



Annual Security and Fire Safety Report 2019

KENTUCKY STATE UNIVERSITY REPORT FOR CALENDAR YEAR 2018

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About the Kentucky State University

Kentucky State University is a public, comprehensive, historically black land-grant university committed to advancing the Commonwealth of Kentucky, enhancing society, and impacting individuals by providing quality teaching with a foundation in liberal studies, scholarly research, and public service to enable productive lives within the diverse global economy.

Kentucky State University (KSU) was chartered in May 1886 as a land grant institution. Located in Frankfort, Kentucky – the state capital – KSU offers associate (two-year) degrees in three disciplines, baccalaureate (four-year) degrees in 24 disciplines, and master's degrees in five disciplines.

The university's 882-acre campus includes a 204-acre agricultural research farm and a 306-acre environmental education center. KSU has more than 135 full-time instructional faculty members and about 2,200 students. The University's student-faculty ratio is the lowest among public institutions of higher learning in Kentucky. During a typical academic year, the University's student and faculty composition reflects one of the most diverse populations in the Commonwealth.

Kentucky State University prepares today's students as global citizens, lifelong learners and problem solvers. To accomplish this, Kentucky State University must challenge itself and its students to be the best. It must recognize its strengths, expand and excel. Notwithstanding, it must also welcome change and quality improvement. By doing so, KSU will gain widespread recognition as one of the region's strongest universities.

About the University Police Department

Mission Statement: The mission of the Kentucky State University Police and Public Safety Department is to preserve and protect the rights of all citizens by reinforcing an environment where University students, faculty, and staff can live, work, and learn in a community that is conducive to the discovery of knowledge and the pursuit of intellectual, creative, ethical and technical development. The Kentucky State University Police Department's strives to enhance the quality of life for the KSU community by providing dedicated professional services that ensures a safe and secure environment for students, faculty, and staff.

Vision Statement: The Kentucky State University Police Department is dedicated and committed to achieving the highest standards of professional ethics, performance and excellence. We are dedicated to the principles of community policing and enhancing the quality of life for the entire community that we serve.

The philosophy of the Kentucky State University Police and Public Safety Department reinforces our commitment to the preservation of our community's individual, institutional, and collective futures. This is achieved by providing police and public safety services dedicated to the preservation of order, protection of students, faculty, staff, and the general public, prevention of crime and physical security of facilities and resources dedicated to the educational process. Our approach to maintaining a safe and thriving environment for our campus is built on the conviction that only through promoting and nurturing positive relationships with the entire community can we meet our constantly evolving safety and security goals.

The Kentucky State University Police and Public Safety Department's developed a moto of, 'Community Policing Through Outreach'. We strongly value improving safety and security by encouraging a community policing approach. Our primary focus is to respond to all calls for service which includes providing emergency medical care, defusing civil disturbances, investigating criminal behaviors, preserving a peaceful campus during activities, securing campus infrastructures, maintaining and enforcing campus parking, providing safety escorts, patrolling and protecting the KSU Community at all times.

While the majority of police activities focus on protection and crime prevention, we fully utilize our investigative and arrest powers when violations of criminal law occur within our jurisdiction. Laws, policies, and special considerations related to the intersection of Title IX and the Clery Act govern our

ongoing reporting requirements. The KSU Police Department addresses common challenges and promising practices in emergency response, and campus and community-wide notifications, crime reporting, sexual violence guidelines, prevention education, and the development of the University's annual security report.

Core Values: The Kentucky State University Police Department is committed to integrity, accountability, respect, customer service and professionalism. As a commitment to the community, we honor these core values:

- **Integrity:** The University Police Department is committed to ethical and honorable behavior.
- **Accountability:** Our staff will utilize any and all resources necessary to properly serve and accommodate the community, while maintaining a commitment of responsibility and accountability for our service.
- **Respect:** Kentucky State University staff will treat everyone, regardless of their ethnicity or cultural diversities, with respect and dignity.
- **Professionalism:** We are committed to providing excellent professional service while maintaining high standards of training and expertise.
- **Customer Service:** The police department will respond to any need with a commitment to provide a high quality of professionalism and respect.

Training: Our Police Department hires the most qualified law enforcement and civilian employees to ensure the safety and security of this campus. All Police Officers and Dispatchers are trained and certified by the Kentucky Department of Criminal Justice Training Center (DOCJT) in Richmond, Kentucky, which is accredited through the Commission on Accreditation for Law Enforcement Agencies and the International Association of Continuing Education and Training.

Officers are trained in accordance with KRS 15.380(1) (d). Through KRS 164.955, Kentucky State University Police Officers have the same police authority as any other law enforcement officer while on the campus and within our jurisdiction. We are a full service agency and operate 24 hours a day, 7 days a week, and 365 days a year. While the majority of police activities focus on crime prevention, we fully utilize our investigative and arrest powers when violations of criminal law occur within our jurisdiction.

The following report provides important information including, but not limited to, campus safety and security, services and programs offered, evacuation policies and procedures, and fire safety. Additionally, crime statistics and fire-related statistics are also included in the report.

We suggest that you review this report carefully. Creating and fostering a safe campus environment is a shared responsibility within our community and we need your help. If you have any questions, please do not hesitate to call our University Police Department at (502) 597-6878.

Definition of Terms

The following definitions may be helpful when reading this report. These definitions are from part 668 of title 34 of the Code of Federal Regulations.

1. **Awareness programs:** Community wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
2. **Business day:** Monday through Friday, excluding any day when the institution is closed.
3. **Bystander intervention:** 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.
4. **Campus:** Kentucky State University campus consists of any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area and/or any property of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
5. **Campus security authority:** (i) A campus police department or a campus security department of an institution. (ii) Any individual or individuals who have responsibility for campus security but who not constitute a campus police department or campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance

into institutional property. (iii) 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. (iv) 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.

6. **Clery geography:** (i) For the purposes of collecting statistics on crimes for submission to the Department of Education and inclusion in an institution's annual security report, Clery geography includes; Buildings and property that are part of the institution's campus; The institution's non-campus buildings and property; and Public property within or immediately adjacent to and accessible from campus. (ii) For the purposes of maintaining the required crime log, Clery geography includes, in addition to the locations in paragraph (ii) of this definition, areas within the patrol jurisdiction of the campus police or campus security department.

Campus Security Act Legal Requirements

Federal Law: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (referred to as the “Clery Act”) is part of the Higher Education Opportunity Act. This law requires institutions of higher education that receive federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community. The U.S. Department of Education holds enforcement authority for the Clery Act and there is a minimum penalty of \$35,000 for each violation of the regulations that define the reporting requirements.

State Law: The Kentucky Campus Safety and Security Act (referred to as the Michael “Minger Act”) requires higher education institutions in Kentucky to report crime statistics to current and prospective students and employees, to maintain a daily crime log, to report a fire or threat of fire to the State Fire Marshal immediately, and to issue special reports when there is an ongoing threat to the safety of students and employees. An annual report of campus safety policies, programs and statistics must also be submitted to the Kentucky Council on Postsecondary Education.

Compliance: The Kentucky State University Police Department with the assistance of the Residence & Student Life administrative staff have been designated as the compliance office entity for ensuring that the requirements of the Clery/Minger Acts are met by the designated Campus Security Authorities (CSAs) and the University as an entity. The University Police Department is also responsible for issuing the annual reports and for coordinating the release of all Campus Crime Bulletins with the designated CSAs.

Campus Law Enforcement Policy: The Kentucky State University Police Department is responsible for the safety and security of this University including any and all faculty, students, staff, or members of the community who are on its premises.

Enforcement Authority: The Kentucky State University Police officers receive their law enforcement authority through the Justice and Public Safety Cabinet by the provisions of the Kentucky Revised Statutes 15.380 and 164.955. The duties of these officers once appointed and sworn in include legal authority to arrest for violations of state and federal law and shall be confined to the premises of the property to be protected. Additionally, University Police officers may opt to refer students to the judicial arm of Student Affairs for disciplinary review in lieu of, or in addition to arrest.

Relationship with Law Enforcement

The Kentucky State University Police Department has established and maintained a close working relationship with local, state, and federal law enforcement agencies. Crime related reports and statistics are routinely exchanged among these various agencies.

Frankfort Police Department (502) 875-8582

Franklin County Sheriff Department (502) 875-8740

Kentucky State Police Post 12 (502) 227-2221

Commonwealth Attorney's Office (502) 564-4741

Incident Reporting and Response

There are numerous ways to contact the KYSU PD:

- 1) In person by visiting the Police Department in the Exum Center, 400 East Main Street
- 2) In person by reporting activity to a Police Officer, staff or faculty member
- 3) By phone by calling our 24/7 Dispatch number 502-597-6878
- 4) By phone by texting the TIP KSU Number 50911 (then type KSU TIP)
- 5) By phone by texting or calling the Police cell phone 502-545-7370
- 6) By using one of the 6 Blue Emergency Phones located on campus
- 7) By Internet by using our Facebook page (@KYSUPD) *
- 8) By Internet by using Facebook Messenger (@KYSUPD) *
- 9) By Internet by using our Twitter page (@POLICEKYSU) *
- 10) By Internet by using our secure Incident Reporting Form in the kysu.edu website*

**** These methods may not be monitored 24 hours a day. ****

The University encourages prompt reporting of all crimes and public safety related incidents to the University Police Department. Crimes should be reported to KSU police to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. The KSU police department will respond to calls for service at any owned/leased Kentucky State University property.

KYSU Police Dispatch Center

It is the mission of the KYSU Dispatch Center to serve as a link between the Department of Public Safety and the University community, visitors, and guests relating to public safety and emergency assistance. To assist in accomplishing this mission, certified Law Enforcement Telecommunication Officers staff the Dispatch Center 24 hours a day, seven days a week. Tele communicators are extensively trained by the Kentucky Department of Criminal Justice Training (DOCJT) Center at Eastern Kentucky University.

Tele communicators are responsible for answering both emergency and non-emergency calls for police, fire, emergency medical services, security, maintenance requests, and a host of other services. The KYSU Dispatchers monitor the campus 24 hours a day with the use of video surveillance cameras. Dispatchers also have access to the National Crime Information Center (NCIC), the Law Enforcement Network of Kentucky. These systems assist Tele communicators in making inquiries concerning wanted persons, stolen items, and to obtain driver's license and vehicle registration information on a National level. Property stolen at the University is also entered into the database so the information is available to virtually every law enforcement agency in the United States.

The KSU Police and Public Safety Department shall make record of every incident to which the department responds to whether a written report is created or not, in any of the following: citizen reports of crimes, citizen complaints, citizen requests for services when: (a) an officer is dispatched, (b) an employee is assigned to investigate, (c) an employee is assigned to take action at a later time, criminal and noncriminal cases initiated by law enforcement officers and incidents involving arrests, citations, or summonses.

Comprehensive reporting is necessary to ensure that alleged events are recorded accurately and to protect the rights of officers and citizens. A record will be made of actions taken by the responding officer whether the call is a request for service or officer-initiated activity. In many instances, the "report

requirement" will be accomplished through the collection of information on computer by the Dispatch Communications Center (i.e. case numbers, disposition codes, etc.). A record will be made of all dispatched calls. This in no way relieves Officers from their responsibility to make written reports when the circumstances of a call/activity require one. When duplicate calls are received for a single incident, only one report will be required.

Any KSU police criminal or incident report involving a University student, where that student is listed as a suspect/offender, will be forwarded to the Office of Student Conduct for review and potential action by the Dean of Students. KSU police will investigate a report when it is deemed appropriate to do so. Additional information obtained via the investigation will also be forwarded to the Dean of Students.

University Judicial System

Disciplinary Authority

Students are disciplined at Kentucky State University through two principle means: informally through administrative hearings in the Office of Student Engagement and Campus Life formally through two levels of courts; the Student Court and the All-University Court. Students have the option of appealing to the All-University Court only in cases of suspension or expulsion. Organizations do not have an option of appealing through the courts, as organizations are disciplined administratively.

The Office of Student Engagement and Campus Life shall keep and review students' disciplinary records and shall have the authority to summon and discipline students, including students who are multiple offenders. Multiple offenders are those students who have been found guilty in three (3) or more hearings before judicial officers or bodies, either through administrative hearings and/or through the levels of courts listed.

Nothing in this document shall be construed to limit the authority of the University President or that of the Board of Regents of Kentucky State University with respect to student conduct.

Filing a Complaint

Any person may file a complaint against a student or organization suspected of violating the University's policies, regulations and guidelines. A complaint shall be in writing and directed to the Vice President of Student Engagement and Campus Life or designee. An individual who files a complaint/incident

report is normally expected to participate in the disciplinary meeting or hearing and to present relevant information and evidence.

Incident reports/complaints should be submitted as soon as possible after the event takes place, preferably during the semester in which the event took place.

The Vice President of Student Engagement and Campus Life or designee may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of by mutual consent of the persons involved on a basis acceptable to the Vice President of Student Engagement and Campus Life or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the complaint has merit and cannot be disposed of by mutual consent, the Vice President of Student Engagement and Campus Life or designee may participate in any subsequent disciplinary meeting or hearing to resolve the complaint. The Vice President of Student Engagement and Campus Life or designee reserves the right to reject a complaint where it is not feasible for the University to pursue the complaint.

The Vice President of Student Engagement and Campus Life or designee will conduct a preliminary review of the complaint to determine whether the alleged misconduct may result in expulsion from the University. The Vice President of Student Engagement and Campus Life or designee will also determine whether the accused student disputes the facts that form the basis of the complaint.

Only those students who are subject to suspension or expulsion are entitled to a hearing before the All University Court. The Vice President of Student Engagement and Campus Life serves the right to refer any complaint to a University official or committee.

Disciplinary Meeting

Students who wish to waive their right to a formal hearing may choose to have their situation resolved through a disciplinary meeting with the Vice President of Student Engagement and Campus Life or designee. Students meeting with the Vice President of Student Engagement and Campus Life or designee will receive:

1. Written notice of the complaint
2. Reasonable access to the complaint
3. An opportunity to respond to the complaint and to present relevant and necessary witnesses
4. Written notice of the determination, including any sanction(s)

Student Court

Students who dispute complaints against them that do not fall under the sole jurisdiction of the Office of Student Engagement and Campus Life that are not covered within Section 5 of the Student Conduct Handbook, “Offenses Disrupting Order or Disregarding Health and Safety” are entitled to a hearing before the Student Court. Students can only appeal to the All-University Court in cases of pending suspension or expulsion.

A Student Court having authority specified under the "Student Judicial Review Process Hearing Procedures" Section 2 is established. The Student Court will be composed of seven students appointed by the President of the Student Government Association and confirmed by the Student Senate. The students appointed by the President of the Student Government Association must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Engagement and Campus Life, and must have and maintain a cumulative and semester grade-point average of at least 2.5.

A chairperson, with the right to vote, will be elected by the student body of the University. This chairperson will be called the Chief Justice. The person selected for this office must receive a simple majority of the votes cast even (if running unopposed). The Chief Justice shall automatically be reappointed as a member of the Student Court the following year. An Associate Chief Justice will be elected by members of the Student Court from among the members appointed by the President of the Student Government Association. The Vice President for Student Engagement and Campus Life will

designate an Ex- Officio Administrative Secretary to the Student Court, without the right to vote. A hearing will not be valid unless the Ex Officio Administrative Secretary is present.

A member of the Student Court will automatically vacate his/her office if he/she fails to maintain cumulative and semester grade point averages of 2.5, if he/she is found guilty in a disciplinary action, or if he/she ceases to be a full-time student. The Student Government Association President shall appoint persons to fill such vacant office. The term of office for members of the Student Court will be one year, commencing with the first Student Legislature meeting of the academic year and terminating immediately prior to the first Student Legislature meeting the following academic year. A quorum will consist of at least six voting members of the Student Court. Decisions will be reached by majority vote of those members present.

The Office of Student Engagement and Campus Life may appoint a special Student Court for the summer session. The Student Court will be composed of seven students appointed by the President of the Student Government Association and confirmed by the Office of Student Engagement and Campus Life. The students appointed by the President of the Student Government Association must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student engagement and Campus Life, and must have and maintain a cumulative and semester grade-point average of at least 2.5. The Student Court shall serve as the judicial branch of the Student Government Association. The Student Court shall have the power to interpret the Student Government Association Constitution.

The Student Court will have original jurisdiction over:

1. Infractions of the posted regulations of each residence hall by persons residing in university housing.
2. All cases in which the alleged offenses specified involve students from two or more Residence Halls or were committed outside of the Residence Halls.

The Student Court will have judicial authority over all undergraduate students. The Student Court shall have no jurisdiction over any matter specifically delegated to the All-University Court.

Chief Justice

The Chief Justice serves as the general Administrative Officer for the Student Court. His/her duties include but are not necessarily limited to the following:

1. He/she will advise students of their rights when they have been charged with an offense
2. He/she will evaluate the judicial system at least once each semester.
3. He/she will recommend to the Student Court that a member of the court be removed; if he/she finds that, a member is not fulfilling his/her responsibilities as set forth in this document.
4. He/she will cite precedents for judicial decisions.
5. He/she will decide which cases should be brought before the Student Court and he/she will meet with the other Justices and court members weekly to review cases.
6. He/she should be well versed in Student Court rules and regulations.
7. He/she will announce at the commencement of any hearings the rules that govern the conduct of the hearing.
8. He/she will inform the student of his/her right to appeal an adverse decision to the All-University Court.
9. He/she in conjunction with other court justices will hear any cases brought before the Student Court and decide the case within ten workdays from the receipt of the incident report from the Office of Student Engagement and Campus Life.
10. He/she will insure that the Student Court makes a decision within seventy-two (72) hours of the end of the hearing.

Associate Chief Justice

He/she will preside over all Student Court Hearings. The Chief Justice may assist and advise the All-University Court when requested.

The duties and responsibilities of the Associate Chief Justice will be as follows:

1. The Associate Chief Justice will report to the Chief Justice.
2. He/she should be well versed in Student Court rules and regulations. He/she will assist the Chief Justice in the preparation of the decisions of the court.
3. He/she will make up the docket in conjunction with the other justices.
4. He/she will meet with other justices weekly to review cases. He/she in conjunction with other court justices will hear any cases brought before the Student Court and decide the case within ten workdays from the receipt of the incident report from the Office of Student Engagement and Campus Life.

5. He/she will preside over Student Court hearings in the absence of the Chief Justice.

Student Court Justices

The duties and responsibilities of the Student Court Justices will be as follows:

1. A Justice should be well versed in Student Court rules and regulations.
2. He/she will make up the docket in conjunction with the other justices and the Chief Justice of the Student Court.
3. He/she will meet with other justices and court members weekly to review cases.
4. He/she in conjunction with the entire Student Court will interpret university policies, regulations and guidelines within the jurisdiction of the Student Court.
5. He/she in conjunction with other court justices will hear any cases brought before the Student Court and decide the case within ten workdays from the receipt of the incident report from the Office of Student Engagement and Campus Life.
6. He/she in conjunction with other court justices will interpret the Student Government Association Constitution when requested by the Student Senate or an elected officer of the Student Government Association.

Prosecutors

The Vice President for Student Engagement and Campus Life will appoint prosecutors for the Student Court and All-University Court. Prosecutors may include faculty, staff and/or students. Students appointed by the Vice President for Student Engagement and Campus Life must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Engagement and Campus Life, and must have and maintain a cumulative and semester grade point average of at least 2.5.

The duties and responsibilities of the prosecuting officers will be as follows:

1. He/she will be well versed in the rules and regulations of the Student Court
2. He/she will be well versed in rules and regulations of the University
3. He/she will prosecute students before the appropriate court or council to the best of his/her ability.
4. He/she will prepare and summon witnesses for the prosecution.
5. He/she will prepare evidence for the prosecution.
6. He/she will keep any conferences with students strictly confidential.

Student Advocates

Only full-time students in good standing are eligible to serve as Student Advocates. Students selected as student advocates must have a cumulative GPA of at least 2.5 and a clear conduct record. Nothing in this section will be construed to limit a student's right to conduct his/her own defense or to select a faculty member, administrator or staff person as his/her counsel if he/she is appearing before the Student Court or the All-University Court.

A panel of Student Advocates for the University judicial system will be appointed by the President of the Student Government Association, subject to the confirmation of the Student Senate.

If a student who has been accused of an offense does not have counsel, the accused student shall have the opportunity to select a counsel from the panel of Student Advocates.

The duties and responsibilities of a Student Advocate for court or council cases will be as follows:

1. He/she will be well versed in the rules and regulations of the Student Court.
2. He/she will be well versed in the policies regulations and guidelines of the University.
3. He/she will advise students of their rights.
4. He/she will defend students to the best of his/her ability.
5. He/she will keep all conferences with students in strict confidence.
6. He/she will prepare and summon witnesses for the defense of the student.

Student Court Clerk/Advisor and Administrative Secretary

The duties and responsibilities of the Student Court Clerk and Administrative Secretary will be as follows:

1. The Clerk/Advisor/Secretary will keep accurate and confidential records of all hearings.
2. The Clerk/Advisor/Secretary will notify students of charges against them.
3. The Clerk/Advisor/Secretary will notify students of the results of hearings
4. The Clerk/Advisor/Secretary will notify students of penalties or sanctions placed upon them
- 5 The Clerk/Advisor/Secretary will assist the Chief Justice/Chairperson in preparing monthly reports.
6. The Clerk/Advisor/Secretary will be acquainted and well versed in University rules and regulations.

7. The Clerk/Advisor/Secretary will send out all official notices to the court or council he/she serves. Only full-time staff or faculty members appointed by the Vice President for Student Engagement and Campus Life may serve in this capacity.

Other Officers

The Chief Justice/Chairperson of each judicial body may select additional officers and staff as needed. These officers must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Engagement and Campus Life, and must have and maintain a cumulative and semester grade-point average of at least 2.5. These officers or staff persons shall be non-voting.

All University Court

An All-University Court, having authority specified under Section 2, "Hearing Procedures, Jurisdiction of All-University Court" (page 25) of the Student Handbook shall be established.

The membership of the All-University Court will consist of:

1. Three students to be appointed by the President of the Student Government Association. These students must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Engagement and Campus Life, and must have and maintain a cumulative and semester grade-point average of at least 2.5.
2. Three faculty members to be selected or elected in accordance with rules and regulations established by the Faculty Senate.
3. Three administrators to be selected or elected by the President of the University or in the manner in which he/she chooses.
4. A quorum will consist of at least six voting members of the All-University Court (two of each faculty, staff, and students). Decisions will be reached by majority vote of those members present.

The term of office for members of the All-University Court will be one year for students and two years for faculty and staff appointees.

The All-University Court will have original jurisdiction over:

1. All unacceptable acts of conduct and practices as identified by the Board of Regents and listed in the Kentucky State University Student Handbook.
2. All cases involving the alleged violations specified in Student Conduct, Section 3, Penalties/Sanctions for Offenses, Letter B.
3. All cases which the Student Court fails to hear within ten (10) working days of the date the student has been accused of an offense.
4. All hearings involving graduate students.
5. All emergency administrative actions referred to it by the Office of Student Affairs.

The All-University Court will have appellate jurisdiction over all cases from the Student Court. The All-University Court will also have the power to investigate.

Sexual Misconduct Hearing Board

The Sexual Misconduct Hearing Board will consist of current faculty/staff All University Court members. Two members of the board will be the same gender as the accused. All involved parties will be informed of the composition of the board at least 5 days prior to the hearing, and can object to any member of the board for cause. Replacement of any hearing board member is at the Dean of Students' discretion.

Sanctions

For policy violations, any or all of the following sanctions can be administered by the Student Court, Dean of Students or Designee, or Sexual Misconduct Hearing Board.

- Warning
- Disciplinary Probation
- Restrictions and Loss of Privileges
- Fines or Restitution
- Discretionary Sanctions
- Residence Hall Suspensions
- Residence Hall Expulsion
- Suspension
- Expulsion

In the assignment of any sanction or combination of sanctions, the level/degree will be determined by (1) nature of offense, (2) severity of violation, and (3) behavioral history of offender. The minimum sanction necessary to correct the inappropriate behavior will be administered. While fines, restitution, and work assignments are self-explanatory, the following sanctions are defined in order of increasing severity:

Warning: A notice orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

Disciplinary Probation: A written reprimand specifying the violation for which the student is held responsible. Students on probation are not considered to be in good standing with the University. Probation is for a designated period and includes the probability of more severe disciplinary action if the student is found in violation of any University policy during the probationary period.

Restrictions and Loss of Privileges: Denial or restriction of certain privileges for a designated period.

Fines or Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Discretionary Sanctions: Work assignments, referral to Counseling Services, community service hours or other related discretionary assignments as assigned and designed by the Office of Student Engagement and Campus Life.

Residence Hall Suspension: Separation of a student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

Residence Hall Expulsion: Permanent separation of a student from the residence halls.

Suspension: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. A student who has been suspended or dismissed from the University for Violation of rules and regulations governed by the Office of Student Affairs shall be withdrawn from the University and a Student Engagement and Campus Life hold shall be placed on the student's account on the Student Information System. The date of withdrawal

shall be the date of the official notification of final disposition to the student. The Registrar must be notified within five (5) days of the communication so that the student can be withdrawn from classes, financial adjustments made, and any return of federal funds can be made. The student will be responsible for any balance due. The Office of the Registrar will complete and file an official withdrawal form. Withdrawals do not remove financial obligations to the University.

Expulsion: Permanent separation of the student from the University.

Notification

Each student will have the right to proper notification and a hearing under the appropriate administrative or judicial body:

1. A student who has been accused of an offense will be notified by the Office of Student Engagement and Campus Life within ninety-six hours of receipt of the initial incident report at the last place of residence known to the University or at the permanent address listed on the student's registration form for that semester. The notice will set forth the specific nature of the alleged offense and will inform the student that he/she must report to the Office of Student Engagement and Campus Life or some staff member designated by the Vice President for Student Engagement and Campus Life within twenty-four hours of the receipt of this notice.
2. When the accused student reports to the Office of Student Engagement and Campus Life or the staff member designated by the Vice President for Student Engagement and Campus Life, the student will be informed that the following options are available to him/her:
 - a. He/she may choose to admit that he/she has committed the offense and request, that the Office of Student Engagement and Campus Life make a disposition of the matter, or,
 - b. The student may choose to admit or to deny commission of the offense and request:
 - i. To appear before the judicial body (where appropriate) that handles that offense for a hearing and disposition of the matter. NOTE: Only offenses that could result in suspension or expulsion can be heard by the All-University Court.
 - ii. To have his/her alleged offense resolved informally through an administrative hearing in the Office of Student Engagement and Campus Life.
3. At least forty-eight hours prior to a hearing of any University judicial body, an accused student will be notified in writing at the last place of residence known to the University or at the permanent address listed on the student's registration form for the semester. This notice will be given by the judicial body hearing the case and will include at least the following information:
 - a. The time, place, and date of the hearing;

- b. The judicial body before which the student is to appear; and
- c. Specific statements of charges.

Hearing/Disposition

1. The following time limits are established in order to guarantee the rights of a student to a speedy hearing and disposition of his/her case:
 - a. All campus judicial bodies will hear cases within ten working days of the date that a student has been notified that he/she has been accused of an offense.
 - b. In the event that a judicial body fails to hear a case within the time limits established above, the case will automatically be scheduled for hearing within five workdays by the next highest judicial body.
 - c. In the event that a case moves automatically to a higher court, the student is to be notified within twenty-four hours by the judicial body taking the case of the new time, place, and date of the hearing and of the body before which the student is to appear.
2. In an administrative hearing, ordinarily the disposition will be made within five weekdays of the date that the student has been notified by the Office for Student Engagement and Campus Life that he/she has been accused of an offense.
3. All judicial bodies will reach their decisions within seventy-two hours of the conclusion of a hearing.
4. An accused student will be notified in writing, by the Office of Student Engagement and Campus Life, of the decision of a judicial body and of the penalties, if any, which have been imposed. This notification will be made within five days of the conclusion of the hearing at the last place of residence known to the University or at the permanent address listed on the student's registration form for that semester.
5. Irrespective of any decision of the All University Court, the University President retains the right to overrule the decision of the All-University Court.

Hearing Procedures

1. At the beginning of any hearing before a campus judicial body, the presiding officer will announce the rules and regulations governing the conduct of the hearing and will inform the student of his/her right to appeal.
2. If a member of the judicial body is involved in any way whatsoever in a case being brought before the judicial body, he/she may not participate in hearing that case.

3. All hearings before all judicial bodies will be open to members of the University community unless a defendant requests that his/her hearing be closed or unless a majority of the judicial body determines that, the issues are so embarrassing to witnesses that the hearing should be closed. The judicial body shall have the right and duty of controlling the procedures at all hearings. If the hearing is open, the judicial body shall have the right to control the conduct of the hearing so as to ensure order, and this will include the right to limit the number of persons who may be present in any room where the hearing is being conducted, taking into consideration the seating spaces available for spectators at the hearing. Members of the judicial body hearing the case shall treat the matters heard in strict confidence and shall only discuss the facts of the case with other members of the judicial body in arriving at a decision of the body.
4. The authority of the University to compel the accused and witnesses to appear will be placed at the disposal of the campus hearing bodies in the following manner:
 - a. The Student Court will have the power to subpoena any person within the University Community who has directly observed an alleged offense or who is in some way involved with the case in question.
 - b. The All-University Court will have the power to subpoena any member of the University community.
5. An accused student will be entitled to appear in person before any hearing body. Should he/she not appear, the hearing may be held in his/her absence and a decision rendered.
6. An accused student will be informed of the nature of any documents or exhibits, which are to be used against him/her. He/she and or his/her counsel have the right to examine these materials. This notification shall be given 48 hours prior to the scheduled hearing.
7. An accused student appearing before a hearing body may be represented by a person of his or her choice approved by the Vice President for Student Engagement and Campus Life.
8. The counsel of an accused student will be entitled to present his/her defense, to call defense witnesses and to examine prosecution witnesses. The student has the right to confront his/her accusers. In no case will the hearing body consider statements against the accused unless he/she has been advised of their content and of the names of those who made them, and he/she has been given the opportunity to rebut unfavorable testimony. Should the accuser(s) not appear at the hearing, the charges may be dropped at the recommendation of the Student Court or All-University Court.
9. All persons appearing before any University hearing body will give true testimony and will be held responsible for providing false information to a University judicial body or official.

10. Regular and complete records will be kept for all proceedings of all hearing bodies. In cases involving possible suspension or dismissal from the University, there will be a verbatim record, such as a tape recording of the hearings. The Office of Student Engagement and Campus Life will be the custodian of these recordings.
11. All closed court hearings are to be held strictly confidential and taped only for Court purposes.

Emergency Administrative Action

In time of an emergency, (as defined by the Vice President of Student Engagement and Campus Life or his/her designee) a student may be suspended or expelled immediately by action of the University President or of an administrative officer to whom this authority has been delegated (such as the Vice President of Student Engagement and Campus Life or other University official).

A student who has been suspended or expelled as a result of an emergency administrative action has the right to a hearing before the All-University Court within five school days of the date upon which he/she was suspended or expelled, provided that he/she requests such a hearing, in writing, to the Vice President of Student Engagement and Campus Life, within twenty-four hours of his/her suspension or expulsion. The procedural rights specified herein are to prevail at all hearings before the All-University Court.

Appeals

1. Students may appeal the sanction imposed by the Vice President of Student Engagement and Campus Life or designee (informal disposition) or the decision rendered by the Student Court or All University Court (formal disposition.).
2. Appeal of Informal Disposition
 - a. Appeals shall be made to the Vice President of Student Engagement and Campus Life within two (2) days of the receipt of the sanction issued by the designee of the Vice President of Student Engagement and Campus Life.
 - b. The appeal shall be in writing, stating the ground(s) for appeal.
3. Appeal of Formal Disposition
 - a. Appeals shall be made to the Vice President of Student Engagement and Campus Life within two (2) days of the receipt of the decision of the judicial body.
 - b. The appeal shall be in writing, stating the ground(s) for appeal.
4. Grounds for Appeal

- a. Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the disciplinary meeting or hearing.
- b. The specifics to be addressed on appeal are:
 1. Were the procedures of the Code of Student Conduct followed?
 2. If a procedural error occurred, were the rights of the student or organization violated to the extent that the student or organization did not receive a fair hearing?
 3. Was the meeting or hearing conducted in a way that permitted the student or organization adequate notice and the opportunity to present their version of the facts?
 4. Was the information presented at the meeting or hearing sufficient to justify the decision reached?
 5. Was there information existing at the time of the meeting or hearing that was not discovered until after the hearing?
5. Appeals may be made to President of the University within two (2) days of the receipt of the decision of the Vice President of Student Engagement and Campus Life. The appeal shall be in writing, stating the ground(s) for appeal.
6. Pursuant to KRS 164.370 a student who is suspended or expelled may appeal to the Board of Regents. The Board shall proscribe the manner and mode of the procedure on appeal. The decision of the board of Regents shall be final.
7. Implementation of Sanction(s).
 - a. Sanctions shall not begin until either the time for appeal has expired without an appeal, or the appeal process is exhausted.
 - b. The Vice President of Student Affairs may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

Disclosure

Students are expected to comply with all provisions of federal, state and local laws and ordinances. Members of the University community share the obligation of all citizens to cooperate with law enforcement officials when they have knowledge of a violation of law.

A number of offenses listed in this document are violation of law as well as of University disciplinary regulations. Violations of the rules may also constitute violations of the criminal law and may subject violators to outside legal sanctions. While the offenses enumerated in this document normally will be

dealt with by the University judicial system, nothing in this document shall be construed in such a manner as to prevent members of the University community from cooperating with criminal prosecution.

When a criminal prosecution is pending, the University judicial system normally will continue to take action with respect to alleged University violations.

Crime Reporting

Off-Campus Crime Reporting: If the Frankfort Police Department (FPD) is contacted about criminal activity occurring off-campus involving Kentucky State University students, they may notify the University Police. However, there is no official FPD policy requiring such notification. Students in these cases may be subject to arrest by FPD and University disciplinary proceedings through the Dean of Students Office. However, if notified, University Police officers may assist with the investigation in cooperation with local, state, or federal law enforcement.

FPD routinely work and communicate with campus officers on serious incidents occurring on-campus or in the immediate neighborhoods and/or businesses surrounding campus. If FPD is contacted in reference to incidents occurring in University controlled property, including non-campus student housing facilities and student organizations, they shall notify University Police of the incident. While FPD has primary jurisdiction in all areas off campus, University Police officers may and will respond to student related incidents that occur in close proximity to campus when notified by FPD. University Police officers have jurisdiction on property owned/leased by Kentucky State University and property adjacent to those owned/leased by Kentucky State University.

Reportable Crimes: The following crimes shall be reported immediately to the University Police and/or Residence Life:

- Arson
- Assault & Aggravated Assault
- Burglary
- Criminal Damage to Property
- Criminal Homicide (Murder, Negligent and Non-Negligent Manslaughter)
- Menacing
- Motor Vehicle Theft

- Reckless Homicide
- Robbery
- Sex Offenses (Forcible and Non-Forcible Sex Offenses)
- Domestic Violence
- Dating Violence
- Fondling
- Stalking
- Terroristic Threatening
- Theft
- Wanton Endangerment
- Weapons Possession
- Criminal Attempt of any of the above crimes
- Arrest for Liquor Law, Drug Law, and Illegal Weapons Violations

Incidents where students are referred for campus disciplinary action related to liquor law, drug law, or illegal weapons violations shall be reported at least annually.

Hate Crimes: In addition to the above-referenced crimes, crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability shall be reported at least annually.

Fire: Every fire, fire alarm, or threat of fire (an expression of an intention to inflict something harmful in the way of destructive burning or explosions) must be immediately reported to the University Police, which in turn shall report the incident to the State Fire Marshal. The University Police shall also report all threats or actual fire alarms to the local fire department. The Health, Safety, and Environmental Manager shall coordinate fire alarm reporting activities with those of the University Police Department.

Voluntary & Confidential Reporting

All reports will be investigated. The University does not have a Voluntary Confidential Reporting Policy. Kentucky State University encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, Kentucky State University cannot hold reports of crime in confidence. When a potentially dangerous threat to the

University community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, or other appropriate means. For purposes of inclusion in the annual disclosure of crime statistics, confidential reports are generally made to other University CSAs who meet certain requirements and only under certain situations, i.e. pastoral and professional counselors who are acting in that role when made aware of any crime.

Mandatory Reporters

Kentucky State University policy defines all employees as mandatory reporters for crimes that involve Kentucky State University students, faculty, and/or staff, and/or happen on campus. The following employees are exempt from some reporting requirements due to the guidelines from their profession: campus mental health counselors, health care providers and/or religious advisors.

When a mandatory reporter becomes aware of an alleged act of sexual harassment, discrimination or assault, the reporter must promptly contact the Title IX coordinator.

When an employee becomes aware of any campus crimes, threats of crimes, fire, or threats of fire, they must also report these threats in a prompt manner to University Police.

Notification of a Suicidal Student: Every student's safety is our top priority; therefore, if a student expresses suicidal thoughts and/or actions to a faculty or staff member, the faculty or staff member must immediately contact the University Police. If the threat does not appear to be imminent, individuals are encouraged to contact Betty White Student Health Services at (502) 597-6277 during regular operating hours. If possible, students, faculty and staff members are encouraged to walk the student over to the Health Center to be evaluated by a professional counselor on staff. If a student, faculty or staff member becomes aware of a matter after hours, contact the University Police at (502) 597-6878 and necessary contacts and appropriate response will be made.

Campus Security Authorities: Federal and state laws require University employees that are defined as "campus security authorities" to report all campus crimes, fires, and threats of fire of which they become aware (complete list detailed below). For the purposes of this General Order, a "campus security authority" is broadly defined as an individual having responsibility for campus security and officials having significant responsibility for student and campus activities. Campus security authorities include but are not limited to:

1. Chief of Police and employees of the University Police Department;
2. Assistant Directors of Residence Life;
3. Vice President for Student Engagement and Campus Life and Dean of Students;
4. Associate Dean of Student Affairs;
5. Director of Student Involvement and Leadership;
6. Director of Health and Wellness;
7. Director of Athletics

Campus Security Authority Exceptions: Maintenance, support, and clerical staff, are not considered campus security authorities. Pastoral counselors and professional counselors are not required to report when functioning with the scope of their official capacity. A “pastoral counselor” is defined as a person associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling. A “professional counselor” is defined as a person licensed or certified pursuant to Kentucky statute whose official responsibilities include providing mental health counseling to members of the University community. Pastoral counselor includes individuals who are not yet licensed or certified as a counselor but are acting under the supervision of a licensed or certified professional counselor. Medical professionals are not required to report under these acts.

Timely Warning Policy

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety-related incidents to Kentucky State University Police and Public Safety Department in a timely manner. Quick reporting aids in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics. In the event of a serious incident, which may pose an on-going threat to members of the Kentucky State University community, a Public Safety notice is sent to all students, faculty, staff members and guests who are enrolled in the Omnilert notification system.

The University Police Dispatchers will compose and broadcast the crime bulletins while working in conjunction with the Division of Brand Identity and University Relations department to disseminate the

information to the community in a manner that is timely. The University Police Department will withhold the name and any other personal identifying information of any victim due to confidentiality policies.

Crime Bulletins are distributed via blast email, text messaging or voice messaging to all students, faculty, and staff, guests, or whoever is subscribed to the Omnilert notification system. The report shall be made in a manner that aids the prevention of similar crimes. Anyone with information warranting a timely warning should report the circumstances to the University Police Department, by phone (502-597-6878) or in person at the University Police office the Exum Center, 400 East Main Street, Frankfort, KY 40601. The University Police Department determines the appropriate segment of the community to notify based on several factors, including, but not limited to, location of incident and the nature of the incident.

Public Safety notices are usually distributed for the following Uniform Crime Reporting Program (UCR/National Incident Base Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the case and whether there is a continuing threat to the campus community. Public Safety notices may also be issued for other crime classifications and public safety notifications as deemed necessary.

Emergency Evacuation Procedures and Policies

I. Policy

A. Purpose

The basic emergency procedures outlined in the Kentucky State University's Emergency Response Manual are to strengthen the protection of lives and property through effective use of campus resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various magnitudes.

The following principles will guide the response of Kentucky State University to any campus emergencies:

1. Concern for the safety of students, faculty, staff, and the local community
2. Quick response

3. Effective communication to appropriate groups
4. Preparation for emergencies

The Emergency Response Plan is based on a realistic approach to the difficulties likely to be encountered on campus during a major emergency or disaster. Hence, the following are general guidelines are recognized:

1. An emergency or disaster may occur at any time of the day or night, weekend or holiday, with little or no warning.
2. The succession of events in an emergency is not predictable; therefore, written support and operational plans will serve only as a guide and checklist, and may require field modification in order to meet the requirements of the emergency.
3. Specific departments may have detailed emergency response plans that will be enacted in conjunction with this emergency response plan.
4. Disasters may affect residents near the geographical location of the University. Therefore, city, county, and federal emergency services may not be available. A delay in on-campus emergency services may be expected up to 48 hours.
5. A major emergency may be declared if information indicates that such a condition is developing or is probable.

B. Types of Incidents

Various incidents or occurrences on campus may be classified as emergencies. The purpose of the manual is to provide guidelines for faculty, staff, and emergency response team members for the following types of incidents:

1. Student incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)
2. Employee incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)
3. Racial, religious, or gender based incidents such as hate crimes
4. Belligerent behavior (angry, disorderly, or agitated individuals)
5. KSU Alert bulletins
6. Violent or criminal behavior/hostage situations

7. Fire or the threat of fire
8. Explosions
9. Bomb threat
10. Biological agent threat
11. Chemical spill
12. Communicable disease
13. Utility failure
14. Earthquake
15. Weather emergencies
 - a. Winter storms
 - b. Tornado/severe wind
 - c. Electrical storms
16. Evacuation procedures
17. Medical/first aid emergencies

C. Definitions of an Emergency

The following definitions are provided as guidelines to assist employees in determining appropriate response:

1. **Critical Incident:** Any incident, potential or actual, that requires urgent action but may or may not seriously affect the overall functional capacity of the University. Report a minor emergency or critical incident immediately to the University Police and Public Safety Department by dialing (502) 597-6878 and/or dial 911.
2. **Major Emergency:** Any incident, potential or actual, that will affect an entire building or buildings, and that will disrupt the overall operations of the University. Outside emergency services may be required, as well as major efforts from the University administration during times of crises. Report a major emergency immediately to the University Police Department at (502) 597-6878 and/or dial 911.
3. **Disaster:** Any event or occurrence that has seriously impaired or halted the operations of the University. In some cases, personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency resources will be essential.

D. Incident Reporting

All faculty, student and staff members should assist in the reporting of incidents and emergencies. The University Police Department is the primary point of emergency reporting. These services operate 24 hours per day and 7 days per week.

1. In the event of an emergency, contact the University Police and Public Safety Department immediately at (502) 597-6878 or dial 911.
2. Provide the following information when you report an emergency:
 - a) Exact Location
 - b) Nature of the emergency
 - c) Nature of any injuries and other hazardous factors
 - d) Your name and contact information
3. If for some reason the University Police Department cannot be reached, call 911 and report the emergency. Please be sure to identify your exact location on campus if contacting emergency services. Continue to attempt to contact the University Police Department to report the incident when it is safe to do so.

II. KSU Alert (Public Safety Alerts)



Purpose: The purpose of this order is to establish the directives for sworn and civilian employees of the Kentucky State University Police and Public Safety Department in using and implementing the KSU Alert Emergency Notification System.

Definition: The KSU Alert system is an emergency message notification system used for delivering subscription based emergency messages to the campus community. The system is designed to deliver emergency or urgent messages by text messaging to cell phone subscribers, by emailing a subscribed email account, by delivering voice notifications, and by displaying KSU Alert messages on digital signage throughout the campus.

The fundamental goal of the KSU Alert system is to assist in promoting a safe environment for students, faculty, staff, guests and subscribers. The system is designed to be used only during emergency situations that require an immediate action by the recipient or if a public service announcement is needed for the health and safety of the community.

Emergencies: Unplanned events that can cause physical injury to our students, faculty, staff, or the public; cause physical or environmental damage; or that can disrupt and/or damage research or educational operations. Examples would include but are not limited to:

- Dangerous Situations (active shooter, civil disturbance, hostage situation, explosion, etc.)
- Fire or the threat of fire
- Hazardous Material Leak/Spill
- Inclement Weather Delays/Closures
- Tornado Warnings
- Any activity in the immediate surrounding area of Campus that could potentially put students, faculty and/or staff in danger.

KSU Alert Policy: It shall be the policy of Kentucky State University's Police and Public Safety Department to restrict the use of the KSU Alert system only to the dissemination of information related to the health and safety purposes. At no time may the KSU Alert system be used for personal uses. All University Police Department employees are required to sign up for the KSU Alert System. Kentucky

State University's Police Department is the only authorized initiator to send campus emergency messages. The Information Technology department is responsible for maintaining the KSU Alert system. All University Police Department employees shall be trained in the proper use of KSU Alerts.

KSU Alert Procedure: Upon notification of authorization to initiate a KSU Alert message should be based on two key factors—threat to life/safety and response time to an immediate emergency or if any immediate or urgent action is required. The decision to initiate a notification through the KSU Alert system will be based on the situation and required immediate action. Activation of the KSU Alert emergency notification system shall be activated under the following circumstances:

1. Emergencies requiring immediate action: University Police Department Dispatcher will initiate notifications at the direction of the on duty supervisor or officer in charge, unless the dispatcher can confirm an immediate threat of an emergency such as shots fired, explosion, etc. Notifications will be made immediately unless, in the judgment of the on duty supervisor or officer in charge, the notification may compromise efforts to assist or to contain, respond to, or otherwise mitigate the emergency.
2. Dispatch shall immediately initiate a KSU Alert message if a weather alert is issued for a Tornado Warning or other severe weather.
3. Disruptions to normal campus operations. For instance, the University Police Department shall initiate notifications regarding campus delays or closures due to inclement weather based on approval from the University Administration.

The University Police Department employees are trained first responders who are available 24 hours a day, 7 days a week. These first responders will confirm the existence of any significant emergencies or dangerous situations by on-site observations, monitoring the news and the National Weather Service radio, and/or monitoring communication broadcasts by the Frankfort Police and Fire Departments.

Follow-up information regarding the incident will also be relayed to students, staff, faculty and subscribers by KSU Alert as necessary. If an emergency requires disseminating information to the larger community, the on-duty Duty Commander with the Frankfort Police Department will be contacted at (502) 875-8582.

III. Kentucky State University Emergency Response Plan

- A. Plan Assessment: The Campus Emergency Response Team (CERT) will review the Kentucky State University Emergency Response Plan on an annual basis. The review will also be done in conjunction with drill, training records, and post event debriefing.
- B. Prevention and Risk Assessment Plan: Kentucky State University has in place several prevention and risk assessment plans. These plans include a chemical hygiene plan, fire prevention plan, hazard communication plan, and other programs that are mandated by state and federal regulations.
- C. Training and Drills: Annual training for emergency response will be conducted for all supervisory and administrative employees. Student Life staff will be trained annually in conjunction with Residence Life training and other program review processes. Annual training schedules will be developed for all switchboard and security personnel. All employees will be trained in the emergency response protocol during the employee orientation program. Annual reminders (newsletter and updates) will accompany training opportunities. The Emergency Response Plan will be available in both written and electronic format for employee reference.

All employees are subject to the training parameters listed above. Specialty training needs may vary depending upon the incident type and college department. The following is a list of training parameters for each of the incident types:

- 1. Student incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)
 - a. Student:
 - 1. Information provided to students in the RA Student Life Manual.
 - b. Employee:
 - 2. Student Life and Dean of Students Staff trained annually. Non Residence Life employees trained during employee orientation.
- 2. Employee Incidents (suicide, suicide attempt, death, critical or life threatening situations, or abduction).
 - a. Supervisors trained annually. Employees trained upon orientation.
- 3. Racial, religious, or gender based incidents
 - a. Supervisors trained annually. Employees trained upon orientation.
- 4. Violent or criminal behavior/Hostage situations

- a. Training will be conducted at orientations and annual retraining for UNIVERSITY POLICE dispatchers, officers, and “high profile” offices.
- 5. Fire
 - a. Fire drills are completed across campus in the following manner:
 - b. Residence Halls: One drill is to be conducted during the first month of each semester.
 - c. During scheduled fire drills, the drill coordinator must arrange to have UNIVERSITY POLICE notified at least 15 minutes prior to the drill. This will allow UNIVERSITY POLICE enough time to contact the monitoring station and emergency dispatch that the alarm is a drill only.
- 6. Explosion
 - a. Procedures reviewed annually with personnel and upon orientation.
- 7. Bomb Threat
 - a. Annual training will be conducted to review procedures with UNIVERSITY POLICE dispatchers and other phone personnel. UNIVERSITY POLICE and CERT will annually review response protocol as well.
- 8. Chemical Spill
 - a. Science department staff trained annually under the chemical hygiene program.
 - b. Annual review of response procedures with safety committee and CERT.
 - c. Annual review of procedures with appropriate Physical Plant staff.
- 9. Communicable Disease
 - a. Training and updates provided to clinic and student life staff on an annual basis.
- 10. Utility Failure
 - a. Residence Life, Physical Plant, Public Safety will review procedures annually.
- 11. Earthquake
 - a. Employees will be trained during orientation. Residence Life staff to review all procedures with students. Annual reminders to be provided to all employees and students.
- 12. Winter Storms
 - a. Physical Plant maintains and reviews annually its response plan. UNIVERSITY POLICE and dispatch personnel will review response procedures annually.
- 13. Tornado/Severe Wind
 - a. Annual drill conducted in conjunction with the statewide tornado drill each spring semester. Information will be distributed annually in preparation for the drill. Residence

Life staff will review procedures with residence hall students in addition to information provided to the campus.

14. Electrical Storms

- a. Information to be provided annually for all employees and students.

15. Building Evacuation Procedures

- a. Supervisors will be responsible for ensuring that employees know the location of fire extinguishers, exits, and alarm system in the areas in which they work.
- b. Building exit practiced in conjunction with fire drill schedule.
- c. Specialty needs to be identified with each building. Including gas shut off and other hazardous exposures.
- d. Special attention given to evacuation of disabled individuals who will not be able to use elevators to exit the building.

16. Campus Evacuation Procedures

- a. Procedures to be reviewed by CERT and other key personnel (safety committee, Residence Life staff, etc.) on an annual basis.

17. Medical/First Aid Emergencies

- a. At orientation and annual reminders for all employees.
- b. First aid providers and other medical providers received training in accordance with their respective licensure schedules.

IV. Education Programs

Personal safety and crime awareness is presented to students and new employees by the university police department. Topics discussed during the Personal Safety and Crime Awareness presentations include at a minimum:

- A. Safety in numbers (avoid walking alone) and call for a UNIVERSITY POLICE escort
- B. How to respond and act if confronted with a personal threat
- C. Situational awareness
- D. Geographical areas to avoid
- E. What to look for and report if witnessing crime or suspicious activity
- F. How to avoid being the victim of auto theft or thefts from within your vehicle
- G. Room security
- H. Where and how to report crime

Crime Log: The University shall make available to the public, in written form and on the World Wide Web, any crime that occurred on campus in an easily understood daily crime log that records by the date the crime was reported. The log is maintained by the University Police Department. The log must include the nature, date, time, and general location of each crime, and the disposition of the complaint, if known and can be found at <http://kysu.edu/administration-governance/president/safety-security/>. The University Police Department may withhold information required in the log only if there is clear and convincing evidence that the release of specific information may jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. This information shall be disclosed once the adverse effect is no longer likely to occur.

Fire Log: The University shall make available to the public in written form and on the World Wide Web an easily understood daily fire log that records, by date the fire or threat of fire was reported, and fire or a threat of fire that occurred in or on-campus student housing facilities. The log shall include the nature, date, time and general location of each fire. The log can be located on the KSU website at <http://kysu.edu/administration-governance/president/safety-security/>. The Chief of Police shall complete the Annual Fire Report for inclusion in the University's annual reports pursuant to the Clery/Minger Acts.

Fire Marshal: The University Police Department is responsible for reporting fires, threats of fire and fire alarms to the State Fire Marshal's Office pursuant to the Minger Act.

Kentucky Fire Commission, 300 N. Main St., Versailles, KY, 40383. 1-800-255-2587.

The University Police Department shall make reasonable, good faith efforts to obtain the required statistics from local police agencies and the State Police concerning campus crimes reported to those agencies.

- Frankfort Police Department, (502) 875-8523
- Franklin County Sheriff's Office, (502) 875-8740
- Kentucky State Police Post 12, (502) 227-2221

Building Security

Officers patrol the campus by foot, bicycle, and automobile 24 hours a day. Dispatchers monitor video screens connected to over 200 cameras placed throughout campus. All residence hall entrances are monitored by University Police staff via closed circuit television, and all residence halls are connected to a central monitoring fire alarm system. Dispatchers have direct radio access to University Police officers and phone access to local fire and police departments. The University campus is equipped with numerous emergency telephones. A blue light above each outdoor emergency phone makes it easily identifiable at night. The phones on campus are widely available and automatically dials the University Police dispatch when the handset is removed from the cradle or a button is pushed.

University Police maintains direct communications with the appropriate local police, fire, and emergency medical response agencies in order to facilitate their responses in an emergency.

Potential criminal actions and other emergencies also can be reported to University Police by dialing 6878 from any campus telephone.

The Kentucky State University campus is well lighted, especially in parking lots and along main pathways and all exterior lights, including blue lights at emergency phone locations are checked by University officers biweekly. A report of light outages is forwarded to the Facilities Department for their prompt attention. As an added safety service, officers are available 24 hours a day to escort students and employees by car or on foot to their residence halls.

Students, faculty, and staff have access to academic, recreational, and administrative facilities. All academic buildings are closed by 11 p.m. In order for students to enter after this time, they must have the permission of the Chief of Police and the Academic Dean. The public may attend cultural and recreational events, but visitors are limited to facilities in which those events are held.

Kentucky State University's well-trained residence life staff includes the associate director of residence life and housing, the assistant director of residence life, four area coordinators, and student resident advisors. Most live in the residence halls and representatives of the staff are on call 24 hours a day. Access to residence halls is limited by swipe card access to students and their guests and each swipe of

every card is recorded. Employees may have access when necessary, with certain restrictions. Residence halls are locked 24 hours a day.

Physical Plant maintenance employees have key access to all campus facilities for the purpose of addressing maintenance issues. Communication is maintained between maintenance employees and the University Police by email and telephone and all issues of building safety and security are regularly exchanged between the departments.

Security Awareness, Crime Prevention and Safety Programs

Promoting Safety and Security

Kentucky State University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined for purposes of the Clery Act. Accordingly, Kentucky State University provides the following crime prevention and security awareness programs and projects to the University community.

- Emergency Telephones: Phones are available for use across campus in the case of an emergency. Anyone concerned about his or her personal safety or any other potentially hazardous situation can simply press the button to automatically connect to University Police.
- New Student Orientation: At the beginning of each semester during orientation, information is provided regarding the campus community, including personal security, how the University Police works, and services that are available to the campus regarding personal safety and security.
- New Employee Orientation: All new hires are provided information on the campus community, including safety and security resources, information on the University Police, and reporting obligations.
- 24 Hour escort: An officer from University Police is available for your safety needs 24 hours a day, 7 days a week by simply utilizing an emergency phone or dialing (502) 597-6878.
- Internal Website: Has access to all of the information contained in the crime log.

Alcohol Policy

Kentucky State University provides a variety of alcohol and drug-free social and recreational opportunities. We also provide services and resources for community members who experience difficulties related to alcohol and drug use. 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 lifestyles. For students with substance abuse problems or concerns, assistance is available at the Betty White Student Health Center. Experienced, professional counselors at the Center offer free, confidential support and guidance. They also offer individual assessments and referrals to both on and off-campus resources.

The University's alcohol policy is consistent with Kentucky State Law prohibiting the consumption and serving of alcohol by and to individuals less than 21 years old. Additionally, the possession or consumption of alcoholic beverages while on the grounds or in the buildings of the University, is prohibited by state law. Students found guilty will be charged accordingly and are subject to fine, community service, and/or social probation.

Medical Amnesty Policy

When a student's health and safety are in jeopardy due to alcohol consumption or drug use, immediate medical attention should be sought by calling the University Police Department (502-597-6878) or 911 for assistance. Formal disciplinary action for a violation of the alcohol or drug policy will not be taken against those who seek or receive medical assistance for themselves or others, though violation of other student conduct codes such as vandalism, disorderly conduct, and sexual misconduct may still apply. A student who receives medical assistance from the University Police Department or medical service providers will be required to meet with the Dean of Students (or designee) and counseling services, and parents/guardians may be notified. The university is in compliance with the state law supporting amnesty, which is provided here.

Drug Policy

Illicit drugs are prohibited and will be responded to in a manner consistent with and in cooperation with the local community and its officials, enforcing Federal and State laws. The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require all federal contractors, federal grant recipients, and recipients of any federal funds whatsoever to implement a comprehensive substance and alcohol abuse policy. Kentucky State University shall comply with all provisions of these acts. This policy shall apply to all university employees. Kentucky State University prohibits the possession, manufacture, distribution, dispensation, or use of illicit drugs, and the unlawful use, possession, or distribution of alcohol or controlled substances on all university property, at any locations where employees or students are conducting university related business or activities, when

using university vehicles, and when using private vehicles on university business or in the conduct of university activities.

In order to enforce our policy, Area Coordinators, the University Police Department, and the Dean of Student's staff may enter a student's residential room if there is sufficient reason to suspect illicit drugs. Staff will announce to the student that unless immediate entry to the room is provided by the occupant, staff will unlock the door and enter to continue the investigation.

University judicial decisions are based on a preponderance of evidence, not proof beyond a reasonable doubt; therefore, testimony of educated witnesses is sufficient to indicate a preponderance of evidence for referral and processing. That same standard may be used to determine an individual responsible in a judicial hearing. Parents or legal guardians may be notified of the offense and sanctions. Repeat offenders may be suspended or expelled.

Associated Risks

- *Physical* - Use/abuse of alcohol and other drugs often is accompanied by accidents and personal injury including but not limited to cuts, sprains, bruises, and broken bones. Personal injury may be caused by self or others. Sexually transmitted diseases (STDs), physical violence (fights), date rape, and rape/assaults all have a high correlation to the misuse/abuse of alcohol and other drugs. Poisoning can and often does occur because of these substances, and can result in death.
 - Continued and long-term use/abuse of alcohol and controlled substances have been demonstrated to have a negative effect on almost every major body organ and systems. Persons who regularly use or abuse these substances have the decreased ability to fight off normal germs, and therefore have a higher incidence of illnesses requiring personal and medical treatment. The ingestion of alcohol also leads to impaired sleep. The use of alcohol or controlled substances has further been related to weight gain and poor nutrition. The ability to tolerate alcohol is identified as both a physical risk and a psychological risk, which may be one of the first indicators of developing alcoholism.
- *Psychological* - The use/abuse of alcohol or controlled substances very often leads to forgetfulness, the inability to concentrate, impaired decision making skills, the inability to recall previously known information or events (blackouts), anxiety, paranoia, and hallucinations.
- *Interpersonal/Social* - Problems with personal identity, failure to meet personal goals, loss of student status, loss of job (work-study or other), loss of scholarships, and ineffective communication skills with both friends and family are some of these risks. Accountability for

actions is an adult characteristic. Persons who are under the influence of alcohol or other controlled substances continue to be held accountable for their actions regardless of the level of drug-induced impairment.

- *Other* - Unplanned pregnancy and unplanned parent status frequently are the result of the misuse of alcohol or controlled substances. Destruction of personal property or community property is a risk to all who misuse these substances. Responsibility for another person's actions secondary to enabling maladapted behavior may result in a financial obligation to all persons present.

Reporting

The community is encouraged to report any student concerns to the Dean of Students.

Counseling Services

Kentucky State provides special assistance for substance abuse and chemical dependency through its counseling services. If someone is concerned about their alcohol or other drug use, they can contact Student Affairs. Trained counselors are available by appointment.

Kentucky State University Title IX Policy

Purpose:

Members of the campus community are entitled to an educational and working environment free of discrimination, harassment, and retaliation.

Title IX Policy Statement:

Kentucky State University is legally bound by Title IX of the Education Amendments of 1972, which prohibits sex- and gender- based discrimination in educational programs that receive federal funds. Erik Carlsen-Landy serves as the Title IX Coordinator for KSU and oversees the investigation of all complaints filed. His designee is Lisa Lang, General Counsel. The following document serves to provide information about the legal definitions of prohibited behaviors, as well as resources and reporting and resolution procedures for incidents that fall under the purview of Title IX. Some of the policies do apply more broadly to many discriminatory behaviors that are not governed by Title IX, but the specific reporting and resolution policies described here refer to sex and gender based discrimination that interferes with the educational mission of the University. Such interference can happen under any of the following conditions:

- Any action that constitutes a criminal offense as defined by federal, state, or local law;

- Any situation where it appears that the respondent may present a danger or threat to the health or safety of self or others;
- Any situation that significantly infringes upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.
- Any situation that creates a hostile environment on campus or in an off-campus education program or activity.

Equal Opportunity Policy Statement:

Kentucky State University's Title IX policies exist as part of its broader commitment to equal opportunity for all. It is the policy of Kentucky State University to ensure that the institution is free of harassment for any discriminatory reason, such as race, gender identity, sexual orientation, national origin, disability, age or religion, as prohibited by state and federal law. The University prohibits not only unlawful harassment, but also other unprofessional and discourteous actions that affect the professional and congenial work environment among faculty, staff, and students. For this reason, derogatory racial, ethnic, religious, ageist, sexual, or other inappropriate remarks, slurs, or jokes will not be tolerated.

Title IX Jurisdiction/Application:

The Title IX Policy applies:

- regardless of the status of the parties involved, be they non-members of the campus community, students, faculty, administrators, and/or staff.
- regardless of the gender, sexual orientation, race, national origin, disability, age, or religion of the individuals involved.
- Allegations of discrimination, harassment, and retaliation that take place on Kentucky State property or at university-sponsored events, regardless of their location.
- Allegations of discrimination, harassment, and retaliation that occur off-campus or to actions online when the appropriate office determines that the off-campus or online conduct could have an on-campus effect or impact on the educational mission of the University.

The University's response may be limited if any party is a guest or is not subject to the University's jurisdiction, however the University will make a good faith effort to treat incidents that involve guests

or that happen off campus in the same manner that it treats incidents of on-campus conduct involving students.

The University will take steps to be certain these equal opportunity policies are available to all students, faculty and staff through annual distribution. Upon request, policies can be translated for those with disabilities and/or English language learners.

Mandatory Reporting

Kentucky State University requires all employees to be “mandatory reporters” of all discriminatory incidents. For the purposes of Title IX, this means employees who become aware of alleged incidents involving at least one KSU student or guest that may constitute discrimination, harassment, or sexual misconduct are required to inform the Title IX Coordinator of any and all details they have heard about the incident. These details can include the names of the alleged perpetrator(s), complainant(s), witnesses; and facts like date(s), time(s), and location(s). Mandatory reporters of KSU include administrators, staff, faculty, and Resident Advisors. However, the Associate Dean of Student for Inter-Religious Life, Campus Counselors in Health and Wellness, and Health Professionals in Health Services are NOT mandatory reporters.

Statement of Rights for Complainants and Respondents

In addition to the rights stated in the Student Handbook, both complainants (alleged victims) and respondents (alleged perpetrators) will be afforded the following rights under this policy. The following list will be provided to all parties in writing:

- To be treated with respect by University officials
- To take advantage of campus support resources (such as Counseling Services and University Health Services for students, or EAP services for employees)
- To experience a safe educational and work environment
- To have an Advocate present throughout the process
- To have the right to a formal resolution process
- To be free from retaliation
- To have complaints heard in substantial accordance with these procedures
- To reasonable and necessary participation in the process

If someone is sexually assaulted

A person who experiences sexual discrimination, harassment, misconduct, or assault may respond to the experience in many different ways, including feeling confused, vulnerable, out of control, embarrassed, angry, or depressed. The University provides a variety of resources to assist individuals who have experienced discrimination, harassment, or sexual misconduct; both to address the effects of the incident, and to help them determine whether and how to make a formal complaint about the incident. Victims of alleged dating violence, domestic violence, sexual assault, or stalking should follow the following procedures:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call the University Police Department if you are on-campus and/or 911 if you are not.
2. Consider contacting the Bluegrass Rape Crisis Center for professional support to assist you in the crisis. On campus counseling is also available to all current students M-F 9am-5pm.
3. For your safety and well-being, immediate medical attention is encouraged. The medical centers, both on and off campus, provide treatment of injuries, STI screenings, and pregnancy testing. If you wish to have an evidence kit collected (“rape kit”), you can do so at any local hospital. If possible, do not shower, brush your teeth, urinate, eat, drink or change clothes until after evidence is collected.
4. Consider your reporting and support options. No survivor of sex-based discrimination, harassment, misconduct, or assault is required to report or take legal action. However, you can choose to report to the Title IX Coordinator and/or local law enforcement. If you contact the Title IX Coordinator, that person can assist you with University concerns, such as no-contact orders or other protective measures, and/or provide you with a full list of support services and options. Either the Title IX Coordinator or the University Police Department can assist you in contacting law enforcement, if you desire, and will comply with your request. The Title IX Coordinator and University Policy can be contacted here:

Erik Carlsen-Landy, Title IX Coordinator
Academic Services Building – Room 537
400 E Main Street
Frankfort, KY 40601
(502) 597-6152
erik.carlsenlandy@kysu.edu

Kentucky State University Police
William Exum Building
400 East Main Street
Frankfort, Kentucky 40601

I. Definitions of Prohibited Conduct

A. Discrimination

Kentucky State University adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. The University prohibits discrimination against any employee, applicant for employment, student or applicant for admission on the basis of any protected class. Protected classes include: age, color, creed, disability, ethnicity, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, veteran or military status, or any other protected category under applicable federal, state, or local law, including protections for those opposing discrimination or participating in any complaint process on campus or with other human rights agencies.

Kentucky State's equal opportunity policy covers discrimination in employment and in access to educational opportunities. Discrimination is defined as adverse treatment of an individual based on that individual's membership in one or more of the protected groups listed above. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, housing and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on discrimination. **All University employees shall report all suspected incidents of discrimination or harassment to the appropriate persons.** Any discriminatory acts under Title IX must be reported to the Title IX Coordinator if made known to a campus mandatory reporter.

B. Harassment

The University prohibits harassment against any employee, student, visitor, or guest on the basis of any class protected by University policy or KY state law. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters. The sections below describe the specific forms of prohibited harassment under University policy.

1. Bias-Related Harassment

This policy prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the campus community, which unreasonably interferes with an individual's work or academic environment.

This environment may be created by verbal, written, graphic, threatening and/or physical conduct that is sufficiently severe, persistent, or pervasive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities. Merely offensive conduct and/or harassment of a generic nature not on the basis of membership in a protected class may not result in a violation of this policy but may be addressed through education and/or other resolution methods.

2. Sexual Harassment

This policy prohibits any form of sexual harassment. Sexual harassment is unwelcome sexual- or gender-based verbal, written, direct/indirect, online, and/or physical conduct. Sexual harassment creates a hostile environment and may be disciplined when it is sufficiently severe, pervasive, persistent, or objectively offensive that it:

- a. has the effect of unreasonably interfering with, denying, or limiting employment opportunities or the ability to participate in or benefit from the University's educational, social, and/or residential program, or
- b. is based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.

3. Sexual Misconduct

This policy prohibits any form of sexual misconduct. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identity of those involved, when a person commits an act without consent. The definition of consent below will be used in the interpretation and application of this policy:

Consent

Consent is an ongoing voluntary agreement, which can be given verbally or nonverbally, to engage in sexual activity. **Absence of protest is not consent.** In order to obtain consent, all parties:

- a. Must be fully conscious (If one is asleep, unconscious, or incapacitated due to drugs or alcohol and/or mental instability, consent cannot be given.)

- b. Must be willing to engage in sexual activity (If one is threatened, coerced, or restrained unwillingly, consent cannot be given.)

The same definition holds whether the assailant is a stranger, an acquaintance, friend or a significant other. The University policy is that a person has the right at any time to say "no" to sexual activity and that "no" means "no." It is the University's position that every human being is entitled to privacy and respect, and that rape is a violent crime of power as well as a violation of human dignity.

An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the respondent to a claim of sexual misconduct was intoxicated and, therefore, did not realize the other person's incapacity.

As used in KRS 510.020, Lack of consent. (1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim. (2) Lack of consent results from: (a) Forcible compulsion; (b) Incapacity to consent; or (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct. (3) A person is deemed incapable of consent when he or she is: (a) Less than sixteen (16) years old; (b) An individual with an intellectual disability or an individual that suffers from a mental illness; (c) Mentally incapacitated; (d) Physically helpless; or (e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency. (4) The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

Any number of actions legally qualify as sexual misconduct, including but not limited to, the following categories:

Consensual Relationships:

The Office of Civil Rights dictates that consensual romantic and/or sexual relationships where a power differential exists, whether real or perceived, will be assumed

nonconsensual when a complaint is filed. The effect of such a relationship may render an individual's work, academic, or social environment intimidating, offensive, or hostile. Hence, all University employees are strongly discouraged from entering into romantic and/or sexual relationships, which could lead to the creation of a hostile educational, social, and/or work environment for other members of the University community.

4. Stalking:

Course of conduct targeted at an individual or group that would cause a reasonable person to feel afraid.

In Kentucky, stalking means an intentional "course of conduct" towards a "specific person" that

1. Does not serve a legitimate purpose,
2. Seriously alarms, annoys, intimidates or harasses that person and
3. Would cause a reasonable person to suffer substantial mental distress.

Constitutionally protected activity is excluded.

The "course of conduct" must include at least two acts, one of which can be the use of a device to communicate or transmit information, such as a telephone, computer, camera, scanner, copier, audio/video recorder and any equipment that enables use of the device.

As used in KRS 508.140 Stalking in the first degree.

A person is guilty of stalking in the first degree

A. When he or she intentionally:

1. Stalks another person; and
2. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:
 - a. Sexual contact as defined in KRS 510.010;
 - b. Serious physical injury; or
 - c. Death; and

A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice; or A criminal complaint is currently pending with a court, law enforcement agency, or

prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice; or The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or The act or acts committed while the defendant had a deadly weapon on or about his person.

Stalking in the first degree is a Class D felony.

508.150 Stalking in the second degree

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

- a. Stalks another person; and
- b. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:
 1. Sexual contact as defined in KRS 510.010;
 2. Physical injury; or
 3. Death

Stalking in the second degree is a Class A misdemeanor.

5. Relationship Violence:

Pattern of behavior used to establish power and control over another person within the context of a current or previous intimate relationship. Categories can include but are not limited to: physical battering, sexual assault, emotional or psychological abuse. Relationship violence includes harm or the threat of harm to an individual.

6. Domestic Violence:

Domestic violence means a felony or misdemeanor crime 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.

As used in KRS 403.715 to 403.785: (1) "Domestic violence and abuse" means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple.

7. Sexual Assault:

An offense that meets the following definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Rape:

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

As used in KRS 510.060 Rape in the third degree. (1) A person is guilty of rape in the third degree when: (a) He or she engages in sexual intercourse with another person who is incapable of consent because he or she is an individual with an intellectual disability; (b) Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than sixteen (16) years old; (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. (2) Rape in the third degree is a Class D felony.

B. Fondling:

The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent incapacity.

Kentucky does not define fondling in KRS.

C. Incest:

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

As used in KRS 530.020 Incest. (1) A person is guilty of incest when he or she has sexual intercourse or deviate sexual intercourse, as defined in KRS 510.010, with a person whom he or she knows to be an ancestor, descendant, uncle, aunt, brother, or sister. The relationships referred to herein include blood relationships of either the whole or half-blood without regard to legitimacy, relationship of parent and child by adoption, relationship of stepparent and stepchild, and relationship of step grandparent and step grandchild. (2) (a) Incest is a Class C felony if the act is committed by consenting adults. (b) Incest is a Class B felony if committed: 1. By forcible compulsion as defined in KRS 510.010(2); or 2. On a victim who is: a. Less than eighteen (18) years of age; or b. Incapable of consent because he or she is physically helpless or mentally incapacitated. (c) Incest is a Class A felony if: 1. Committed on a victim less than twelve (12) years of age; or 2. The victim receives serious physical injury.

D. Statutory Rape:

Sexual intercourse with a person who is under the statutory age of consent.

As used in KRS 510.020, Lack of consent. (1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim. (2) Lack of consent results from: (a) Forcible compulsion; (b) Incapacity to consent; or (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct. **(3) A person is deemed incapable of consent when he or she is: (a) Less than sixteen (16) years old; (b) An individual with**

an intellectual disability or an individual that suffers from a mental illness; (c) Mentally incapacitated; (d) Physically helpless; or (e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency. (4) The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

II. Reporting

All University employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation are required to promptly report to the Title IX Coordinator, subject to the rules for mandatory and non-mandatory reporters described in this policy. **Complaints and reports should be made as soon as possible after an incident.** Any student who is aware of or who witnessed discrimination, harassment, sexual misconduct, or retaliation is encouraged to promptly report to the Title IX Coordinator. Reports to police and/or Title IX officials do not obligate the complainant to file any criminal or university conduct charges, for that reason Kentucky State University offers several reporting options, including both indirect and direct.

A. Indirect Reporting Options

1. Anonymous and Third Party Reporting:

The Title IX Coordinator accepts anonymous and third party reports of conduct alleged to violate this policy and will follow up on such reports in a timely manner. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or designee to investigate and respond as appropriate. The University may be limited in its ability to investigate an anonymous or third party report unless sufficient information is provided.

2. Confidential Disclosure:

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with non-mandatory reporters, including counselors, health service providers, victim services advocates, domestic violence resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor). Non-mandatory sources may submit anonymous statistical information without identifying information to our reporting bodies for our legal responsibility to send out a timely warning and for Clery Act reporting

purposes. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before talking to them. **On-Campus Counseling** is available for students and/or the **Employee Assistance Program** is available to employees both free of charge.

B. Direct Reporting Options

1. Direct Reporting to Title IX Coordinator:

Reporting Parties are encouraged to speak to University officials, such as the Title IX Coordinator, to make formal reports. Complainants have the right, and can expect, to have complaints taken seriously by the University when formally reported and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to all those involved as information will be shared on a need-to-know basis with a small group of officials, witnesses, and the respondent(s). The number of people with this knowledge will be kept as low as reasonably possible to preserve a complainant's rights and privacy. The Title IX Coordinator can be contacted:

Erik Carlsen-Landy, Title IX Coordinator
Academic Services Building – Room 537
400 E Main Street
Frankfort, KY 40601
(502) 597-6152
erik.carlsenlandy@kysu.edu

2. Police Reporting:

Reports may also be made to the police, especially if a crime is or may be involved, by calling the following numbers:

- a. Emergency 9-1-1
- b. Frankfort Police Department: (502) 875-8582
- c. Franklin County Sheriff's Office: (502) 875-8740
- d. University Police Department (502) 597-6878 (on-campus incidents)

Individuals are encouraged to call 9-1-1, if someone is in immediate danger. Allegations of criminal conduct can be reported to law enforcement even when it is not clear whether the conduct rises to the level of a crime. Regardless, law enforcement can assist with obtaining medical care, getting immediate law enforcement response and protection, connecting the

individual with victim advocate services and counseling support, initiating a criminal investigation as appropriate and answering questions about the criminal process.

III. Retaliation

The University seeks to create an environment where its students and employees are free, without fear of reprisal, to use its procedures to determine if there has been a violation of their civil rights. Any act of retaliation will result in appropriate disciplinary action.

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging a violation of their civil rights, supporting a complainant, or for assisting in providing information relevant to a claim, is a serious violation of this policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator.

IV. Following the Report Filed

All initial contacts will be treated with the maximum possible privacy: specific information on any complaint received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of all those involved. In all cases, the University will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when a complainant chooses not to initiate or participate in a formal complaint. From the time of the initial complaint, the Title IX Coordinator will make every effort to resolve within 60 days.

A. Role of the Title IX Coordinator and/or designee

The Title IX Coordinator is charged with coordinating the University's response to reports of misconduct under this policy and federal guidelines provided by OCR. At times, a trained designee will be appointed to further investigate complaints filed. The role of the Title IX Coordinator or designee is a complex role that:

1. Works to ensure a fair and neutral process for all parties consistent with the University's policies;
2. Explains options for resolution, both formal and informal to both parties;
3. Communicates the provisions for confidentiality;

4. Provides both parties information on options for obtaining victim advocacy, medical and counseling & mental health services, legal assistance, visa & immigration assistance, student financial aid, and other remedial accommodations available;
5. Assists with making criminal reports;
6. Coordinates with other campus officials to take appropriate interim actions such as no contact orders, academic accommodations, and rearrangement of housing, dining, and work assignments.

Remedial Accommodations:

Several remedial accommodations are available to the complainant in writing, including but not limited to, classroom accommodations, no contact orders, no trespass orders, counseling services, residential living accommodations, and/or other accommodations that can help create an increased feeling of safety.

In addition, if the University feels that the respondent is a continued threat on our campus, the University has the right to impose temporary suspension until resolution of the investigation.

B. Federal Timely Warning Obligations

Complainants of sexual misconduct should be aware that University administrators must issue crime alerts for incidents reported to them that represent a serious or continuing threat to students or employees. Should University administrators judge that a crime alert is warranted, the University will withhold a victim's name and other identifying information while providing enough information for community members to make safety decisions in light of the potential danger.

C. Confidentiality and Reporting of Offenses

Kentucky State University will make every effort to safeguard the identities of individuals who seek help and/or report discrimination, harassment, and/or retaliation. While steps are taken to protect the privacy of victims, the University may need to investigate an incident and take action once an allegation is known, whether or not complainant chooses to pursue a complaint.

In cases where a report is made about an incident involving a complainant who is hesitant to come forward, the Title IX Coordinator or designee may seek additional information to ensure campus safety, even if information identifying either complainant or respondent is withheld in the initial report. The Coordinator will conduct an initial inquiry, looking for any sign of pattern, predation, violence, or threat. When such exists, institutional action may be required to secure campus safety. As such, no employee should ever promise absolute confidentiality except non-mandatory reporters (campus counselors, campus health professionals, and the Associate Dean of Students for Inter-Religious Life). Reports may be private, but not confidential.

The University will not pursue disciplinary action for improper use of alcohol or other drugs against a complainant of sexual misconduct or against another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, (as opposed to complaints, which, even if erroneous, are made in good faith) are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the disclosing of information related to the outcome of the proceeding.

The University must comply with the obligations of the Clery Act when completing reporting and disclosure documents. However, the University will protect the confidentiality of victims and other necessary parties when complying with these requirements. If necessary, the University's Office of the General Counsel will redact personally identifiable information, as defined by the Violence Against Women Act of 1994, when maintaining publicly available or reported records.

D. Role of the Advocate

Individuals involved in a Title IX investigation, regardless if they choose to go through the informal or formal resolution processes described below, are encouraged to utilize a Faculty/Staff Advocate. A Faculty/Staff Advocate is a Kentucky State administrator or faculty member who is annually trained to support both complainants (alleged victims) and respondents (alleged perpetrators) in sexual harassment, assault, or misconduct cases. An Advocate can assist a student throughout the University process. Advocates may work with the Title IX Coordinator to assist in arranging accommodations that would benefit either party, including but not limited to housing assignment changes, assignment or exam rescheduling, and alternative course completion options. Students can choose from a diverse list of potential Advocates and may switch Advocates at any point should they choose. Students are not required to accept the offer of advocacy services, but are strongly encouraged to do so.

E. Student Complaint Resolution Process

The University will respond to any alleged violation of this policy received by the Title IX Coordinator. This section outlines the two ways in which reported offenses can be pursued: informal and formal processes. Regardless of the process, the Title IX Coordinator will keep records of any resolution.

Informal Resolution Process:

Informal resolution is a process overseen by the Title IX Coordinator, the primary goal of which is to end harassment, prevent the reoccurrence, and remedy any known impact on the campus community. The Title IX Coordinator will determine if informal resolution is appropriate, based on the willingness of the parties, the information gathered during the investigation, and the nature of the alleged conduct. Sanctions are generally not pursued as the result of an informal resolution process, though the parties may agree to appropriate remedies.

Anyone participating in the informal resolution process can stop that process at any time and request to continue through the formal resolution process. In addition, the University reserves the right to change an informal resolution process to a formal resolution process, if sufficient evidence suggests the need to do so. However, it is not necessary to pursue an informal resolution process first in order to initiate a formal resolution process.

Formal Resolution Process:

A student wishing to bring formal sexual misconduct charges against another student has the right to use the University Judicial system. Anyone wishing to bring charges against another student should contact the Title IX Coordinator, who, along with the Dean of Students' office, will explain the formal conduct process. In addition, the Title IX Coordinator can initiate a formal hearing process if deemed appropriate. The formal resolution process, in addition to working toward ending harassment, preventing the reoccurrence, and providing remedies for any known impact(s) on the campus community, may also result in sanctions should the Hearing Board find that the respondent is in violation of the policy.

Due to the sensitive nature of sexual misconduct, a somewhat different procedure from the standard judicial process is used to hear these cases.

Preparing for the Hearing:

The complainant will be asked to write an account of the incident that will be used to generate a charge letter to the respondent and will be entered as evidence in the judicial hearing. If the complainant wants the University to impose a no-contact order on the respondent, they should request one at this time.

The respondent will receive a charge letter once charges have been determined by the Dean of Students or designee, and the complainant will be notified when this letter is delivered. The respondent will be offered a Faculty/Staff Advocate and will be asked to respond to the complaint in writing within 72 hours of receiving it, and that response will be shared in writing with the complainant.

Any persons having specific knowledge of the matter may be called as witnesses by either the complainant or the respondent. Witness lists should be submitted in writing to the Dean of Students or designee at least 72 business hours before the hearing. Witness lists will then be shared in writing with all involved parties at least 48 hours before the hearing. Witnesses will be required to submit a statement in writing at least 72 business hours before the hearing to the Dean of Students or designee. No surprise witnesses and or guests will be permitted. Further, all documentary evidence that will be introduced to the

hearing should be submitted to the Dean of Students or designee at least 72 business hours before the hearing so that it, too, may be shared with all involved parties at least 48 business hours before the hearing. No sexual history or character evidence about either party will be accepted.

Once all witness lists and documentary evidence have been shared between both the complainant and the respondent, both are invited to submit questions in writing for the hearing panel to consider asking during the hearing. These questions are due 24 business hours before the hearing. Whether these questions will be introduced at the hearing is at the discretion of the panel.

Please Note: Only those directly involved in the case will be made aware of the charges made, therefore, we do not recommend discussing the case with other campus community members to respect the privacy of those involved in the case.

Additionally, all cases will be completed as quickly as reasonably possible. Requests for extensions of timeframes involved in the case must be made in writing, will be granted only for good cause at the discretion of the Title IX Coordinator and the Dean of Students or designee. All involved parties in a case will be informed of extensions in writing.

Sexual Misconduct Hearing Board:

The Title IX Coordinator and the Dean of Students will convene a Sexual Misconduct Hearing Board consisting of three Kentucky State community members to conduct a closed hearing. More specifically, the board will consist of current faculty/staff Judicial Council members. Two members of the board will be the same gender as the accused. All hearing board members are required to receive annual training on all issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability. All involved parties will be informed of the composition of the panel at least 5 days prior to the hearing, and can object to any member of the board for cause. Replacement of any hearing board member is at the Title IX Coordinator's and the Dean of Students' or the designee's discretion.

The Hearing:

The order of the hearing will normally be as follows:

1. Introduction and reading of the alleged violations
2. Opening statement by complainant
3. Opening statement by respondent
4. Presentation of witnesses by complainant
5. Presentation of witnesses by respondent
6. Evidence not previously made available by the complainant
7. Evidence not previously made available by the respondent
8. Questions from the hearing board
9. Closing statement by the respondent
10. Closing statement by the complainant
11. Closed deliberation by the hearing board
12. Rendering of decision by the hearing board

As with all University judicial system cases, a hearing may proceed even if, one or both parties fail to attend the hearing. Further, once a sexual misconduct complaint has been brought forward, the University shall proceed in the adjudication of the case in accordance with Title IX. In such cases, the Title IX coordinator will always be notified at the beginning of the process.

Special Accommodations or Proxy:

Either party may request to present their case outside the physical presence or line of sight of the other party. Every effort will be made to accommodate such requests. Either party wishing to make a request for special accommodations must submit in writing their request at least 48 business hours prior to the hearing to the Title IX Coordinator and Dean of Students (or designee). Some examples of special accommodations are the use of telephone hearings and/or skype. Further, either party may petition to present their case by proxy at least 48 business hours prior to the hearing. The University, however, cautions parties that using a proxy may lead to a party not being able to fully respond to questions presented by the hearing panel or other issues brought up in the hearing. A party's proxy may not be legal counsel or their Faculty/Staff Advocate.

Hearing Board Outcome:

Following the hearing, the decision of whether a policy violation has occurred will be determined by using a **preponderance of the evidence** standard. A finding of a policy violation by a preponderance of the evidence, which differs from the legal process without a reasonable doubt, means that it is more likely than not that, the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified of the finding in writing once the charge letter is generated. 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 purposes of notification. If a student is found in violation of University policy, the hearing board will assess appropriate disciplinary sanctions after consultation with the Title IX Coordinator and Dean of Students (or designee). The Dean of Students (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Dean of Students' decision. PLEASE NOTE: To ensure all things are considered, some sanctions might take up to 7 business days to fully define and to determine the parameters of the particular sanction given.

Student Withdrawal While Charges Pending:

Should a responding student decide to withdraw from the University and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the University unless any and all sanctions have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the complainant and the community.

Sanctions:

Sanctions for a student who has violated Standards of Conduct, may include, but are not limited to, verbal or written warning, required educational program, social probation, suspension, and expulsion.

F. Investigation Finding for Employees

Upon receipt of the investigative report, the Title IX Coordinator will determine if this policy has been violated by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that, the policy violation occurred. If the Title IX Coordinator decides that no policy violation has occurred, then the process will end. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. The respondent's department head/director, Dean, Vice President, and the President will also be notified of the finding.

In the event that the employee violated University policy, the Vice President will determine appropriate disciplinary sanctions based on the recommendation from the Title IX Coordinator. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified in writing of the outcome within fifteen working days of the date of the notice from the Title IX Coordinator. If the Vice President serves as a party or witness in the investigation, the Title IX Coordinator's recommendation will be sent to the President for determination of disciplinary sanctions.

Employee Resignation While Charges Pending

Should a responding employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. Should an employee decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the employee's absence to a reasonable resolution and that employee will not be permitted to return to the University unless any and all sanctions have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the complainant and the community.

Employee Sanctions

Sanctions for an employee who has violated this policy may include, but are not limited to, verbal or written warning, required counseling, training, demotion, reassignment, suspension with or without pay, and termination.

G. Appeals

Appeals of the decision of the Dean of Students (for students) or the Vice President/President (for employees) may be filed by the complainant or the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within **five business days** who will then share it with the appropriate office (Dean of Students/Designee for students) or (Vice President/President for employees) for consideration. The Title IX Coordinator and the Dean of Students or designee will ensure it meets the following criteria to permit the appeals to move forward.

Appeals are limited to allegations of the following:

1. A procedural error or omission occurred that significantly impacted the outcome.
2. There is new evidence, unknown or unavailable during the investigation, that could substantially impact the finding or sanction. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal.
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a finding and sanction/responsive action(s) are final. When a party requests an appeal, the other party (parties) will be notified and given an opportunity to respond.

For students: In cases involving student conduct, a person designated by the Dean of Students will review the appeal request(s).

For employees: In cases involving employee conduct, a person designated by the President will review the appeal request(s).

Where the designee finds that at least one of the grounds is met, and proceeds with the appeal, additional principles governing the hearing of appeals include the following:

1. The original decision will only be changed when there is a compelling justification to do so. Interim and/or protective actions will be imposed and/or continued as appropriate.
2. Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

3. **The designee will render a decision within ten business days** to the Title IX Coordinator who with the assistance of the designee will provide written notice of the appeal to all parties in a timely manner from the date of the appeal review.
4. All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
5. Once an appeal is decided, the outcome is final: further appeals are not permitted under this policy.

H. Failure to Complete Sanctions

All respondents are expected to comply with conduct sanctions within the time frame specified in their written notice. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the University. For students, failure to comply may result in suspension and/or hold to prevent future registration.

V. Records

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator in the Office of the General Counsel in accordance with records retention schedules of the state. To minimize the risk of improper disclosure, disciplinary records are kept under the supervision of the Title IX Coordinator in an offsite online computer database with servers in multiple locations separate from all other records. Should the integrity of the confidential records be violated, all affected parties would be notified in writing from the Title IX Coordinator.

VI. Resources

A. University Title IX Coordinator

Erik Carlsen-Landy, Title IX Coordinator
Academic Services Building – Room 537
400 E Main Street
Frankfort, KY 40601
(502) 597-6152
erik.carlsenlandy@kysu.edu

All mandatory reporters are required to complete several online trainings provided by Workplace Answers. The Title IX Coordinator is also available for on-demand training to answer any additional questions.

B. Additional Resources

Some forms of harassment and discrimination may violate federal and state laws, and a Complainant or Respondent may choose to contact the following agencies regarding their complaint:

Philadelphia Office for Civil Rights

U.S. Department of Education

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: (215) 656-8541

TDD: 1-877-521-2172

Email: OCR.Philadelphia@ed.gov

Revisions: These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedure that do not materially change the process. However, the Title IX Coordinator may also vary procedures materially with notice (on the University's policy website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy or applicable law requires otherwise.

Kentucky State Police Sex Offender Registry

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the University Police Department is providing a link to the Kentucky State Police Sex Offender Registry. This act requires institutions of higher education

to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained.

The Act also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Pursuant to KRS 17.580, the Kentucky State Police provides sex offender registration information to the public through this website. The link to the Kentucky State Police sex offender registry is <http://kspsor.state.ky.us/>

Missing Student Policy & Procedures

Procedures:

1. Officers responding to a call reference an abducted victim shall ensure that the following criteria are met before initiating an Amber Alert:
 - a. Confirmation that the victim seventeen (17) years of age or less.
 - b. Confirmation that the abduction has occurred and the officer and his/her supervisor believes that the circumstances surrounding the abduction are true.
 - c. There is reason to believe that the victim is in immediate danger of serious physical injury or death.
 - d. There is sufficient descriptive information available to disseminate to the general public that could assist in the safe recovery of the victim and/or apprehension of the suspect.
2. Officers shall notify their supervisor and the Chief of Police that the criteria has been met, and must receive his/her approval in order to initiate an Amber Alert.
3. Officers shall notify the various law enforcement agencies along with FPD.
4. After obtaining complete information and command approval, officers shall then deliver the victim's information and photograph directly to Dispatch, who will submit the information and victim photograph directly to the Kentucky State Police. The Kentucky State Police will verify that alert criteria have been met and initiate the Amber Alert statewide and notify the National Center for Missing and Exploited Children. Intra-agency alerts will be made by Dispatch.
5. If the victim is located, an alert cancellation shall be immediately issued to local media and the Kentucky State Police.
6. The Kentucky State University Police Department will utilize every resource available to investigate and facilitate the safe return of all abducted people/children.

Whistleblower Protection & Anti-Retaliation

Kentucky State University is committed to protecting the safety, and, when appropriate, the identity of the person or persons reporting the crimes included in this report. Kentucky State University is committed to providing all members of the University community, including students, faculty, staff, alumni, vendors, and guests, with a safe and productive environment. If any member of the University community has a reason to believe or reasonably suspects that the University or any of its agents is acting contrary to any applicable federal, state or local laws or regulations, or contrary to any established University policy, he or she should feel welcome and encouraged to report such action or activity without fear of reprisal or retaliation. It is in the best interest of the University and the whole University community for this information to be brought forward immediately and dealt with promptly.

Employees: Any employee with reasonable suspicion of such illegal or improper activity should notify his/her immediate supervisor. If the complaint involves the immediate supervisor, the employee should contact his or her next higher level of supervisor and/or the Director of Human Resources. In addition to notification of supervisory personnel, any University employee with such a complaint may notify the President's office. For purposes of this policy, all faculty and staff are referred to as "employees."

Students: Any student with reasonable suspicion of such illegal or improper activity should notify the Dean of Students. In addition to notification of the Dean of Students, any student with such a complaint may notify the President.

Visitors: Alumni, vendors and guests may notify the President's office.

Any University employee receiving such a report of suspected illegal or improper activity will report it to the President's office. The President's office will then conduct an appropriate investigation. All such allegations shall be logged and kept under seal.

Retaliation against anyone bringing forward a report of suspected illegal or improper activity will not be tolerated and is, itself, against the law. Should retaliation actually occur, such act shall be considered a serious violation of University policy and will be subject to disciplinary and/or legal action. Encouraging others to retaliate is also a violation of this policy. At the same time, those who file fraudulent or bad faith complaints pursuant to this policy will be subject to disciplinary and/or legal action as well.

Definition of Crimes

The following are definitions of crimes under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and are included in this report. These definitions come from the Federal Bureau of Investigation's "Uniform Crime Reporting" (UCR).

Murder & Non-Negligent Manslaughter: The willful killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could, and probably would, result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

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

Arrests for Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Arrests for Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics and other dangerous nonnarcotic drugs.

Arrests for Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness & driving under the influence are not included in this definition.)

Hate Crimes: Any criminal offense committed against a person or property, which is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

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

Sex Offenses-Non-forcible: Unlawful, non-forcible sexual intercourse.

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence: Felony or misdemeanor crimes of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person whom the victim shares a child in common;
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. 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

5. By any other person against an adult or youth victim who is protected from the person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The Commonwealth of Kentucky has the below listed definitions for use in domestic violence situations:

As used in KRS 403.715 to 403.785:

“Domestic violence and abuse” means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of unmarried couple:

“Family member” means a spouse, including a former spouse, a grandparent, 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;

“Global positioning monitoring system” means a system that electronically determines a person's location through global positioning satellite technology, radio frequency technology, or a combination thereof and reports the location of an individual through the use of a transmitter or similar device worn by that individual and that transmits latitude and longitude data to a monitoring entity. The term does not include any system that contains or operates global positioning system technology, or any other similar technology, that is implanted or otherwise invades or violates the individual's body; and 1 34 C.F.R. Part 668, Appendix E to Part 668.47.

“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:

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 relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating violence does not include acts covered under the definition of domestic violence.

The Commonwealth of Kentucky currently does not have any laws regarding Dating Violence.

Crime Statistics

Offense	Year	On Campus	Residential Facilities*	Non-Campus	Public Property	Unfounded Crimes
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	1	0	0	0	0
	2014	1	0	0	0	0
Rape	2018	0	1	0	0	0
	2017	1	1	0	0	0
	2016	0	0	0	0	0

	2015	0	0	0	0	0
	2014	0	0	0	0	0
Fondling	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Robbery	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

	2014	1	1	0	0	0
Aggravated Assault	2018	0	0	0	0	0
	2017	8	2	6	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	1	0	0	0	0
Burglary	2018	3	3	0	0	0
	2017	4	3	1	0	0
	2016	3	1	0	0	0
	2015	7	2	0	0	0
	2014	5	4	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0
	2017	2	0	0	0	0
	2016	0	0	0	0	0
	2016	0	0	0	0	0
	2014	1	0	0	0	0
Liquor Law Arrests	2018	2	0	0	0	0
	2017	1	0	1	0	0
	2016	2	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

Drug Law Arrests	2018	2	0	0	0	0
	2017	16	6	10	0	0
	2016	3	1	0	0	0
	2015	2	0	2	0	0
	2014	0	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0	0
	2017	2	1	1	0	0
	2016	0	0	0	0	0
	2015	1	0	0	0	0
	2014	1	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2017	1	1	1	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	1	1	0	0	0
Drug Law Violations Referred for Disciplinary Action	2018	9	6	3	0	0
	2017	16	6	10	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

	2014	6	6	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2017	1	1	1	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

VAWA Offenses	Year	On Campus	Residential Facilities*	Non- Campus	Public Property	Unfounded Crimes
Domestic Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Dating Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

	2014	1	1	0	0	0
Stalking	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

HATE CRIME REPORTING:

In 2018, there were no reported hate crimes.

UNFOUNDED:

In 2017, there were no unfounded crimes.

Fire Safety

In accordance with Kentucky Fire Prevention Code, it is the policy of the University that a building is to be evacuated immediately upon the activation of the fire alarm system. The Kentucky State University evacuation policy does make exceptions for persons with disabilities that may require assistance during an emergency. The University does the following to ensure fire safety;

- Fire evacuation plan: in the event of a fire alarm, law requires all occupants to evacuate the building. Failure to do so can result in both municipal charges and university sanctions. If you see a fire, pull the fire alarm immediately and leave the building, notify the RA or AC on duty

when it is safe to do so. Any fire, even if extinguished, should be reported to University Police immediately.

False alarms will lead not only to disciplinary action by the University, but to prosecution by local authorities. Fire drills are also held to instruct residents in the safe, quick, and orderly evacuation of residence halls. Floor plans are posted on each hallway illustrating escape routes for each hall. Evacuation plans are located in every campus building; in addition, every residence hall dorm room has a copy of the evacuation plan on the back of every door.

- Fire extinguishers and fire alarms: Every building on campus has a fire alarm system and extinguishers easily accessible.
- Safety inspections: Fire equipment is inspected annually by a preferred vendor, as well as monthly fire extinguisher inspections, monthly emergency egress and exit sign inspections, and annual alarm testing.
- Portable Electrical Appliances and Open Flames policy: Lighted candles or other burning materials (incense) are a major cause of fire and may not be used in student rooms. Because of the danger of fire, only certain electrical appliances are permitted in student rooms.

Students may have radios, stereos, televisions, clocks, lamps, hair dryers, electric razors, coffee pots with automatic shut-offs and personal fans. Refrigerators over three feet tall and microwaves drawing more than 700 watts, hot plates, toaster ovens, other open-burner cooking units, ceiling fans, and electric space heaters are not permitted. The residence hall staff has the authority to remove unauthorized or potentially dangerous electrical devices from residence halls.

Fire Incident Report

Fires – On Campus Student Housing Facilities

Name of Facility	Street Address	Number of Fires
Chandler Hall	203 University Dr.	0
Kentucky Hall	205 University Dr.	0
McCullin Hall	409 University Dr.	0
Combs Hall	411 University Dr.	0
Hunter Hall	106 Jackson Dr.	0
Whitney Young Hall	106 S. University Dr.	0

Fires – Summary

	2015			2016			2017			2018		
Name of Facility	<u>Fires</u>	<u>Injury</u>	<u>Death</u>	<u>Fires</u>	<u>Injury</u>	<u>Death</u>	<u>Fires</u>	<u>Injury</u>	<u>Death</u>	<u>Fires</u>	<u>Injury</u>	<u>Death</u>
Chandler Hall	0	0	0	0	0	0	0	0	0	0	0	0
Kentucky Hall	0	0	0	0	0	0	0	0	0	0	0	0
McCullin Hall	0	0	0	0	0	0	0	0	0	0	0	0
Combs Hall	0	0	0	0	0	0	0	0	0	0	0	0
Hunter Hall	0	0	0	0	0	0	0	0	0	0	0	0
The Halls	0	0	0	0	0	0	0	0	0	0	0	0
Whitney Young Hall	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

Caveat: The Halls and Hunter Hall was off-line for the calendar year 2018

2019 Report for Calendar Year 2018

Preparation of the Annual Fire Safety and Security Report

The Annual Campus Fire Safety & Security Report is a combined effort in preparing the annual report by the University Police Department, Title IX, and the Dean of Students Office. This report is to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, and prepared in cooperation with our local law enforcement agencies surrounding our campus. Campus crime, arrest and referral statistics include those reported to the University Police Department, designated campus officials

(including but not limited to directors, deans, department heads, designated Student Life staff, judicial affairs, advisors to student's/student organizations, athletic coaches), and local law enforcement agencies. The full text of this report can be located on the University Police Department's webpage, <http://kysu.edu/administration-governance/president/safety-security/>. The report is completed and made available to our campus community on October 1st of every year. The Annual Campus Fire Safety and Security Report will be posted on the Kentucky State University website.

If have any questions or want more information on the Annual Campus Fire Safety and Security Report please contact the University Police Department at (502) 597-6878.

Kentucky State University Police Department
William Exum Center
400 East Main St.
Frankfort, KY 40601
Office: (502) 597-6878
Fax: (502) 597-5827
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References:

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC 10929(f), 34 CFR Part 668.46)

Michael Minger Act (KRS 164.948 to 164.9489; KRS 164.993) 13 KAR 2:100