1, which may not follow the Procedures in Non-Academic Student Conduct Cases outlined below, and, to the extent this Regulation conflicts with Policy 1.4.1, Policy 1.4.1 governs.
28. *Sexual Misconduct. Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and/or other sexually based behavior included in Policy 1.4.1. Sexual Misconduct is addressed through the process outlined in Policy 1.4.1, which may not follow the Procedures in Non-Academic Student Conduct Cases outlined below, and, to the extent this Regulation conflicts with Policy 1.4.1, Policy 1.4.1 governs.
29. *Public Exposure. Includes deliberately and publicly exposing one's intimate body parts; urinating and/or defecating; and/or, engaged in sex acts. Public Exposure is addressed through the process outlined in Policy 1.4.1, which may not follow the Procedures in Non-Academic Student Conduct Cases outlined below, and, to the extent this Regulation conflicts with Policy 1.4.1, Policy 1.4.1 governs.
30. Alcohol. Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and the University/College's Alcohol Policy 9.1.1, and includes but is not limited to exhibiting behavior under the influence of alcohol that unreasonably disrupts others in the vicinity or that endangers self, others, or property.
31. *Drugs. Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia, except as expressly permitted by law, including but not limited to exhibiting behavior under the influence of drugs that unreasonably disrupts others in the vicinity or that endangers self, others, or property.
32. *Prescription or Over-the-Counter Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.
33. Failure to Comply. Failure to comply with the reasonable directives of University employee or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so. This includes but is not limited to any public health protocols and expectations.
34. Arrest. Failure of any Student to accurately report an off-campus arrest by any law enforcement agency for any crime to the Office of Student Conduct within three (3) business days of release.
35. *Sex Offender Registration. Failure to self-report as a registered sex offender within five (5) business days of classes starting. See Policy 8.3.5 for more information.

36. Other Policies. Violating other published University Policies, Regulations, and/or rules, including all Residence Hall policies and the Residential Community Guide.
37. Health and Safety. Creation of health and/or safety hazards (e.g., dangerous pranks; hanging out of or climbing from/on/in windows, balconies, roofs; etc.).
38. Violations of Law. Evidence of violation(s) of local, state, or federal laws substantiated through the University's conduct process.

The University considers the behavior described above as inappropriate for the University community and in opposition to the core values set forth in this document. Any Student found to have committed or to have attempted to commit the above misconduct is subject to the Sanctions outlined in Section IV, paragraph H.

All paragraphs designated by the asterisk (*) shall be considered Serious Misconduct Violations at intake and may be heard by the Student Disciplinary Council, who may issue sanctions up to and including suspension or expulsion from the University and/or eviction from University housing.

Charges other than those identified above as Serious Misconduct Violations that are egregious and/or frequent may also, at the discretion of the Office of Student Conduct and Community Standards, be designated as Serious Misconduct Violations, heard by the Student Disciplinary Council, and result in suspension or expulsion from the University and/or eviction from University housing.

B. Medical Amnesty

When a Student finds themselves or another Student's safety at risk due to the use of alcohol or other drugs, they should contact emergency responders immediately for medical assistance. Formal disciplinary action for violations of paragraphs 30, 31, and/or 32 of the Code of Conduct will not be enforced provided the involved Students do as follows:

1. Request emergency medical attention for themselves or for someone else who reasonably appears to be in need of medical assistance due to alcohol or other drug consumption;
2. Provide their own full name to responding University employees and emergency responders;
3. Provide any other relevant information requested by the responding University employees that is known to such person;
4. Remain with, or is, the individual who reasonably appears to be in need of medical assistance due to alcohol or drug consumption until professional emergency medical assistance is provided; and,
5. Cooperate with emergency medical assistance personnel and law enforcement officers.

Students granted amnesty will be required to participate in an educational follow-up process with the University or meet other conditions in order to avoid creation of a student conduct record. Parents may be notified of the incident. Repeated incidents by an individual may result in an elevated response from the University. Violation of other regulations such as vandalism, disrupting the peace, or sexual misconduct may still apply.

C. Scope of Code of Conduct

The University's jurisdiction for application of the Student Code of Conduct shall be limited to conduct which occurs on University Premises; the off-campus conduct of Students in direct connection with any credit-bearing experiences, including, but not limited to, internships, field trips, study abroad, or student teaching; any activity supporting pursuit of a degree, including, but not limited to, research at another institution or a professional practice assignment; any activity related to an athletic or other extracurricular activity as a representative of the University; or, conduct which adversely affects the University Community and its pursuit of its objectives.

IV. Procedures in Non-Academic Student Conduct Cases

The following procedures are designed to provide fair and unbiased management of the Code of Conduct. These procedures do not, however, apply to cases involving Policy 1.4.1, Discrimination and Harassment or Policy 4.1.3, Academic Integrity.

A. Reporting Code of Conduct Violations

1. Any person may report violation(s) of the Code of Conduct, either by a Student or Registered Student Organization. To do so, written reports should be submitted to the Office of Student Conduct. Reported Students and Registered Student Organizations retain all rights and privileges of a Student or Registered Student Organization in good standing unless Interim Measures are issued, as detailed further below in paragraph B., and until determined to be in violation of the Code of Conduct.
2. Reports of harassment and/or discrimination should be made directly to the Office of Institutional Equity. See Policy 1.4.1, Discrimination and Harassment.
3. Reports of criminal behavior (e.g., harm to persons, damage or destruction, drugs, sexual assault, stalking, dating violence, etc.) should be reported to the University's Police Department or to other appropriate law enforcement in the location where the reported criminal activity occurred. Reports may also be made to the Office of Student Conduct, the Office of Institutional Equity, and/or another University department or official, where appropriate.

Because the standard of proof required in criminal law is different from the standard of proof required in the Code of Conduct and University Policy or Regulation, the result of any criminal investigation does not influence the student conduct process. A criminal investigation may supplement but will not take the place of a University investigation. To that end, the University will not wait for the conclusion of a criminal investigation to begin conducting its own investigation, issue interim measures, or instigate any portion of the student conduct process.

B. Interim Measures

1. Interim Measures may be determined and imposed by the Dean of Students, or designee, in consultation with the Office of Student Conduct when a Student or Registered Student Organization presents a clear and present danger to themselves or to another member of the University Community. Such Interim Measures are meant to be temporary, to address immediate emergencies, and to preserve the safety of the community.
2. Upon issuance of any Interim Measure, the Dean of Students, or designee, will notify the Respondent in writing within twenty-four (24) hours, including the reasons for the Interim Measure and right to a hearing, and provide the Respondent a chance to waive the Interim Measure hearing.
3. Unless waived by the Respondent, an Interim Measure hearing will be held within three (3) business days following written notice to determine whether there is substantial evidence that the Respondent poses a risk to the physical safety of a member of the campus community and that the Interim Measure is appropriate to mitigate that risk.
4. The Interim Measures hearing officer shall be selected by the Office of Student Conduct and Community Standards from the pool of members that may make up the Student Disciplinary Council.
5. At the Interim Measures hearing, the Respondent has the right to be represented by counsel.
6. Waiver of an Interim Measures hearing does not constitute an admission of guilt or a waiver of any additional rights afforded in this Regulation or by law.
7. The Interim Measure remains in effect during the hearing process unless otherwise stated. If the Interim Measure is upheld at the hearing, the Interim Measure remains in place until the issuance of a final order in the matter.

C. Initial Review

1. Upon receipt of a report, the Office of Student Conduct will open a case and conduct an initial review to determine if there is enough information to support an alleged violation of the Code of Conduct and, if so, which violations may have occurred.
2. If the Office of Student Conduct determines a report lacks merit or, even if true, would not violate the Code of Conduct or another University Policy or Regulation, the case will be dismissed without prejudice. Additional report(s) may always be filed that could result in a case being reopened.
3. A case also may be dismissed without prejudice by the Office of Student Conduct if it is determined, at any point in the conduct process, that sufficient information does not exist to prove an alleged violation.

D. Notice and Administrative Measures

1. If an initial review determines that a violation of the Code of Conduct may have occurred, the Office of Student Conduct will notify the Respondent via a Notice of Alleged Code Violation (Notice). The Notice will include written notice of a formal charge for any alleged violation of the Code of Conduct or another University Policy, as well as the specific details of the facts upon which the alleged violation is based.
2. Any Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation will also be provided Notice of:
 - a. The rights of the Respondent and Complainant as set forth in the Code of Conduct as well as in KRS 164.370 and other applicable law, if any; and,
 - b. The date, time, and location of each phase of the disciplinary process at least:
 - i. Three (3) business days prior to any scheduled event at which the Participant is expected to participate; and,
 - ii. Ten (10) business days prior to a disciplinary hearing.
3. Notices will be sent to the official University email address(es) but also may be sent by other available means. For Registered Student Organizations, the Notice will be emailed to the organization's primary representative, typically the President, on file with the Office of Student Life. Failure to read and comply with the Notice is not grounds for appeal.
4. The Office of Student Conduct schedules meetings and formal hearings, which can only be rescheduled for good cause as determined by the Office of Student

Conduct. Prior to any student conduct meeting or hearing, the Respondent or Complainant may contact the Office of Student Conduct to arrange an opportunity to review all information relevant to the allegations.

5. Respondents, including Registered Student Organizations, can review the information contained in the Reporting Form, with all personally identifying information of other Students removed (if appropriate), in advance of any meeting or hearing.
6. Any Respondent who is charged with a Serious Misconduct Violation will be granted reasonable continuing access to the University's Administrative File. All evidence the University or another Participant intends to introduce at a disciplinary hearing will be submitted to the Administrative File at least three (3) business days prior to such hearing. When evidence is submitted less than three (3) business days prior, all Participants will be immediately notified and such evidence will only be admissible at the hearing at the discretion of the hearing body.

E. Investigation

1. A Respondent, Complainant, and/or any witness may be asked to appear at an investigative meeting with the Office of Student Conduct to discuss the report or gather additional information.
2. The Office of Student Conduct reserves the right to convene an investigative committee to conduct meetings with Respondents, Complainants, and/or witnesses as well as to gather evidence.
3. Upon the conclusion of the investigation for matters involving Serious Misconduct Violations, an Investigative Report will be completed by the Office of Student Conduct or the investigative committee, if any, that summarizes the investigative process, witnesses, and evidence.

F. Hearings Before a Judicial Hearing Officer

1. Respondents not charged with a Serious Misconduct Violation may be provided an individual meeting with a judicial hearing officer to resolve the allegations. Office of Student Conduct staff, University Housing staff, and other University officials as designated by the Office of Student Conduct may serve as judicial hearing officers.
2. In the event an individual meeting is provided, such will be in the form of a closed meeting that permits the Respondent to discuss the matter with a judicial hearing officer. During the meeting, the referral is discussed as is whether it is more likely

than not that a violation of the Code of Conduct or other University Policy or Regulation has occurred.

3. If sufficient information does not exist to prove an alleged violation by a preponderance of the evidence, the judicial hearing officer will dismiss the case.
4. If sufficient information exists to prove an alleged violation by a preponderance of the evidence, the judicial hearing officer will determine responsibility and an appropriate Sanction, which are outlined in paragraph H. below, and issue a decision letter within five (5) business days of the hearing.
5. Within five (5) business days of the date of the decision letter, the Respondent may:
 - a. Accept responsibility and, thereafter, fulfill the Sanction imposed; or,
 - b. Appeal pursuant to paragraph I. below.
6. A Respondent or Complainant may have up to two (2) Support Persons present at any phase of the disciplinary process, excluding deliberations, so long as such does not violate the privacy rights of another Student or substantially delay the disciplinary process. Support Persons can provide emotional or other support but cannot participate in the disciplinary process.

G. Hearings Before the Student Disciplinary Council

1. Where charges involve a Serious Misconduct Violation, the case will be heard by the Student Disciplinary Council (SDC) with the purpose of arriving at a fair and just decision. Hearings before the SDC are closed meetings that permit the Complainant, including the University, and Respondent to address the alleged violation. If the Complainant or Respondent does not appear for the hearing, the hearing may proceed without them being present.
2. A Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation may have up to two (2) Support Persons present at any phase of the disciplinary process, excluding deliberations, so long as such does not violate the privacy rights of another Student or substantially delay the disciplinary process. Support Persons can provide emotional or other support but cannot participate in the disciplinary process.
3. A Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation may be represented, at the Participant's own expense, by counsel at each material phase of the disciplinary process, excluding deliberations. Upon written notice, the University will direct all communications related to disciplinary proceedings to both counsel and the Respondent or Complainant.

4. Attendance of any other individual at the hearing is at the discretion of the Student Disciplinary Council.
5. Hearings involving more than one (1) Respondent may be conducted either separately or jointly. Joint hearings will only be conducted at the discretion of the Office of Student Conduct and upon agreement of the Respondents as demonstrated through the execution of an appropriate waiver under the Family Educational Rights and Privacy Act (FERPA).
6. Strict rules of evidence shall not apply during the hearing; however, the admissibility of evidence shall generally conform with KRS 13B.090 and Kentucky Rules of Evidence 412. The burden of proving a violation of the Code of Conduct is on the University. The Respondent is presumed to be not responsible until determined otherwise. The Student Disciplinary Council's determination will be based on the preponderance of the evidence standard, which means that it is more likely than not (i.e., at least 50.1% certain) that the Respondent is responsible for the alleged act.
7. The order of presentation of the hearing is at the discretion of the SDC but will normally follow the steps indicated below:
 - a. Introductions and reading of alleged violations;
 - b. Opening statement by the Complainant, including the University;
 - c. Opening statement by the Respondent;
 - d. Presentation of witnesses and information by the Complainant, including the University;
 - e. Presentation of witnesses and information by the Respondent;
 - f. Questions from the SDC;
 - g. Closing statement by the Respondent;
 - h. Closing statement by the Complainant, including the University;
 - i. Closed session deliberation by the SDC; and,
 - j. Decision of responsibility and Sanctions, if any, rendered by the SDC.
8. The University and all Participants will submit a list of all witnesses to the Administrative File maintained by the University at least three (3) business days prior to the disciplinary hearing. When an additional witness is submitted less than three (3) business days prior, all Participants will be immediately notified and such witness will only be admissible at the hearing at the discretion of the Chair of the SDC, who will act as hearing officer.
9. During the presentation of information and witnesses, the party presenting the information or witnesses will be able to ask initial questions followed by questions from the other party and, subsequently, the hearing body. The Chair of the SDC will act as hearing officer and, accordingly, retains the discretion to determine

whether any information, witness, or question is relevant to the proceedings and to exclude anything deemed irrelevant.

10. A Respondent's questions for a Complainant who is a Student must be submitted through and asked by the Chair of the SDC, acting as hearing officer thereof. When the Chair of the SDC declines to ask any submitted question, the Chair will provide the specific rationale for excluding such and grant the Respondent the opportunity to cure any objection thereto and resubmit a revised question. A Respondent shall also be afforded the opportunity to submit follow-up questions.
11. All hearings, with the exception of the hearing body's deliberation, will be recorded, either by audio or video recording or, alternatively, by a written transcript at the University's discretion. The record created is property of the University and shall become part of the Administrative File.
12. During the closed deliberation session, the hearing body will meet to decide whether or not the Respondent is responsible for violating the Code of Conduct by a preponderance of the evidence:
 - a. If the Respondent is found responsible for violating the Code of Conduct, the SDC will determine Sanctions, taking into consideration the violation at hand, the welfare of the University community, and any prior disciplinary record of the Respondent; or,
 - b. If the Respondent is not found responsible, the SDC will determine that no action be taken and that the case be dismissed.
13. Within seven (7) business days following a hearing, unless circumstances exist that warrant delay, the Respondent will receive a written outcome at least via the Student's University email address and through other available means, if necessary. The written outcome must describe the rationale for the decision and any Sanction.
14. A Respondent may appeal the written outcome as outlined by paragraph I. below. Failure to timely appeal will result in the written outcome serving as the final order in the matter.
15. The Administrative File will be maintained by the University permanently when the Sanction is expulsion and, for all other sanctions, for the latter of the following:
 - a. Three (3) years after the Respondent's graduation date or last date of attendance; or,
 - b. Three (3) years after all Sanctions have been met.

H. Sanctions

Judicial hearing officers and the Student Disciplinary Council have the authority to impose Sanctions on Students or Registered Student Organizations who are found to have violated the Code of Conduct. Such Sanctions shall bear a reasonable relation to the nature of the violation and, in determining possible Sanctions, judicial hearing officers and the Student Disciplinary Council shall consider the violation at hand, the welfare of the University community, and any prior disciplinary record of the Respondent. The following are examples of Sanctions:

1. Administrative Referral. Mandatory referral to another campus office/department to address concerns regarding a particular behavior or need.
2. Administrative Hold. A disciplinary hold may be placed on a Student's record when a Student:
 - a. Is not presently enrolled at the University and a conduct matter is pending;
 - b. Has a pending conduct matter that must be resolved prior to graduation;
 - c. Has failed to complete Sanctions by the assigned deadline(s);
 - d. Is suspended or expelled from the University; or,
 - e. Presents behavior that puts the University community at risk.
3. Alcohol/Substance Abuse Assessment. A Student may be referred to an appropriate provider for an assessment to identify alcohol and/or substance misuse/abuse risk factors, likelihood, and potential recommendations for treatment.
4. Disciplinary Probation Status. Carries a moderate warning, and in some cases a restriction of specified privileges or extracurricular institutional activities, other than those necessary or required for courses (e.g., libraries, lectures, work-study), for a specified period of time.
5. Educational Sanction. An educational sanction refers to attendance or participation in a prearranged class, program, or activity. Educational sanctions are designed to address a particular behavior, topic, or issue by educating the Student or Registered Student Organization on their responsibilities to abide by the Code of Conduct and learn from the violation in an educational way.
6. Election of Withdrawal. When the violation is one that indicates possible suspension or expulsion, the Respondent may elect to voluntarily withdraw from the University without appearing before the Student Disciplinary Council. The accused Student or Registered Student Organization shall sign a statement indicating that they have been advised of their rights to a hearing but instead intend to withdraw from the University on their own accord.
7. Eviction. Permanent, forced removal from University Housing, a classroom, or other University Premises. Removal from housing due to a violation of the Code of Conduct can only be imposed by the SDC following the hearing procedures outlined in paragraph G. above. Nothing here shall prevent eviction when a breach of the housing contract between the Student and the University has occurred, and evictions from housing due to contract breach are outside the scope of this Policy and not bound to the procedures outlined herein.

8. Expulsion. Permanent, forced withdrawal from the University. This sanction can only be imposed by the Student Disciplinary Council following the hearing procedures outlined in paragraph G. above.
9. Housing Relocation. Mandated relocation to a different housing assignment.
10. Loss of Visitation Privileges. Period of time where a Student loses all visitation privileges. During loss of visitation privileges the Student is not allowed to check visitors into their residence hall, and they are not allowed to be checked into the residence hall of any other Student.
11. Parental Notification. FERPA permits the University to notify a Student's parent(s) if: (a) the Student is under the age of twenty-one (21) and has violated any law or University Policy or Regulation related to alcohol or controlled substances or (b) the Student is considered a threat to themselves or to others, or there is a need to protect the health and safety of the Student.
12. Reprimand. Official written notice to the Student or Registered Student Organization found responsible for a violation of the Code of Conduct or University Policy. The reprimand warns that any further such actions may result in a more severe sanction.
13. Restitution. A measure intended to compensate for the loss, damage, or injury caused by the Student or Registered Student Organization. This action may take the form of appropriate service, monetary compensation, or material replacement.
14. Service Work. Mandated service to the University or a designated community agency to be completed within a specified time frame.
15. Suspension. Forced withdrawal from the University for a specific period of time or until stated conditions have been met as determined by the Student Disciplinary Council. A Registered Student Organization receiving this sanction will not be recognized by the University and, accordingly, will not receive designated privileges. This sanction can only be imposed by the Student Disciplinary Council following the hearing procedures outlined in paragraph G. above.
16. University Probation. Status which carries a severe warning that any further violation of the Code of Conduct or University Policy or Regulation may result in the Student or Registered Student Organization being required to appear before the Student Disciplinary Council for consideration of suspension, expulsion, or eviction from housing.

I. Appeals

1. Appeals from an Order of a Judicial Hearing Officer:
 - a. Within five (5) business days of the date of the decision letter, a Respondent may submit a written appeal (i.e., handwritten, typed, or emailed) to the appeals officer indicated in the decision letter, which will be either:
 - i. The hearing officer's direct supervisor, or designee; or

- ii. When the hearing officer was a Housing staff member or other University official as designated by the Office of Student Conduct, a staff member within the Office of Student Conduct.
 - b. The appeal is not a new hearing, but rather a review of the process and of the original hearing. Accordingly, an appeal only may be made on one or more of the following justifiable grounds:
 - i. Whether deviations in procedures, if any, were significantly prejudicial (i.e., would alter the outcome of the hearing). In such cases, the appeal will focus on whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures providing the University a reasonable opportunity to prepare and present information regarding the alleged Code of Conduct violations, and providing the Respondent a reasonable opportunity to prepare and present a response to those allegations;
 - ii. Whether Sanctions imposed were appropriate in light of the nature of the violation; and/or,
 - iii. Whether additional, pertinent information not presented to the hearing officer and not known to the Respondent at the time of the hearing would have altered the decision letter.
 - c. The appeals officer may uphold, overturn, or modify the decision letter and will notify the Respondent of the results of the appeal in writing within five (5) business days of receipt of the appeal.
 - d. This shall be the only appeal afforded, and the appeal officer's decision is binding on the Respondent.
2. Appeals from an Order of the Student Disciplinary Council:
- a. A Respondent may appeal an order of the Student Disciplinary Council by submitting a request to appeal in writing (i.e., handwritten, typed, or emailed) to the Office of Student Conduct within five (5) business days of the Student Disciplinary Committee's written outcome. The Office of Student Conduct will be given an opportunity to respond in writing to any appeal received and will have three (3) business days of receiving the appeal to do so.
 - b. The appeal is not a new hearing, but rather a review of the process and of the original hearing. Accordingly, an appeal only may be made on one or more of the following justifiable grounds:

- i. Whether deviations in procedures, if any, were significantly prejudicial (i.e., would alter the outcome of the hearing). In such cases, the appeal will focus on whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures providing the University a reasonable opportunity to prepare and present information regarding the alleged Code of Conduct violations, and providing the Respondent a reasonable opportunity to prepare and present a response to those allegations;
 - ii. Whether Sanctions imposed were appropriate in light of the nature of the violation; and/or,
 - iii. Whether additional, pertinent information not presented to the SDC and not known to the Respondent at the time of the hearing would have altered the written outcome.
- c. Appeals from the Student Disciplinary Committee will be heard by the University Appeals Committee. The University Appeals Committee is composed of three (3) members selected from a pool of trained faculty and staff. This committee has the authority to do one (1) of the following:
 - i. Uphold the findings and recommendations of the SDC; or,
 - ii. Remand the case back to the SDC. However, an appeal can only be remanded due to procedural error or new information:
 - 1. For issues of procedural error, a new SDC will be appointed and convened to reconsider the referral; and/or,
 - 2. For issues of new information, the previous SDC will be reconvened and instructed to resume the hearing to reconsider the referral in light of the new information.
- d. The University Appeals Committee will consider the following on appeal:
 - i. The Administrative File, including the recording or transcript of the hearing;
 - ii. The written outcome of the hearing body;
 - iii. The Respondent's written appeal; and,
 - iv. Any written response timely submitted by the Office of Student Conduct.
- e. Within five (5) business days of receipt of the appeal, the Respondent will be notified in writing of the decision of the University Appeals Committee. The decision of the University Appeals Committee is a final order and binding upon all involved.

- f. In accordance with KRS 164.370, a Respondent has the right to appeal the final order issued by the University Appeals Committee in accordance with KRS 13B.140.

V. Statement on Hazing and Other Forms of Organizational Misconduct

A. Introduction

The University is concerned about the emotional, psychological, and physical health and well-being of its Students. Any form of Hazing by individuals or groups is unacceptable and is in direct conflict with institutional values related to the rights and dignity of Students, all of whom have the right to belong to groups without risk of danger or humiliation. Consent to Hazing is never a defense to a violation of this statement.

All Kentucky colleges and universities are required by KRS 164.375 to adopt policy statements regarding hazing activities, and, as required by statute, this statement applies to the conduct of Students, Registered Student Organizations, faculty and staff, as well as visitors and other licensees and guests on campus. This statement applies to incidents on or off the University's campus.

The intent is to set forth the University's position regarding Hazing and to fulfill the statutory directive. The University believes that new and existing members of groups and teams can expect to participate in educational and enjoyable activities that build teamwork and camaraderie among all members of the group. Such activities are intended to create a sense of identity and commitment within a group and are generally acceptable and encouraged. However, Students should never be subject to any form of hazing by either an individual or a group.

B. Criteria

There are two primary conditions that create a Hazing dynamic:

1. New members often wish to be accepted, either formally or informally, into any group, and will submit to Hazing in order to be included. However, consent to be hazed does not excuse Hazing. Students have died or have been seriously injured as a result of participating in activities to which they have "consented." The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist Hazing, even if the Hazing is presented as optional. That this pull can be so coercive should make this need to prohibit this conduct, to any degree, undeniably clear.
2. Any activity that places new or existing members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New or existing members in any organization may expect to be trained, oriented, or indoctrinated, but

membership in any group that puts a new or existing member in a lesser role, unrelated to the original conditions for membership or mission of the group, is inappropriate and unfair to the new or existing members. Any activities of membership should be equally shared among experienced and new members in order to eliminate any possible elements of Hazing or the perception of Hazing.

3. While it would be impossible to list all behaviors that could be deemed to be Hazing, Hazing behaviors include but are not limited to the following:
 - a. Any physical act of violence expected of, or inflicted upon, another;
 - b. Any physical activity expected of, or inflicted upon, another, including calisthenics;
 - c. Pressure or coercion of another to consume any legal or illegal substance;
 - d. Making available unlawful substances;
 - e. Excessive fatigue or sleep deprivation as a result of any activities;
 - f. Forced exposure to the weather;
 - g. Kidnapping, forced road trips, and/or abandonment;
 - h. Required carrying of or possessing of a specific item or items;
 - i. Servitude (expecting a new member to do the tasks of an experienced member);
 - j. Costuming and alteration of appearance;
 - k. Line-ups and berating;
 - l. Coerced lewd conduct;
 - m. Degrading games, activities or public stunts;
 - n. Interference with academic pursuits;
 - o. Violation of University Policy or Regulation;
 - p. Assignment of illegal and unlawful activities; and/or,
 - q. Forced consumption of drugs or alcohol.

C. Other Forms of Organizational Misconduct

In addition to Hazing, the University oversees other forms of organizational misconduct by Registered Student Organizations. All Registered Student Organizations are expected to comply with all policies and procedures of the University, including but not limited to the Code of Conduct as well as additional terms specified within the Registered Student Organizations Manual and within other directives published by the University's Office of Student Life.

Registered Student Organizations are collectively responsible for any action committed by their members on behalf of the organization that violates the Code of Conduct, University Policy, directives, or Regulations. This applies to on campus incidents, but also to off campus behaviors that may affect the University community. Disciplinary action against Registered Student Organizations is separate from action taken against individuals.

D. Factors Used in Attributing Fault

The following criteria is used to determine whether the offense was committed by the organization or by one or more individuals:

1. Knowledge of the incident by the executive board or leadership, including if they had reasonably should have known;
2. Whether members and/or alumni were acting on behalf of the organization or otherwise permitted, encouraged, aided or assisted in the incident;
3. Whether the incident occurred at events sponsored by the organization, in their facilities, or as part of an activity/assignment voted on by the organization and/or otherwise approved by the organization;
4. Whether that incident was committed by members attending a function representing the organization;
5. Failure of the organization to implement preventative measures where it is reasonably foreseeable that a violation would occur;
6. Use of organization funding or funding by an individual or members in the name of the organization; and/or,
7. Members and/or officers fail to report the incident to appropriate University authorities.

E. Reinstatement of Registered Student Organizations

A Registered Student Organization (RSO) that receives a sanction of suspension shall have the opportunity to seek reinstatement at Eastern Kentucky University after the required period of suspension has lapsed. To seek reinstatement, an RSO must first satisfy all requirements as outlined by the disciplinary sanctions. A currently enrolled student who desires to represent the RSO may then contact the Office of Student Conduct and Community Standards to begin the process to petition for reinstatement.

Reinstatement will be based on the written responses contained in the petition, adherence to the terms of suspension, and input from other relevant departments at the University. The outcome is subject to no further appeal. If the petition for reinstatement is denied, the RSO may petition for reinstatement again the next academic semester or at a later date in the future. The Office of Student Conduct and Community Standards will only consider one (1) reinstatement petition by the RSO per academic semester.

The RSO must have complied with the terms of their suspension. Noncompliance can include, but is not limited to, hosting events or meetings (on or off campus), conducting recruitment, or producing materials/marketing. Reports of non-compliance of the suspension terms will be reviewed during reinstatement proceedings and may affect/jeopardize the RSO's ability to be reinstated.

Even where an RSO satisfies all requirements as outlined by the disciplinary sanctions and submits the required Reinstatement Petition, the Director of Student Conduct and Community Standards, or designee, has the discretion to grant or deny the petition. This may happen, for example, if the submission does not adequately explain how the RSO will ensure that the violation of the Policy(ies) or Regulation(s) that led to the organization's suspension will not occur again.

Reinstatement Petition contents include:

- A. The mission statement of the RSO, which must be compatible with the mission of the Eastern Kentucky University;
- B. A detailed plan on how the RSO will prevent organizational misconduct, specifically the behaviors that led to the suspension;
- C. The educational opportunities that will be offered or required by the RSO;
- D. Requirements for members of the RSO;
- E. Support that will be provided by nationals, advisors, and alumni board;
- F. The RSO's risk management plan;
- G. A detailed explanation as to the steps taken by the RSO to assure that all violations are addressed and no longer a part of the culture; and,
- H. Identify in sequential implementation order the corrective steps addressing the RSO's recruitment/intake efforts, new member education process, and the degree of adherence to inter/national regulations and policies.

The Office of Student Conduct and Community Standards may establish additional requirements for reinstatement beyond the standard requirements listed above. Additionally, an RSO approved for reinstatement must follow all guidelines and requirements as outlined by the Office of Student Life and First Year Experience. The RSO will not be considered active and eligible for full reinstatement until these requirements are satisfied, as determined by the Office of Student Conduct and Community Standards.

VI. University Housing

1. The standards and regulations for University residential living are contained in the written rental agreement between the Student and the University and in the Residential Community Guide. University Housing and Residence Life investigates alleged violations of the rules and regulations outlined in the rental agreement. Management of such cases is conducted in accordance with

established and published procedures. A compilation of all rules established under the rental agreement is available to all residents of the facility to which such rules apply.

2. In cases where an alleged violation of the rental agreement could also constitute a violation of the provisions of the Code of Conduct, University Housing may refer the case to the Office of Student Conduct.
3. If the behavior or conduct of a Respondent has the potential to be deemed a Serious Misconduct Violation, Housing will refer the case directly to the Office of Student Conduct.

VII. Reporting on Disciplinary Proceedings

1. In accordance with KRS 164.372, the University will report on disciplinary proceedings, by November 1, 2023 and by November 1 every five (5) years thereafter, on a prominent location on the University's website and by filing with the Interim Joint Committee on Education.
2. The report will be prepared by the Office of Student Conduct and, as required by state law, will include the total number of disciplinary proceedings, including formal investigations, for violations of the Code of Conduct during the reporting period and, of those, the total number that resulted in:
 - a. A dismissal prior to a hearing;
 - b. A negotiated resolution prior to a hearing;
 - c. A hearing;
 - d. A dismissal following a hearing;
 - e. Suspension;
 - f. Expulsion;
 - g. Termination of residence;
 - h. An appeal to the governing board or its designee; and,
 - i. An appeal from a final decision of the governing board or its designee.
3. For each data point, the University also will provide:
 - a. A summary of the basic demographics of any Student subject to the disciplinary proceedings, including but not limited to race, gender, whether the Student resided in campus housing at the time the violation occurred, and the approximate number of credit hours earned;
 - b. The specific rule(s) in the Code of Conduct the Student violated;
 - c. The general source of the initial information (e.g., another student, faculty, staff, community member, or law enforcement); and,
 - d. The percentage of Students that were subject to disciplinary proceedings and represented by an attorney licensed to practice law in Kentucky.

4. Notwithstanding the above, KRS 164.372, permits the University to seek an exemption to this reporting requirement by petitioning the Kentucky Attorney General.

Definitions

These definitions apply to terms as they are used in this Regulation.

Administrative File	Includes the initial conduct report as well as all documents and evidence in the University's possession or control relevant to the alleged violation and the University's investigation thereof, including but not limited to exculpatory evidence, documents submitted by any Participant, and the hearing transcript or recording. The Administrative File does not include privileged documents or internal memorandums that the University does not intend to introduce as evidence at any hearing in the matter.
Complainant	Any person, including but not limited to a Student, or their proxy who has alleged a violation of the Code of Conduct. The University may initiate disciplinary proceedings against a Student or Registered Student Organization without a formal complaint from the victim of an alleged violation of the Code of Conduct.
General Incident Reporting Form	Any document that describes an alleged violation of the Code of Conduct, including but not limited to University incident reports, investigative reports, police reports, or verbal, written, or electronic communication.
Hazing	Any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group, or organization. This includes any activity, whether it is presented as optional or required, that places any member in a position of servitude as a condition of membership or continuing membership.
Interim Measures	The temporary application of any Sanction prior to the investigation and finding reaching a conclusion in a conduct matter, which may include, but are not limited to, denial of access to certain facilities, no contact orders, removal from housing, and relocation in housing.

Participant	A Respondent or Complainant participating in a disciplinary matter.
Registered Student Organization	Any organization that operates under <u>Policy 5.1.2, Student Organizations</u> as either a Sponsored Student Organization or, alternatively, as a Voluntarily-Affiliated Student Organization.
Respondent	A Student or Registered Student Organization alleged to have violated the Code of Conduct.
Sanctions	An educational or disciplinary measure given in response to a Code of Conduct violation by a Student or Registered Student Organization. Possible Sanctions issued by the University are outlined in Section IV, paragraph H. of this Regulation.
Serious Misconduct Violation	A violation of the Code of Conduct for which the possible sanctions include suspension or expulsion from the University and/or eviction from University housing.
Student	Any person who is enrolled at the University and who has not completed a program of study in which they are enrolled. Student status continues whether or not the University's academic programs are in session. Student status includes those taking courses for credit or non-credit at the University, either full-time or part-time, while pursuing undergraduate, graduate, or professional studies.
Student Disciplinary Council	The hearing body authorized to resolve alleged Serious Misconduct Violations.
Support Person	An individual who may attend an informal meeting or formal hearing to provide advice, support, or guidance to either the Respondent or Complainant participating in disciplinary proceedings involving a Serious Misconduct Violation. A Support Person may not represent or speak on behalf of a Participant and may not delay, disrupt, or otherwise interfere with a student conduct meeting or hearing. An attorney may serve as a Support Person, although the attorney's participation would be limited to the role of Support Person as described herein.
University Community	Employees, Students, visitors, volunteers, and, potentially, members of the public.

Responsibilities

Housing and Residence Life

Staff in Housing and Residence Life will, as needed, act as judicial hearing officers to hear and resolve, in accordance with this Regulation, Code of Conduct violations not constituting Serious Misconduct Violations.

Registered Student Organization

Registered Student Organizations (RSOs) are expected to comply with this Regulation as well as terms and policies specified within the RSO Manual published by and other directives of the Office of Student Life. RSOs are collectively responsible for any action committed by their members on behalf of the organization that violates this Regulation or other applicable University policies or directives.

Student Disciplinary Council

The Student Disciplinary Council (SDC) will hear and resolve all alleged Serious Misconduct Violations in accordance with this Regulation.

Students

Students will: (1) Show respect for others, themselves, and the University community; (2) Take responsibility for their behavior; (3) Read and understand this Regulation as well as the University Student Handbook; and, (4) Act with honesty and integrity upholding the Student Code of Conduct.

Office of Student Conduct and Community Standards

The Office of Student Conduct and Community Standards will: (1) Provide information to all students relating to the Code of Conduct and this Regulation; (2) Adjudicate all reports of alleged violations of the Code of Conduct in a consistent manner; (3) Facilitate due process rights set forth by the this Regulation and applicable law; and, (4) Conduct fair and impartial hearings.

University Appeals Committee

The University Appeals Committee will hear and resolve all appeals from the Student Disciplinary Council in accordance with this Regulation.

Violations of the Policy

Violations of this Regulation will be handled through the applicable processes outlined herein.

Interpreting Authority

The Office of University Counsel shall be the Interpreting Authority of this Regulation.

Policy Adoption Review and Approval

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
October 5, 2022	President	Approved



Appendix H

Eastern Kentucky University Emergency Action Plan



EASTERN KENTUCKY UNIVERSITY



EMERGENCY ACTION PLAN

EOP ANNEX - I

29 CFR 1910.38

PRODUCED 04/05/2024 BY:



**EMERGENCY MANAGEMENT
& SECURITY**

Although Eastern Kentucky University takes precautions to prevent them, emergencies do occur. When they do, employees are expected to use their own personal judgment and discretion in order to make quick, effective and decisive responses. Eastern Kentucky University is required to have in place an Emergency Action Plan per OSHA standard 29 CFR 1910.38. The plan must meet all criteria of the referenced standard (Appendix II). The following is Eastern Kentucky University's planned response to emergency situations, and all employees are encouraged to follow these guidelines for the duration of their employment. Noted throughout Eastern Kentucky University's Emergency Action Plan are references to the standard so that compliance is readily identifiable to an OSHA inspector if an inspection/investigation is conducted.

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Plan Adoption and Record of Changes

Date of Adoption: 09/28/2019

Changes	Entered By	Date Entered
Dizney Building was modified to be an Enhanced Shelter-In-Place (ESIP) building through the U.S. Army Corps of Engineers, FEMA, and the CSEPP Program.	Gary Folckemer, Director of Emergency Management & Security	11/18/2019
Situational Awareness Section modified to reflect up-to-date registration options for <i>EKU Alerts</i> . Faculty/Staff Emergency Action Plan Contacts section updated to reflect current position titles.	Charles Daab, EM&S Infrastructure Supervisor	05/24/2021
Changed Division of Public Safety to Division of Facilities Management & Safety and Facility Services to Facilities Management.	Gary Folckemer, Director of Emergency Management & Security	06/09/2021
Periodic Review with University Counsel	Gary Folckemer, Director of Emergency Management & Security	07/08/2021
Changed Title of Staff - EAP Plan Contacts – to EM&S Projects & Infrastructure Manager	Gary Folckemer, Director of Emergency Management & Security	03/02/2023
Alumni Coliseum is offline, and unavailable for use as an enhanced shelter in place building, during a chemical release, until approximately August 2025. It is currently under renovation. The August 2025 timeframe is subject to change.	Gary Folckemer, Director of Emergency Management & Security	04/05/2024

PROCEDURES FOR REPORTING FIRE OR OTHER EMERGENCY

29 CFR 1910.38 (c) (1)

EMERGENCY PHONE NUMBERS

Eastern Kentucky University Police Department (EKUPD) is open 24 hours a day. All fires or other emergencies on the Richmond Campus should be reported as soon as possible by dialing 911 from any campus telephone or, if by cell phone, 859-622-1111. Deaf or hard of hearing individuals may access the Department's TDD by calling 859-622-6279 and/or they may text message someone who can inform authorities. Be sure to specify where you are; whether you are on EKU's campuses, and your exact location.

Note: If the reporting party is located on the EKU Richmond Campus and uses a campus phone, dialing 2-1111 or 911 will achieve a direct connection with the EKUPD Dispatcher. The EKUPD Dispatcher will notify and coordinate any outside resources needed for assistance:

- Richmond Fire/Rescue Department
- Madison County Emergency Medical Services
- Richmond Police
- Madison County Sheriff
- Kentucky State Police
- Others that may apply

If you are off the EKU Richmond Campus, report all fires or other emergencies, by dialing 911, as soon as possible.

Calling 911 from your cell phone may connect you with the Madison County Dispatch Center, or other appropriate Dispatch Center based on your physical location. The 911 Dispatch Center you reach will notify and coordinate the resources you need (e.g. Police, Fire/Rescue, Emergency Medical Services) for the location you are in. Again, always be sure to specify where you are; whether you are on EKU's campuses, and your exact location.

You can program the EKUPD 859-622-1111 and 911 telephone numbers into your mobile devices to ensure quick access to this resource when needed.

EVACUATION / SHELTER IN PLACE PROCEDURES

29 CFR 1910.38 (c) (2)

Situational Awareness

- Be aware of the designated emergency evacuation staging and accountability areas located throughout campus.
- When moving from building to building during the performance of your duties take a few moments to orient yourself as to where you are in reference to the location(s) of the closest evacuation point(s) in the event an emergency situation occurs during your stay.
- Do not count on others to keep you safe; it is the responsibility of all ECU faculty/staff to be aware of their surroundings and to be prepared to act appropriately if an emergency situation were to arise.
- Register to be a recipient of the ECU Alerts emergency notification system.
[Note: Current employees, and registered students, are automatically enrolled in Rave Mobile Safety – Emergency Notifications. Other community members may SMS (Text) to Opt-In.]
Be informed. Text “ECUAlerts” to 67283 (MRAVE), 226787 (CAMPUS), 78015, or 77295.
- **ECU Alerts** is the University’s system for notifying ECU students, faculty, and staff in the event of a disaster, or other emergency, that takes place on campus. Emergency information and instruction may be sent using one or all of the following methods:
 1. Text message to your cell phone.
 2. Email notification to your ECU email account.
 3. Voice call/audio message to a cell phone or other telephone.
 4. Indoor notification systems (Computer Pop Ups and Alert Beacons).
 5. Designated ECU websites: (ECU Main, Police, Emergency Mgmt Websites, Facebook, and Twitter).
 6. Outdoor notification system (Sirens).
- Understand the importance of your role in making this plan work effectively.
- If you receive an ECU Alert, you may share the information with others around you. Notify the ECU if you need help, have relevant information, observe suspicious activity, or need to report an event that is taking place.
- Review your contact information in RAVE by going to myECU and locating the RAVE Emergency Notifications link under the ECU Links Card.

Evacuation

Evacuation is the movement of persons from a dangerous, or potentially dangerous place, to a safe place. Evacuation can be EXTERNAL such as for a fire or fire alarm or INTERNAL such as for severe weather, chemical release, or active shooter. Internal evacuation is commonly referred to as sheltering in place. Examples include the evacuation of a building due to a fire alarm or seeking the best available refuge during severe weather (see fire evacuation/severe weather maps in your building and in Appendix III). In an extreme situation, large portions of, and perhaps the entire campus, may be required to relocate or evacuate.

External Evacuation

- Always evacuate, as soon as possible;
 - If the fire alarm sounds
 - If special evacuation announcements are made, and/or
 - Authorized and designated faculty or staff safety coordinators direct you to evacuate.
- Address any special circumstances that exist within the room/area you are evacuating prior to departure if you have been adequately trained to do so.
- Close office/classroom doors and windows upon departure if possible.
- Do not use elevators during an evacuation.
- Use designated corridors and fire exit stairs that lead to the ground level.

- If possible, aid people not physically able to evacuate via the steps, by assisting them to the nearest enclosed stairwell, or an enclosed room; immediately notify EKUPD or the appropriate jurisdictional authority of the following:
 - Name
 - Specific location
 - Individual details (gender, approximate weight, restrictions (e.g. wheelchair, crutches, etc.))
- Exit the building in an orderly manner and move to the designated Evacuation Assembly Areas. Instruct students/visitors to do the same.
- Follow instructions of emergency response personnel.
- If possible, bring any and all means to account for those who were occupying the building as well as the means to document who has assembled.
- Do not leave the area prior to being accounted for unless the type of emergency that exists requires immediate relocation from the area in question. Upon reaching safety make contact with university representatives (department supervisors, instructors, etc.) to account for your wellbeing and location.
- Do not re-enter the building or area until an “All Clear” announcement is given by emergency response personnel.

Evacuation Assembly Areas (EAAs)

EAAs are the point(s) to which all building occupants should report to following a building evacuation, and are pre-identified locations (see Appendix I). Specific incidents may require the EAA to relocate.

Internal Evacuation

- When the direction, by authorities, to shelter-in-place has been given, (e.g. during severe weather), everyone is to begin the protocol below, and avoid or minimize driving or walking outdoors;
- Locate a room to shelter inside. It may be an interior room, at the lowest level, and without windows or with the least number of windows. The more walls between you and the danger, the better. Utilize as many rooms as necessary to accommodate the number of people in the building. Shut and lock the door(s).
- Faculty/Staff members should, if possible, bring any and all means to account for those within their areas as well as supplies to document who has assembled.
- Monitor the ECU Alert system for emergency and/or further instructions.
- Take refuge until an evacuation can be safely initiated or an “all clear” is given.

Shelter-In-Place: Community Wide Chemical Emergency

- When alerted of a community wide chemical emergency, immediately move to the nearest enhanced shelter-in place (ESIP) building.
- ESIP Buildings are Combs Classroom Building, Disney Building, Model Laboratory School Gymnasium, Perkins Building, University Building, and Whitlock Building.
- Once inside the ESIP Building, activate the Collective Protection System.
- If you are unable to go to an ESIP building, shelter in place (SIP) with a SIP kit.
- Refer to the ECU Chemical Release Response Manual for more information.

Evacuating or Seeking Shelter – Access and/or Functional Needs

- Your safety is very important to ECU. Maintaining your safety is a joint responsibility, between you, the University, and emergency response agencies. The person most responsible for your safety is you.
- Can you evacuate (externally and internally) on your own? If you cannot, for any reason, plan for how you can gain assistance in evacuating, so that you can escape danger and remain safe.
- The elevators may be used to transport individuals with access and/or functional needs, and their escorts, to a safer location (if this can be done prior to an alarm or warning being issued).

- Elevators typically will not work, and are generally not safe to use, during a fire, fire alarm, or any situation where the power could be disrupted, such as during a tornado warning or other damage to the building.
- Any individual in need of help or rescue should seek the best available refuge (e.g. an enclosed stairwell or a room) and call EKUPD at 859-622-1111 (on Richmond Campus) or 911 (off Richmond Campus) to report their location to emergency responders. The individual should ask someone, who is evacuating, to relay their location and their need for assistance to the emergency responders.

ASSEMBLY AND ACCOUNTABILITY

29 CFR 1910.38 (c) (4)

- Assemble at the Evacuation Assembly Areas (EAAs) as identified in Appendix I, or on Building Emergency Plan maps (Appendix III). Faculty/Staff members should, if possible, bring any and all means to account for those within their areas as well as supplies to document who has assembled.
- On duty (i.e. at work) area/unit supervisors, managers, or equivalent (i.e. any employee responsible for subordinate employees) have the responsibility to account for the location and condition of all of their direct reports who are also on duty (i.e. at work) after an evacuation.
- Make sure that you have been accounted for as an occupant of the building when the emergency evacuation took place. Do not leave the EAA until you have been accounted for.
- On duty (i.e. at work) employees from each particular area/unit have the responsibility to report to their on duty (i.e. at work) area/unit supervisor or manager or equivalent, in person, or by text, or by phone call, and inform them about their status (e.g. name, phone number, location, and condition, such as “I am safe and well” or “I need help”).
- If employees are not accounted for, their identity and last known location are to be reported, by the employee’s on duty (i.e. at work) direct supervisor, to emergency responders for search, and possible rescue, operations.

Do not re-enter a building or affected area until an “All Clear” announcement is given by Emergency Response Personnel.

SPECIFIC TYPES OF EMERGENCY SITUATIONS

Note: If you perceive that there is an emergency situation, and it is not specifically addressed in the following section, refer to the *Procedures for Reporting a Fire or Other Emergency* section of this document.

Fire Emergency

- If a fire is discovered / observed pull the nearest fire alarm to evacuate the building.
- Call 911 or 2-1111 from any campus telephone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).
- When a fire alarm is activated all occupants of the building are required to evacuate.
- If the fire is at an incipient state (small/controllable), if a fire extinguisher is readily accessible and if you are trained in the use of the extinguisher, an attempt may be made to extinguish the fire.
- Building occupants are not required to fight fires. Fire extinguishing efforts must be stopped when there is a risk of personal harm.
- Always activate the fire alarm (you or someone you direct) before any attempt is made to extinguish a fire.
- Be prepared to use an alternate route if necessary due to the location of the emergency situation taking place.
- Take care of any special circumstances that exist within the room you are evacuating from if possible to do so prior to departure and if you have been adequately trained to do so (e.g. securing/capping hazardous chemicals, switching off machinery, stopping experiments, etc.). Otherwise, evacuate immediately.
- Close doors and windows as you evacuate if possible.
- Do not use the elevators.
- Keep low as you exit from the building if dense smoke is present within the corridor.
- Follow instructions of emergency response personnel.

Medical Emergency

- If there is a medical emergency, follow the Check – Call – Care method.
- Check the scene for safety and check the victim for consciousness.
- Call 911 or 2-1111 from any campus telephone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).
- Care for illness or injuries (first aid) only if you have been trained and certified to do so.
- Do not move someone unless safety dictates.

Tornado Watch

- Be Prepared! Tornadoes are possible in and near the watch area.
- Review and discuss emergency plans.
- Be ready to act quickly if a warning is issued or you suspect a tornado is approaching.
- Monitor weather announcements.
- If you are on an upper floor, and the likelihood of a tornado warning being issued exists, consider moving to the lowest level of a permanent structure while the elevator (if there is one) can be safely utilized.

Tornado Warning

- Take Action! A tornado has been sighted or indicated by weather radar.
- Community sirens and ECU Alerts may be activated.
- There is potential imminent danger to life and property.
- Move to an interior room on the lowest level of a sturdy building. Avoid Windows.
- If in a vehicle, or outdoors, move to the closest substantial shelter and protect yourself from flying debris.
- Continue to monitor weather reports/conditions via mobile device, weather radio, etc.

Severe Weather Warning

- Seek inside shelter, in the best available area for refuge.
- Consider the following:
 - Move to the lowest level of a permanent structure.
 - Close windows and doors.
 - Seek interior rooms on the lowest floors possible without windows and outside wall exposure (interior hallways, restrooms, classrooms, offices, etc.).
 - Avoid single story wide-span roof areas such as auditoriums, gymnasiums, cafeterias, etc. if at all possible. If located in a structure of this nature stay away from the outside walls and windows.
 - Attempt to stay calm and follow instructions being communicated through ECU Alerts and other media outlets.
 - Use your arms to protect your head and neck.
 - Remain sheltered until the severe weather warning has expired.

Hazardous Materials Release or Spill – Small Scale

- Evacuate and Isolate the immediate area.
- Secure the location.
- Shut down any relevant utilities or equipment and turn off the HVAC systems and vents if possible and if you have been trained to do so.
- Call 911 or 2-1111 from any campus telephone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).

Chemical Emergency – Community Wide

- When alerted of a community wide chemical emergency, immediately move to the nearest enhanced shelter-in place (ESIP) building.
- ESIP Buildings are Combs Classroom Building, Disney Building, Model Laboratory School Gymnasium, Perkins Building, University Building, and Whitlock Building.
- Once inside the ESIP Building, activate the Collective Protection System.
- If you are unable to go to an ESIP building, shelter in place (SIP) with a SIP kit.
- Refer to the ECU Chemical Release Response Manual for more information.

Bomb Threat / Threat of Attack

- If you receive a communication (i.e. a phone call, written note, text, or electronic communication) or have information concerning a communication about a bomb threat or other attack, preserve as much information as you can, immediately report the incident to ECU Police, and provide as much detail as possible.
- Protect yourself and create and manage distance and shielding from a perceived threat.
- Call 911 or 2-1111 from any campus telephone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).

Suspicious Device / Item

- If you receive or are notified of a suspicious package, STOP.
- Do not handle the package. Do not open, touch, taste, or smell the item.
- Evacuate the area immediately.
- Call 911 or 2-1111 from any campus telephone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).
- Do not use cell phones or radios in close proximity to any suspicious device or package.

Explosion

- Take cover and protect your head, neck, and torso.
- Leave the area as soon as it is safe to do so.
- Do not use elevators.
- Move away from the affected area and stay clear.
- If you are trapped in debris, signal your location with any means available.
- Avoid any unnecessary movement and cover your nose and mouth to help filter your breathing.
- Call 911 or 2-1111 from any campus phone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).

Earthquake

- Drop, Cover, & Hold On.
- Drop down to the floor.
- Take cover under something sturdy and protect your head, neck, and torso.
- Keep away from overhead fixtures, windows, unsecured cabinets/shelves/stacked objects, and any other hazards that may pose a threat during the occurrence.
- Hold on to a secure object until the shaking has stopped and you are sure it is safe to exit.
- Evacuate if the fire alarm sounds or if instructed by Emergency Responders.
- Move away from buildings and other things that may collapse or fall.

Active Shooter – Targeted Violence

In general, how you respond to an active shooter or targeted violence will be dictated by the specific circumstances you encounter. Generally, there are two groups of individuals in an active shooter or targeted violence situation; those being directly confronted with active violence/shooter(s) and those who are at some distance away from the active violence/shooter(s).

If you find yourself being threatened in an active shooter or targeted violence situation, you must use individual discretion and quickly determine the most reasonable way to protect your own life.

▪ **Figure Out**

- What will you do to survive?
- Can you RUN?
- Is there a path of escape?
- Can you HIDE?
- Is there a chance to get to where the shooter may not find you?
- Is your only option to FIGHT and defend yourself?

▪ **Run! (Get Out)**

- Move quickly and have an escape route in mind.
- Leave belongings behind.
- Evacuate regardless of whether others agree to follow.
- Survival chances increase if you are not where the shooter/aggressor is.
- Keep your hands visible.

▪ **Hide! (Hide Out)**

- If you can't get out because the shooter is between you and the only exit then hide out.
- Move out of public areas and look for a well-hidden or well protected place.
- Avoid places that might trap you or restrict movement.
- Lock doors if possible. If the space can't be locked, try to barricade or block the doors with heavy furniture or objects.
- The main exterior doors of your building may not be able to be quickly secured; therefore, you should be prepared to secure the next interior level such as an office suite, classroom, or other space.
- Turn off lights, noise producing devices, and remain silent.
- Spread out.

▪ **Fight! (Defend Yourself)**

- Fight as a last resort and only when your life is in imminent danger.
- Assume the aggressor's intentions are lethal.
- Choose to survive and commit to your actions.

▪ **Call 911 When it is Safe to Do So**

- Call 911 or 2-1111 from any campus phone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).

If you are away from an active shooter or targeted violence situation, and if it is recommended you do so, **Secure in Place**. You can secure your hiding place by locking or barricading doors and windows. Try to conceal yourself and take cover. Silence electronic devices and await updates.

For additional information on specific types of emergencies or any other general questions, refer to the ECU Emergency Management Webpage at:

<https://emergency.ecu.edu>

FACULTY / STAFF RESCUE AND MEDICAL DUTIES

29 CFR 1910.38 (c) (5)

It is the responsibility of the Richmond Fire/Rescue Department and the Madison County Emergency Medical Services, to fight fires and perform rescues, and provide medical duties, to the ECU Richmond Campus. Off the Richmond Campus, fire and rescue, and medical duties, are the responsibility of the jurisdictional Fire/Rescue Department and Emergency Medical Services, respectively, for the area involved. The ECU Division of Facilities Management & Safety along with selected and identified faculty/staff, who receive specialized training, may follow predetermined protocols that only allow exposure to hazards that they have been trained and equipped to mitigate.

FACULTY / STAFF EMERGENCY ACTION PLAN CONTACTS

29 CFR 1910.38 (c) (6)

Director of Emergency Management & Security (859) 622-8987
EM&S Projects & Infrastructure Manager (859) 622-3438
Your Immediate Supervisor (i.e. who you report to) _____

FACULTY / STAFF MAY BE UTILIZED FOR CRITICAL OPERATIONS PRIOR TO THEIR EVACUATION

29 CFR 1910.38 (c) (3)

- In the event of an emergency and if possible, employees who operate energized equipment, machinery, or experimentation, and who have been designated as operators (or other similar term), and instructed on the operations by their supervisor, manager, or equivalent, should remain in the workplace long enough to monitor, reduce, and/or shut down critical operations until such energized material has been reduced to a safe capacity or stopped before they evacuate.
- Energy sources including electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy sources in equipment, machinery, or experimentation are considered to be energized.
- Every area/unit supervisor, manager, or equivalent (i.e. any employee responsible for subordinate employees) have the responsibility to evaluate their work areas for the presence of energized material or operations, and if present, must determine, document, and train all of their employees who work with/on those processes or operations, on a procedure to safely reduce the operating capacity, or shut down, the processes or operations, to avoid the buildup, and release of energy potentially harmful to people, the environment, and/or property, if left unattended.
- Every employee who works with/on such processes or operations has the responsibility to learn, and implement when necessary, the procedures to safely reduce the operating capacity, or shut down, the processes or operations, to avoid the buildup, and release of energy potentially harmful to people, the environment, and/or property, if left unattended.
- Address any special circumstances that exist within the room/area you are evacuating prior to departure if possible (e.g. securing/capping hazardous chemicals, switching off machinery, stopping experiments, etc.).
- If possible, energized material should be reduced to a safe level, or its operating capacity shut down, before evacuating.

FACULTY / STAFF ALARM SYSTEM

29 CFR 1910.38 (d)

A majority of the buildings on the Eastern Kentucky University campuses are equipped with a supervised fire alarm monitoring system capable of being perceived above ambient noise and/or light levels by persons in the affected portions of the building. In the event a building fire alarm system is activated, speakers and/or strobes will serve as the warning device notifying occupants of the need to evacuate. The alarm is distinctive and recognizable as a signal to evacuate the area or to perform actions designated under the emergency action plan.

Some buildings may only be equipped with “local only” smoke detectors.

If a building is not equipped with an alarm system, evacuation should be accomplished through voice or touch, directing occupants to leave the area. Any person may order an evacuation if they perceive danger in the area.

Call 911 or 2-1111 from any campus phone or if by cell phone, call (859) 622-1111 (on Richmond Campus) or 911 (off Richmond Campus).

Eastern Kentucky University may utilize EKU Alerts (as described in the Evacuation/Shelter in Place Procedures) to provide public information and warning for necessary emergency actions.

FACULTY / STAFF NOTIFICATION

29 CFR 1910.38 (e)-(f)

All faculty/staff members are expected to understand and fulfill their roles in the Emergency Action Plan.

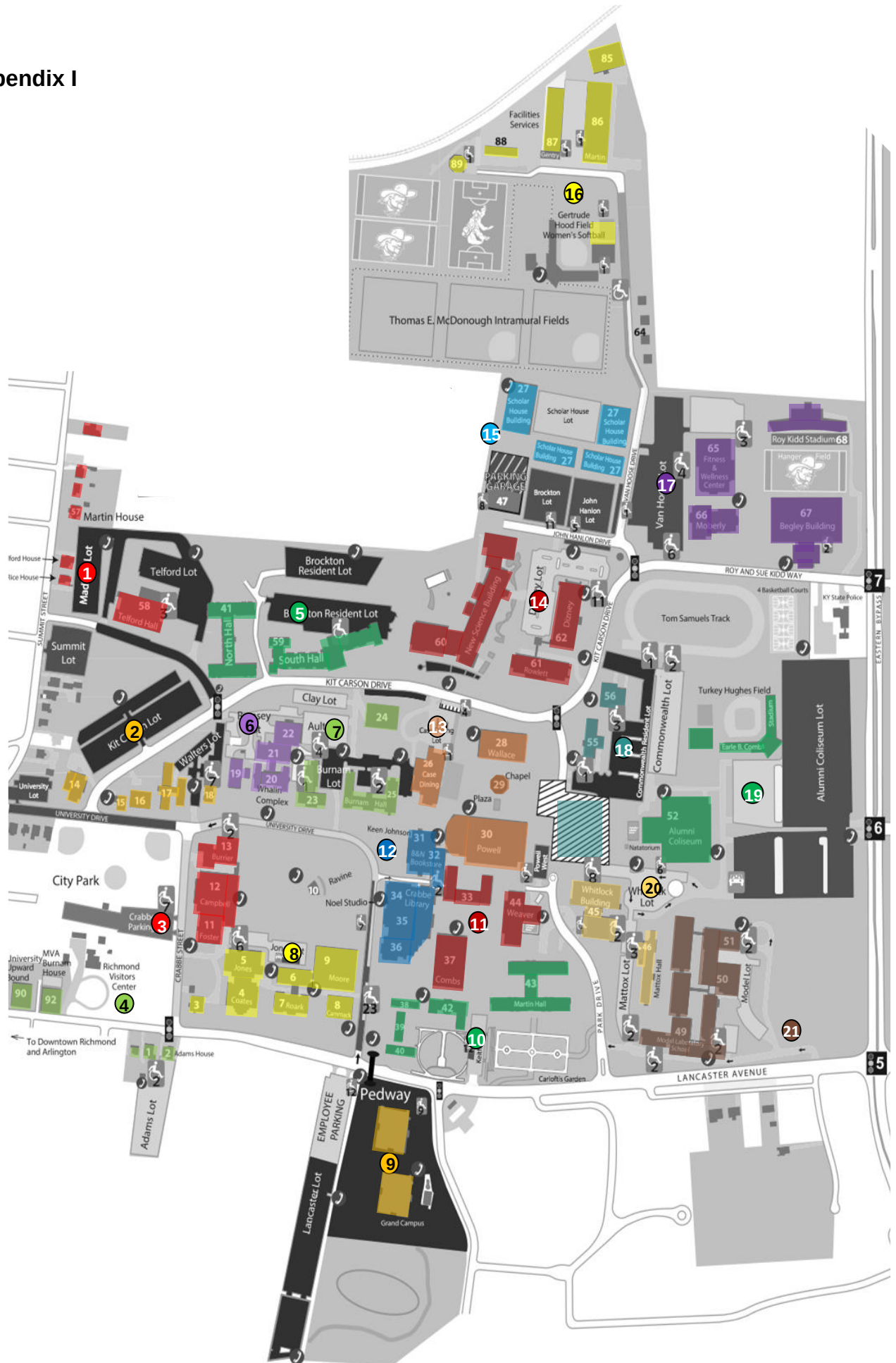
All faculty/staff members are expected to complete the following:

1. Review the Emergency Action Plan.
2. Question any information contained in the plan when clarification is desired or needed.
3. Perform self-inspections of working areas, identifying evacuation routes, emergency exits, places where best available refuge may be sought, the presence of critical operations, and the presence of alarm systems, in all areas they operate in.

Building Supervisors serve as an important liaison between occupants of their buildings, the Division of Facilities Management & Safety, and emergency responders. Building Supervisors have a responsibility for assisting with the coordination of prompt and safe action of staff, faculty, and students in their designated areas during emergencies and drills. Building Supervisors are provided with a copy of this Emergency Action Plan, to share with other occupants of their buildings, and to be utilized in a plan activation and/or training exercises.

APPENDICES

Appendix I





EKU Evacuation Assembly Areas

Assembly Area	Buildings	Area Description
1	Martin House, Telford Hall, Telford House, Rice House	In the Madison Parking Lot
2	Baptist Student Center, Catholic Newman Center, Methodist Student Center, Turley House, Walters Hall	In the Kit Carson Parking Lot
3	Burrier Building, Campbell Building, Foster Music Building	In the Crabbe Street Parking Lot
4	Adams House, Burnam House, Million House, Upward Bound Building	In Irvine McDowell Park
5	North Hall, South Hall	In the Brockton Parking Lot
6	Ramsey Building, Whalen Complex	In the Ramsey Parking Lot
7	Burnam Hall, Clay Hall, Sullivan Hall	In the Ault Parking Lot
8	Blanton House, Cammack Building, Coates Building, Jones Building, Memorial Science Building, Moore Building, Roark Building	In the Jones Parking Lot
9	Grand Campus Buildings 1 & 2	In the parking lot between Buildings 1 & 2
10	Beckham Hall, Keith Building, Martin Hall, McCreary Hall, Miller Hall	In the Keith Parking Lot
11	Combs Building, McGregor Hall, Weaver Building	In the courtyard between the Combs Building & McGregor Hall
12	B&N Bookstore, Crabbe Library, Keen Johnson, Little Building, University Building	In the plaza by the Daniel Boone Statue
13	Case Dining, Chapel of Meditation, Powell Building, Wallace Building	In the Clay Parking lot by Case Dining
14	Dizney Building, New Science Building, Rowlett Building	In the Dizney Parking Lot
15	Scholar House Apartments & Child Development Center	In the Scholar House Parking Lot
16	Black Building, Gabbard Building, Gentry Building, L.O. Martin Building, Presnell Building, Women's Softball Building	In the gravel parking lot by the volleyball court
17	Begley Building, Fitness and Wellness Center, Moberly Building, Roy Kidd Stadium	In the Van Hoose Parking Lot
18	Commonwealth Hall, Palmer Hall, Student Recreational Building	In the Commonwealth Parking Lot
19	Alumni Coliseum, Earle B. Combs Stadium, Men's Baseball Building	In the Alumni Coliseum Parking Lot
20	Mattox Hall, Whitlock Building	In the Whitlock Parking Lot
21	Donovan Annex, Kearns Gymnasium, Model Laboratory School	In the open field next to Model Laboratory School
22	Keene Hall	In the Keene Parking Lot
23	Business & Technology Center, Center for the Arts	In the Business and Technology Circle Drive
24	Adams Building, Carter Building, CRAFT Building, Greenhouses	In the Carter Parking Lot
25	Ashland Building Complex	In the Ashland Parking Lot
26	Hummel Planetarium, Perkins Building, Stratton Building	In the Perkins Parking Lot

Appendix II



UNITED STATES DEPARTMENT OF LABOR

- **Part Number:** 1910
- **Part Title:** Occupational Safety and Health Standards
- **Subpart:** E
- **Subpart Title:** Means of Egress
- **Standard Number:** 1910.38
- **Title:** Emergency action plans.

1910.38(a)

Application. An employer must have an emergency action plan whenever an OSHA standard in this part requires one. The requirements in this section apply to each such emergency action plan.

1910.38(b)

Written and oral emergency action plans. An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

1910.38(c)

Minimum elements of an emergency action plan. An emergency action plan must include at a minimum:

1910.38(c)(1)

Procedures for reporting a fire or other emergency;

1910.38(c)(2)

Procedures for emergency evacuation, including type of evacuation and exit route assignments;

1910.38(c)(3)

Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

1910.38(c)(4)

Procedures to account for all employees after evacuation;

1910.38(c)(5)

Procedures to be followed by employees performing rescue or medical duties; and

1910.38(c)(6)

The name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

1910.38(d)

Employee alarm system. An employer must have and maintain an employee alarm system. The employee alarm system must use a distinctive signal for each purpose and comply with the requirements in § 1910.165.

1910.38(e)

Training. An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.

1910.38(f)

Review of emergency action plan. An employer must review the emergency action plan with each employee covered by the plan:

1910.38(f)(1)

When the plan is developed or the employee is assigned initially to a job;

1910.38(f)(2)

When the employee's responsibilities under the plan change; and

1910.38(f)(3)

When the plan is changed.

[45 FR 60703, Sept. 12, 1980; FR 67 67963, Nov. 7, 2002]

Appendix III

Insert

Building Specific Fire Evacuation Routes
&
Severe Weather Shelter Map

PRODUCED BY:



EMERGENCY MANAGEMENT
& SECURITY