

**BOARD OF REGENTS MEETING
MOREHEAD STATE UNIVERSITY**
Riggle Room, Adron Doran University Center
Thursday, September 24, 2015

Agenda

- I. ORIENTATION SESSION (required for new members) 8:30 AM**
- II. CALL TO ORDER 10:00 AM**
- III. ROLL CALL**
- IV. SPOTLIGHT PRESENTATION – *Strategic Enrollment***
- V. PRESIDENT’S RECOMMENDATIONS AND REPORTS**
 - A. Consent Agenda (Action)**
 - 1. Approve Minutes of June 4, 2015, and August 27, 2015 Meetings..... 1-15
 - 2. Ratify Personnel Actions 16-21
 - 3. Approve Rank, Academic Administrator 22
 - 4. Approve Educational Leave 23
 - B. Recommendations (Action)**
 - 1. Approve PG-6 Sexual Misconduct Policy 24-47
 - 2. Approve Student Code of Conduct..... 48
 - 3. Approve University Police Standard Operating Procedures Manual 49
 - C. Reports**
 - 1. Preliminary Fall Enrollment Report 50
 - 2. Report on Real Property Leases 51-54
 - 3. Report on Personal Service Contracts..... 55-59
 - D. President’s Report**
- VI. OTHER BUSINESS**
 - A. Future Meetings**
 - 1. Governor’s Conference on Postsecondary Education Trusteeship,
Monday and Tuesday, September 28-29, 2015, Griffin Gate Marriott,
Lexington
 - 2. Audit Committee, Thursday, November 5, 2015, 8 a.m.
 - 3. Work Session, Thursday, November 5, 2015, 9 a.m.
 - 4. Quarterly Meeting, Thursday, December 3, 2015
 - 5. Fall Commencement, Saturday, December 12, 2015, 10:30 a.m.
- VII. ADJOURNMENT**

**BOARD OF REGENTS MEETING
MOREHEAD STATE UNIVERSITY
June 4, 2015**

The Board of Regents of Morehead State University met at 9:00 a.m. on Thursday, June 4, 2015, in the Riggle Room of the Adron Doran University Center in Morehead, Kentucky.

CALL TO ORDER

Chair Goodpaster called the meeting to order.

ROLL CALL

The following Board members were present: Royal Berglee, Julie Butcher, Bradley Fyffe, Paul Goodpaster, John Merchant, Craig Preece, Patrick Price, Todd Thacker, and Kathy Walker. Debbie Long and Kevin Pugh were unable to attend the meeting.

MEDIA

Jason Blanton, Director of Media Relations, hosted Dan Conti, reporter for Morehead State Public Radio.

**RESOLUTIONS OF
COMMENDATION**

Chair Goodpaster read the following resolution of commendation for Julie A. Butcher whose term on the Board ends June 30, 2015:

Julie A. Butcher

RESOLUTION HONORING JULIE A. BUTCHER

WHEREAS, Ms. Julie A. Butcher, a respected citizen of Lexington, Kentucky, has served with distinction as a member of the Board of Regents of Morehead State University since 2009; and

WHEREAS, Ms. Butcher's distinguished service on the Board of Regents consistently demonstrated her high ethical standards and strong personal commitment to institutional integrity; and

WHEREAS, Ms. Butcher's term as a board member reflected her professional collegiality and dedication to academic excellence, and her abiding concern for the welfare of the entire University community;

THEREFORE, be it resolved by the Board of Regents of Morehead State University that Ms. Julie A. Butcher be and hereby is commended for her years of honorable and outstanding service on the Board of Regents and that the University expresses its profound and sincere gratitude for her efforts.

Done this fourth day of June 2015.

Paul C. Goodpaster, Chair

ATTEST:

Sharon S. Reynolds, Secretary

Wayne D. Andrews, President

Ms. Butcher thanked the members of the Board of Regents.

John C. Merchant

Chair Goodpaster read the following resolution of commendation for John C. Merchant whose term on the Board ends June 30, 2015:

RESOLUTION HONORING JOHN C. MERCHANT

WHEREAS, Mr. John C. Merchant, a respected citizen of Cincinnati, Ohio, has served with distinction as a member of the Board of Regents of Morehead State University since 2003; and

WHEREAS, Mr. Merchant's tenure included service as chair of the Board of Regents from 2010-2014; and

WHEREAS, Mr. Merchant also served on the presidential search committee in 2004; and

WHEREAS, Mr. Merchant's distinguished service on the Board of Regents consistently demonstrated his high ethical standards and strong personal commitment to institutional integrity; and

WHEREAS, Mr. Merchant's terms as a board member reflected his professional collegiality and dedication to academic excellence, his abiding concern for the welfare of the entire University community, and his pride as an alumnus of the institution;

THEREFORE, be it resolved by the Board of Regents of Morehead State University that Mr. John C. Merchant be and hereby is commended for his years of honorable and outstanding service on the Board of Regents and that the University expresses its profound and sincere gratitude for his efforts.

Done this fourth day of June 2015.

Paul C. Goodpaster, Chair

ATTEST:

Sharon S. Reynolds, Secretary

Wayne D. Andrews, President

Mr. Merchant thanked the Board of Regents members.

Todd Q. Thacker

Chair Goodpaster read the following resolution of commendation for Todd Q. Thacker whose term on the Board ends June 30, 2015:

RESOLUTION HONORING TODD Q. THACKER

WHEREAS, Mr. Todd Q. Thacker has served with distinction as the staff representative to the Board of Regents of Morehead State University for a period of three years; and

WHEREAS, Mr. Thacker has been an effective voice for employees of the University; and

WHEREAS, Mr. Thacker's dedicated service on the Board of Regents consistently demonstrated his high ethical standards and strong personal commitment to institutional integrity; and

WHEREAS, Mr. Thacker's three-year term as a board member has reflected his professional collegiality and dedication to academic excellence, his abiding concern for the welfare of the entire University community, and his pride as an alumnus of the institution;

THEREFORE, be it resolved by the Board of Regents of Morehead State University that Mr. Todd Q. Thacker be and hereby is commended for his three years of honorable and outstanding service on the Board of Regents and that the University expresses its profound and sincere gratitude for his efforts.

Done this fourth day of June 2015.

Paul C. Goodpaster, Chair

ATTEST:

Sharon S. Reynolds, Secretary

Wayne D. Andrews, President

Mr. Thacker thanked the members of the Board of Regents, and introduced the new

Bradley Fyffe

Staff Regent, Dr. Shannon Harr.

Chair Goodpaster read the following resolution of commendation for Bradley Fyffe whose term on the Board ends June 30, 2015:

RESOLUTION HONORING BRADLEY FYFFE

WHEREAS, Mr. Bradley Fyffe of Greenup, Kentucky, has served with distinction as the student member of the Board of Regents of Morehead State University since July 1, 2014; and

WHEREAS, Mr. Fyffe also served in superior fashion during this period as president of the University's Student Government Association; and

WHEREAS, Mr. Fyffe's efforts resulted in the return of the Challenge for Change Trophy to Morehead State; and

WHEREAS, Mr. Fyffe's personal example inspired his fellow students to become more involved in the legislative budget process and in their communities; and

WHEREAS, Mr. Fyffe's active engagement with the Board of Regents and his stewardship of the Student Government Association consistently demonstrated his high ethical standards and his abiding commitment to student and institutional success;

THEREFORE, be it resolved by the Board of Regents of Morehead State University that Mr. Bradley Fyffe be and hereby is commended for his year of honorable and outstanding service on the Board of Regents and for his leadership of the Student Government Association.

Done this fourth day of June 2015.

Paul C. Goodpaster, Chair

ATTEST:

Sharon S. Reynolds, Secretary

Wayne D. Andrews, President

Mr. Fyffe thanked the members of the Board of Regents.

Mr. Fyffe introduced Mr. Austin Casebolt, a junior art education major from Pikeville, Kentucky, who was recently elected president of the Student Government Association

CONSENT AGENDA

and will serve as the student representative on the Board of Regents during the 2015-16 year. Mr. Casebolt will be administered the oath of office in August.

Mr. Fyffe reported on SGA initiatives for the past year and the upcoming year. He noted that student morale and pride in the University are high.

Chair Goodpaster asked if the Board would like to discuss any item on the Consent Agenda as follows:

1. Minutes of March 19, 2015 (V-A-1)
2. Honorary Doctor's Degree for Phillip M. Simms (V-A-2)
3. 2015 Spring Graduates (V-A-3)
4. Personnel Actions (V-A-4)
5. Reappointment of Auditing Firm (V-A-5)
6. Minimum Scope of Annual Audit (V-A-6)

MOTION: Mr. Merchant moved that the items on the Consent Agenda be approved. Ms. Walker seconded the motion.

VOTE: The motion carried.

**PRESIDENT'S
RECOMMENDATIONS*****Promotions, 2015***

The President recommended:

RECOMMENDATION: That the Board approve the granting of promotion to the following faculty members with the issuance of their contracts for the 2015-16 year:

Professor

Christine Emrich Lange, geography (IRAPP)

Timothy Hare, anthropology (IRAPP)

Lola Aagaard-Boram, education (FGSE)

Katy Carlson, English

George Eklund, English

Shondrah Nash, sociology

Joy Gritton, art

Wendell O'Brien, philosophy

Ignacio Birriel, physics

Janelle Hare, biology

Librarian IV

Ophelia Chapman

Jennifer Little

Dr. Ralston said that the individuals being recommended have all gone through the review process and qualify for promotion.

Emeritus Status, 2015

(Additional background information attached to these minutes and marked V-B-1)

MOTION: Ms. Butcher moved that the Board approve the President's recommendation. Dr. Berglee seconded the motion.

VOTE: The motion carried.

The President recommended:

RECOMMENDATION: That the Board of Regents approve the granting of Emeritus Status to the following:

Karen Lafferty, associate professor of education (MGSE)
Robert Franzini, department chair and professor of art
Richard Miles, director of bands and professor of music
John Secor, associate professor of romance languages
Bob Bylund, professor of sociology
Judith Stafford, associate professor of social work
Herb Hedgecock, assistant professor of chemistry

Dr. Ralston said that the individuals being recommended for emeritus status have been recommended by their peers and immediate supervisors for emeritus status. He said it was very valuable to keep these knowledgeable faculty engaged with the University.

(Additional background information attached to these minutes and marked V-B-2)

MOTION: Mr. Preece moved that the Board approve the President's recommendation. Mr. Price seconded the motion.

VOTE: The motion carried.

The President recommended:

RECOMMENDATION: That the Board approve the recommendations of the Academic Affairs Self-Study.

(Additional background information attached to these minutes and marked V-B-3)

Dr. Ralston said that the Academic Affairs Self-Study was conducted in a manner that engaged the campus, was rigorous and transparent, and resulted in strong recommendations.

Dr. Andrews noted that the impetus for the self-study came from discussions with the Board on the "Road to the Preferred Future" and the strategic plans, and the need to

*Academic Affairs
Self-Study*

ensure the University is offering 21st century programs. He noted the Board had been briefed several times during the process, and he said he appreciated the counsel the Board had provided. He also noted that implementation would be very important for success.

Chair Goodpaster reiterated that the Academic Self-Study was a Board initiative and done with full Board consent.

MOTION: Ms. Walker moved that the Board approve the President's recommendation. Mr. Preece seconded the motion.

VOTE: The motion carried with Dr. Berglee voting nay.

**Personnel Policy PG-44
Employee Compensation
and Classification Plan**

The President recommended:

RECOMMENDATION: That the Board approve the revised personnel policy PG-44 related to the Employee Compensation and Classification Plan.

(Additional background information attached to these minutes and marked V-B-4)

During the Board meeting on March 14, 2013, the Board reviewed and offered support for a revised Employee Compensation and Classification Plan that was developed to bring all faculty and staff salaries to market rates. Implementation was conducted over three fiscal periods beginning July 1, 2013 with completion on July 1, 2015.

The revised policy presented includes overarching guidelines for managing compensation goals for both faculty and staff that align with the new Employee Compensation and Classification Plan. Specific operational details and processes for maintaining the plan are defined in separate University Administrative Regulations (UARs) for faculty and staff employees.

MOTION: Mr. Merchant moved that the Board approve the President's recommendation. Ms. Butcher seconded the motion.

VOTE: The motion carried with Dr. Berglee abstaining.

**Personnel Policy PG-52
Family and Medical Leave**

The President recommended:

RECOMMENDATION: That the Board approve the revised personnel policy PG-52 related to the Family and Medical Leave Act.

(Additional background information attached to these minutes and marked V-B-5)

The Board approved PG-52 initially in September 1993 in keeping with the provision of

the Family Medical Leave Act of 1993 (FMLA) that requires covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons. The Act allows eligible employees to take up to 12 weeks of unpaid leave during any 12-month period to attend to the serious health condition of the employee, parent, spouse or child, or for other qualifying events.

The two primary changes proposed in the recommended revised policy are: 1) the method of calculation of the FMLA year to a rolling 12-month period measured backward from the date an employee uses any leave, and 2) the addition of language to accommodate changes in the law covering military family leave as well as clearer language covering substitution of paid leave, definition of serious health condition and responsibilities for requesting and designating leave.

MOTION: Ms. Walker moved that the Board approve the President's recommendation. Mr. Price seconded the motion.

VOTE: The motion carried.

The President recommended:

RECOMMENDATION: That the Board accept the financial statements and amend the operating budget for the third quarter of the fiscal year that will end June 30, 2015, and amend the operating budget.

(Financial Report and additional background information attached to these minutes and marked V-B-6)

Beth Patrick, Chief Financial Officer and Vice President for Administration, introduced Kelli Owen, Director of Accounting and Financial Services, and Teresa Lindgren, Executive Director of Budgets and Financial Planning, who discussed the third quarter financial statements. MSU's financial picture remained stable through the third quarter of the 2014-15 fiscal year. During the period July 1, 2014 through March 31, 2015, the University operated with a surplus of revenues over expenditures and transfers of \$11,685,903. This level of operating surplus is expected at this time, since spring semester billings are reflected in the revenue while only expenditures through March 31, 2015 are reflected.

Total revenues increased by \$1.7M over last year to \$127 million with the majority due to increase in student tuition and fee rates and housing rates. Total expenses were approximately \$115.3 million at March 31, 2015, compared with \$111.2 million at March 31, 2014. The \$4.1M increase in actual expenses was related to budgeted increases in fixed costs such as scholarship commitments, health insurance premiums, and employee retirement benefits. Expenses related to the implementation of the employee compensation model and campus renovation and construction projects also

impacted the increase in actual expenses.

Ms. Lindgren reported on budget amendments and significant adjustments for the third quarter. The two budget amendments greater than \$200,000 were to allocate fund balance to cover the cost of replacing the sound system in the Academic-Athletic Center (AAC), and to renovate Grote-Thompson Hall for the Craft Academy. The advance of funds for the Grote-Thompson Hall will be reimbursed from a combination of private donation funds and dedicated state appropriations.

MOTION: Mr. Preece moved that the Board approve the President's recommendation. Mr. Fyffe seconded the motion.

VOTE: The motion carried.

The Board recessed at 10:14 a.m. and reconvened at 10:30 a.m.

RECESS

2015-16 Operating Budget, Personnel Roster & Fee Schedule

The President recommended:

RECOMMENDATION: That the Board approve the recommended 2015-2016 Operating Budget, which totals \$157,766,000, the 2015-2016 Personnel Roster, and the 2015-2016 Fee Schedule.

(2015-2016 Operating Budget, Personnel Roster and Fee Schedule along with background information and analysis attached to these minutes and marked V-B-7)

The budget reflects the continued commitment to advance the University's mission by focusing on the goals and objectives as defined in the *ASPIRE 2014-2018 Strategic Plan*. The 2015-2016 operating budget totals \$157.8 million, an increase of \$4.6 million (3.0 percent) compared to the current fiscal year. The two primary fund sources in the operating budget are student tuition and fee revenue and state appropriations. New revenue from a combination of a 2.9 percent increase in student tuition and fees, and a 7.0 increase in residence hall rates is included in the operating budget. State appropriations increased by \$2.3 million in 2015-2016 from the current fiscal year to support the new Craft Academy for Excellence in Science and Mathematics.

In addition to covering increases in fixed costs such as scholarship commitments, property insurance premiums, and employee retirement benefits, the proposed budget includes investment in employees with the third year of a three-year implementation plan of an employee compensation model. The proposed budget also includes investment of one-time reserve funds to improve a number of instructional and student support facilities.

The recommended 2015-2016 Fee Schedule is presented in the budget. A summary of the recommended rate changes for tuition and residence hall occupancy from Fall 2014

to Fall 2015 follows:

Resident Undergraduate Base Tuition (12-18 hours) increased \$116
Special Use Fee (Student Recreation Fee) no increase (remained at \$66)
Total Tuition and Fees (Resident Undergraduate 12-18 hours) increased \$116
Average Residence Hall Rate per Semester increased \$153

MOTION: Mr. Merchant moved that the Board approve the President's recommendation. Mr. Price seconded the motion.

VOTE: The motion carried.

The President recommended:

RECOMMENDATION: That the Board ratify the 2016-2022 Six-Year Capital Plan that was submitted to the Capital Planning and Advisory Board on April 15, 2015.

(Six-Year Capital Plan for 2016-2022 and additional background information attached to these minutes and marked V-B-8)

Ms. Patrick stated that the plan included any capital project with an estimated scope of \$600,000 or more and any equipment purchase with an estimated scope of \$200,000 or more. The projects included in the first biennia of the plan will be used as the basis for the development of the 2016-2018 Executive Budget Capital Request which will be presented to the Board for approval at a future meeting.

MOTION: Mr. Merchant moved that the Board approve the President's recommendation. Mr. Preece seconded the motion.

VOTE: The motion carried.

The President recommended:

RECOMMENDATION: The Board approve naming of the two new residence halls at the Derrickson Agricultural Complex (DAC) as Lundergan Hall and Padula Hall.

(Additional background information attached to these minutes and marked V-B-9)

Traditionally, the naming of facilities is a permanent means of recognizing those who have provided outstanding support to the institution or given exemplary personal service over a sustained period.

Mr. Edward T. (Eddie) Lundergan consistently provided quality service and leadership as the Farm Manager for 24 years. Mr. Michael (Mike) Padula was the Farm

**2016-2022 Six-Year
Capital Plan**

**Naming of Residence
Halls at Derrickson
Agricultural Complex**

Maintenance Supervisor for 23 years until his untimely death in 2012. Both had distinguished records in service to the Agricultural Program at MSU and to our students.

MOTION: Mr. Thacker moved that the Board approve the President's recommendation. Ms. Walker seconded the motion.

VOTE: The motion carried.

REPORTS

Spring 2015 Enrollment Report

Jeffrey Liles, Assistant Vice President for Enrollment Services, presented the final enrollment report for Spring 2015. Mr. Liles reported that total headcount enrollment for Spring 2015 was 9,519. (*Spring 2015 Enrollment Report for attached to these minutes and marked V-C-1*)

Personal Service Contracts

Ms. Patrick reported on personal service contracts, which represent all such contracts issued with amounts greater than \$10,000 between March 1, 2015 and May 15, 2015. (*Report attached to these minutes and marked V-C-2*)

PRESIDENT'S REPORT

Dr. Andrews thanked the Board members for their support over the past year and stated he would let the statement of progress against his 2014-15 goals that he provided to the Board as part of the evaluation process stand as his report for this meeting.

EXECUTIVE SESSION

Chair Goodpaster stated that the Board would now retire into Executive Session pursuant to KRS 61.810(1)(f) to discuss matters relating to the appointment of a specific employee. The Board will take no action while in Executive Session. He opened the floor for a motion to go into Executive Session. Ms. Walker moved that the Board go into Executive Session. Mr. Preece seconded the motion. The motion carried, and the Board retired to Executive Session.

OPEN SESSION

At 11:54 a.m., Chair Goodpaster opened the floor for a motion that the Board return to Open Session. Ms. Walker moved that the Board return to Open Session. Mr. Merchant seconded the motion. The motion carried. Chair Goodpaster stated that the Board was now returned from Executive Session and is again in Open Session and that no action was taken during the Executive Session.

PRESIDENT'S CONTRACT

Chair Goodpaster stated that as a result of the Morehead State University Board of Regents annual review of the institutional performance and presidential leadership for fiscal year 2014-2015, the Board finds that Dr. Andrews continues to provide exceptional and superior leadership of Morehead State University. He noted several examples of significant accomplishments: The Craft Academy for Excellence in Science and Mathematics, the completion of the compensation plan, the Campus Master Plan, the Program of Distinction designation for the Space Science program, and the Academic Affairs Self-Study.

Mr. Price recognized previous Board actions with regard to Dr. Andrews' contract, to:

1) implement the second phase of the salary increase, utilizing the same approach as was used in the campus-wide Employee Compensation Model in bringing all employees to market rates (as approved at the June 2014 meeting), and 2) to provide a privately-funded retention bonus (established at the September 2011 meeting) that will be earned as of June 30, 2015.

MOTION: Mr. Price moved that the President's contract be extended for an additional year through June 30, 2018, and that his deferred compensation plan be modified to establish a floor of 4% and a ceiling of 8% in the Rabbi Trust for retirement benefit calculation purposes. Mr. Merchant seconded the motion.

VOTE: The motion carried unanimously.

**PRESIDENT'S GOALS
FOR 2015-2016**

President Andrews said he was humbled and appreciative of the Board of Regents' direction for the University and their faith in the administration. He discussed his goals for 2015-16, which include the following in two categories:

**PRESIDENT'S GOALS
2015-16**

Broad Institutional Goals

- I. Fully implement the MSU Strategic Plan: ASPIRE to Greatness 2014-2018
 - a. Continue focus on improvements in retention and graduation rates
 - b. Develop a plan to improve graduate enrollment
- II. Pending funding, complete implementation of the Compensation Model
- III. Continue implementation of the comprehensive model for the University's preferred future
 - a. Fully implement the recommendations from the Self-Study approved by the Board of Regents
 - b. Develop an implementation plan to accomplish (a) above
 - c. Implement and fund a plan to solicit new academic program proposals

President's Individual Goals

- IV. Continue aggressive fundraising to reach \$10 million beyond the Comprehensive Campaign goal of \$25 million
- V. Implement year 1 of the Craft Academy for Excellence in Science and Mathematics
- VI. Continue to strengthen communication and advocacy with stakeholders

VII. Fill key leadership positions

Mr. Preece moved that the Board approve the President's goals for 2015-16. Mr. Fyffe seconded the motion. The motion carried.

ANNOUNCEMENTS

Upcoming Meetings and Events

Chair Goodpaster announced upcoming meetings and events:

- Board of Regents Retreat, Friday, August 7, 2015
- Work Session, Thursday, August 27, 2015
- Quarterly Meeting, Thursday, September 24, 2015
- Governor's Conference on Postsecondary Education Trusteeship, September 28-29, 2015

ADJOURNMENT

There being no further business to conduct, Ms. Walker moved that the meeting adjourn at 12:09 p.m. Mr. Price seconded the motion. The motion carried.

Respectfully submitted,



Sharon S. Reynolds, Secretary
Board of Regents

**SPECIAL MEETING
BOARD OF REGENTS
MOREHEAD STATE UNIVERSITY
August 27, 2015**

The Board of Regents of Morehead State University met at 10:00 a.m. on Thursday, August 27, 2015, in the Riggle Room of the Adron Doran University Center in Morehead, Kentucky for a special called meeting to administer the oath to newly appointed Board members. Chair Paul C. Goodpaster presided.

CALL TO ORDER

Chair Goodpaster called the meeting to order. Chair Goodpaster introduced new Board members in attendance: Austin Casebolt, Shannon Harr, Eric Howard and Wayne Martin.

ROLL CALL

The following Board members were present: Royal Berglee, Austin Casebolt, Paul Goodpaster, Shannon Harr, Eric Howard, Debbie Long, Wayne Martin, Craig Preece, Patrick Price, and Kathy Walker. Kevin Pugh was unable to attend the meeting.

Also present was President Wayne D. Andrews, Provost Dr. Steven Ralston, Vice Presidents Beth Patrick and Madonna Weathers, Diversity Officer Charles Holloway, and General Counsel Jane Fitzpatrick. Jason Blanton, Director of Media Relations, was also in attendance.

OATH OF OFFICE

The Honorable William Roberts, District Judge, administered the oath of office to the following new Regents:

Mr. Austin Casebolt, who was elected by the student body to serve a one-year term ending June 30, 2016;

Dr. Shannon Harr, who was elected by the staff to serve a three-year term ending June 30, 2018;

Mr. Eric Howard, who was appointed by Governor Steven L. Beshear to serve a six-year term ending June 30, 2021; and

Mr. Wayne Martin, who was appointed by Governor Steven L. Beshear to serve a six-year term ending June 30, 2021.

**ELECTION OF
VICE CHAIR &
SECRETARY;
APPOINTMENT
OF TREASURER**

Pursuant to KRS 164.330, Chair Goodpaster asked Mr. Preece, the chair of the ad hoc nominating committee to make their nominations. Mr. Preece thanked Ms. Walker and Ms. Long for serving on the nominating committee.

Mr. Preece moved that Mr. Price be reelected vice chair, Ms. Reynolds be reelected secretary, and Ms. Patrick be reappointed treasurer. Mr. Casebolt seconded the motion.

**FOUNDERS AWARD
FOR UNIVERSITY
SERVICE**

The motion carried.

Mr. Martin moved that the Board approve the selection of Carol Johnson and W.H. “Honie” Rice as the recipients of the 2015 Founders Award for University Service. Ms. Walker seconded the motion. The motion carried.

DISCUSSION

The Board engaged in discussion of sexual misconduct and harassment policies, the student code of conduct, and the University police standard operating procedures. These items were for discussion only and no action was taken.

**UPCOMING
MEETINGS AND
EVENTS**

Chair Goodpaster announced the upcoming meetings and events:

- Quarterly Meeting, Thursday, September 24, 9 a.m.
- Audit Committee Meeting, Thursday, November 5, 8 a.m.
- Work Session, Thursday, November 5, 9 a.m.
- Quarterly Meeting, Thursday, December 3, 9 a.m.
- Fall Commencement, Saturday, December 12, 10:30 a.m.

ADJOURNMENT

There being no further business to conduct, Ms. Walker moved that the meeting adjourn at 11:36 a.m. Mr. Price seconded the motion. The motion carried.

Respectfully submitted,



Sharon S. Reynolds, Secretary
Board of Regents

RATIFY PERSONNEL ACTIONS

BOR (V-A-2)
September 24, 2015

Recommendation:

That the Board ratify the Personnel Actions for the period May 15, 2015, through August 31, 2015.

Background:

The Personnel Action Request Report includes actions related to:

- 1) full-time and continuing part-time faculty, librarians and Executive, Administrative and Managerial employees, excluding supplemental actions not listed under Item 3, below;
- 2) full-time and continuing part-time non-classified Executive, Administrative and Managerial and Professional Staff positions (including supplemental actions);
- 3) supplemental actions for faculty acquiring managerial duties, excluding normal grant activities;
- 4) discipline;
- 5) leave of absences;
- 6) sabbaticals; and
- 7) retirements.

	July 1 Authorized Positions	Current Authorized Positions	+/- Position Adjustments	Current Position Strength	% Current Strength
Office of the President	4.50	4.50	0.00	4.50	100.00
Division of University Advancement	44.00	44.00	0.00	42.00	95.45
Division of Administration and Fiscal Services	128.75	128.75	0.00	119.75	93.01
Facilities Management	157.00	157.00	0.00	153.00	97.45
Division of Student Life	118.66	118.66	0.00	113.66	95.79
Division of Academic Affairs	42.33	42.33	0.00	39.33	92.91
Caudill College of Arts, Humanities & Social Sciences	154.50	149.21	-5.29	134.21	89.95
College of Business and Technology	57.50	67.50	10.00	65.50	97.04
College of Education	82.86	77.03	-5.83	70.03	90.91
College of Science	180.91	164.91	-16.00	154.91	93.94
Academic Programs and University Outreach	28.00	28.83	0.83	27.83	96.53
Student Success	39.00	39.00	0.00	37.00	94.87
Camden-Carroll Library	33.00	33.00	0.00	32.00	96.97
	1071.01	1054.72	-16.29	993.72	94.22

Note: Positions are expressed in terms of full-time equivalency.

Recommendation:

That the Board of Regents approve the granting of the rank of Professor of Social Work to Dr. Latonya Hesterberg, Chair, Department of Sociology, Social Work and Criminology.

Background:

As a result of the Academic Affairs Self-Study, Dr. Latonya Hesterberg was appointed Department Chair of Sociology, Social Work and Criminology and Professor of Social Work. Dr. Hesterberg's credentials have been reviewed consistent with PAc-27. The department of Sociology, Social Work and Criminology faculty and the dean of the Caudill College of Arts, Humanities and Social Sciences recommended she be granted the rank of professor. The Provost and the President support these recommendations.

510.020 Lack of consent

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

TITLE IX COORDINATOR

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

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

More specifically, the Title IX Coordinator and Deputy Coordinators monitor compliance with the reporting, complaint, investigation, hearing and appeals processes outlined in this policy. Upon a finding of prohibited sexual misconduct under this policy, the Title IX Coordinator and Deputy Coordinators determine whether campus-wide remedies are needed in response, including but not limited to revision of policies; increased monitoring, supervision or security; and increased education and prevention efforts. The Title IX Coordinator and Deputy Coordinators also review sanctions issued under this policy to ensure that they, along with any interim measures and long-term measures taken, are reasonably calculated to stop the sexual misconduct and prevent its re-occurrence. The

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

- **Title IX Coordinator for MSU:**

Human Resources Director

- **Deputy Coordinators:**

Deputy Coordinators are identified in the Appendix to this Policy and may change from time to time. The Appendix shall be revised to remain current and not require the amendment of this policy.

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

REPORTING:

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

A. Responsible Employees

In addition to the Title IX Coordinator and Deputy Coordinators, MSU considers certain people to be "Responsible Employees" which means they are MSU employees who are required to report alleged sexual misconduct to the Title IX Coordinator or Deputy Coordinator. Victims are encouraged to speak with a Responsible Employee to make reports of sexual misconduct. The following persons are "Responsible Employees" under this policy: MSU's Title IX Coordinator, MSU's Deputy Title IX Coordinators, the President of MSU, Members of the President's Cabinet, General Counsel, fulltime President's Office staff, fulltime Provost's Office staff, Academic Deans and Chairs, Faculty, Dean of Students, and Leadership, the Director and Assistant Director of Residence Life, all Resident Hall personnel, the Athletic Director, Assistant Athletic Directors, Athletic Trainers, all Athletic Coaches, Human Resources Staff, Multicultural Affairs staff, Disability Services Coordinator, International student office staff, and Campus Police Officers.

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

Responsible Employee's obligation to notify the Title IX Coordinator or Deputy Coordinator of the incident immediately.

B. Reporting Timeframe

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

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

C. Reporting Options

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

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

If a person decides to make an official report, a detailed (written, typed, emailed, or handwritten) statement of the alleged incident(s) should be submitted to the Title IX Coordinator or Deputy Coordinator. This formal statement should be signed and dated.

The statement should be as specific as possible, including dates, times, locations, a description of the alleged misconduct and the name(s) of the accused person(s), and further provide a list of any person(s) who may have information that would be helpful to the investigation and review. The Title IX Coordinator or Deputy Coordinator will promptly investigate all formal reports.

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

3. Requests via a Counselor, Clergy or other Provider: A survivor may have his/her counselor, clergy or other provider who can legally maintain confidentiality request interim measures from MSU on the survivor's behalf. The request may trigger MSU's obligation to investigate. To the extent a counselor, clergy or other provider makes a disclosure but, consistent with the survivor's wishes, asks MSU not to investigate or otherwise notify the accused of the report, the Title IX Coordinator or Deputy Coordinators will consider whether he/she can honor the request while still providing a safe and nondiscriminatory environment for all students, faculty and staff, and to take interim measures to protect the survivor as needed.

D. Confidentiality

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

All MSU employees (with the exception of those who may be bound by confidentiality laws or privileges such as counselors) must share all reports of sexual misconduct with the Title IX Coordinator or a Deputy Coordinator so the matter may be investigated and a determination made whether steps are needed to ensure the safety of the MSU community.

It is the survivor's choice as to whether he/she participates in an investigation; however, MSU may proceed with an investigation without the survivor's participation.

E. Drug and Alcohol Amnesty

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

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

WRITTEN NOTICE OF RIGHTS AND OPTIONS

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

- File a domestic abuse or dating violence complaint in court requesting an order restraining the attacker from further abusing, and/or an order directing the attacker to leave the victim's household, building, school (including MSU) or workplace.
- Seek a criminal complaint for threats, assault and battery, or other related offenses.
- Seek medical treatment (the police will arrange transportation for the victim to be transported to the nearest hospital or otherwise assist the victim in obtaining medical treatment if the victim desires).

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

PROCEDURES SURVIVORS SHOULD FOLLOW

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

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and taken to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries following an incident of sexual assault, should be documented by photographs. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

INTERIM MEASURES AND ACCOMMODATIONS

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

The Title IX Coordinator or Deputy Coordinator determines which measures are appropriate for survivors on a case-by-case basis. Upon receiving a report of sexual misconduct, the Title IX Coordinator or Deputy Coordinator will ask the survivor or his/her counselor, provider or advocate what interim measures, if any, are sought. If the survivor

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

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

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

INVESTIGATION AND HEARING PROCESS

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

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

The Sexual Misconduct Hearing Board shall be appointed annually by the President and shall consist of no less than five faculty members, five staff members and

three students. If vacancies exist during the school year, the President may appoint a person of the appropriate category to fill the vacancy. Members may be reappointed from year to year at the President's pleasure. The President may request names from the Faculty Senate Chair, the Staff Congress Chair and the Vice President for Student Life to consider for appointment to the panel from their constituencies. All panel members must attend Sexual Misconduct Hearing Board training as designated by the Title IX Coordinator in order to serve on the Board.

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

Each party will have the following hearing rights:

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

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

Following a hearing, the Sexual Misconduct Panel will deliberate and determine whether, given the evidence and testimony presented, it is more likely than not that a

violation of this policy occurred. Possible hearing outcomes for students include, but are not limited to, changes to class schedules; changes to living arrangements; suspension, separation or expulsion from MSU; and for all reporting the incident to the local police. Faculty and staff may be reprimanded, suspended without pay, or removed from employment. The measure taken will depend upon the individual circumstances.

The Title IX Coordinator will inform both parties in writing of the outcome the investigation and/or hearing within seven (7) business days of the investigation and/or hearing's conclusion. Notice of the outcome will include key findings and any penalties or protective measures directly related to the party. If the measure taken by the Sexual Misconduct Panel includes suspension or removal of a faculty or staff member, the Title IX Coordinator will also forward the decision to the President. If the measures involve a student, the outcome will be reported to the Vice President for Student Life.

As a general rule, MSU will complete the investigation and hearing process within sixty (60) calendar days from receipt of a report. However, MSU may extend that time frame under special circumstances such as complex cases requiring extensive investigation and breaks between academic periods making relevant parties or officials unavailable. MSU will work to keep extensions to a minimum and will keep the parties informed of the status of their case.

Survivors always have the option to file a criminal report in addition to or in lieu of a report under this policy. In no case should a survivor be dissuaded from reporting sexual misconduct to law enforcement. Regardless whether a survivor elects to file a criminal report, MSU will conduct a separate investigation of its own consistent with this policy. If the accused is not affiliated with MSU, an investigation will still be conducted. The Title IX Coordinator or Deputy Coordinator may issue a No Contact or No Trespass order to an accused unless and until the accused is found not responsible. If the accused is a student or faculty from a visiting institution, MSU reserves the right to contact that institution for further investigation.

Throughout the process, arrangements will be made to prevent the parties from having direct contact or communication with each other.

The Title IX Coordinator will keep a record of the hearing and investigation process for each case.

APPEAL PROCESS

Once a decision has been made and both parties have been notified of the outcome, either party may appeal that outcome (including punishment) to MSU Appeals Board, which will consist of three members of the Sexual Misconduct Hearing Board that have not served on the case. If a case involves a student, at least one member of the

Appeals Board shall be a student and likewise with Faculty and Staff..¹ Appeals must be received by the Title IX Coordinator no later than five (5) business days after the date the underlying decision is issued. Appeals received after the deadline will not be processed. Appeals should be marked “confidential” and submitted by hand delivery or by email or mail to the Title IX Coordinator.

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

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

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

The Title IX Coordinator will notify the parties of the outcome of the appeal. All decisions by MSU Appeals Board are final with the exception of the following:

- Sanctions which include student suspension or expulsion, which may be further appealed to the President and Board of Regents in the same manner as provided by the MSU Eagle Student Handbook for Student Disciplinary Committee decisions.
- Sanctions which include suspension or dismissal of a staff member which may be appealed to the President who will review the record and determine if dismissal or another penalty is appropriate. The President's decision shall be final.
- Sanctions which include faculty termination/removal, which may be further appealed to the President and Board of Regents. Sanction involving suspension without pay, may be appealed to the President. The President shall review the record and determine whether suspension or dismissal is

¹ In the event of a conflict of interest, the board member who has the conflict will recuse himself/herself from the committee and the Title IX Coordinator (or designee) will appoint a replacement.

appropriate. The decision of the President shall be final if he/she determines suspension or another penalty is appropriate. If the President determines removal is appropriate, he/she shall refer the case to the Board of Regents who shall review the case on the record de novo. The Board may either remove the faculty member or may determine if a lesser penalty is appropriate. The decision of the Board shall be final.

The Title IX Coordinator will keep a record of the appeal process.

NO RETALIATION OR DETERRENCE FOR FILING REPORTS

MSU strictly prohibits retaliation for making a report under this policy or participating in an investigation or hearing under this policy. Examples of retaliation include, but are not limited to, a face-to-face threat, a digital message and/or physical intimidation. Retaliation can be by someone other than the accused. Any person who feels they have been retaliated against as a result of a report under this policy should contact the Title IX Coordinator or a Deputy Coordinator immediately.

RESOURCES

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

TRAINING AND EDUCATION

All students, faculty and staff must complete MSU-sponsored training on sexual misconduct issues within the dates and times arranged by the Title IX Coordinator as frequently as designated by the President. Failure to do so may result in corrective action. Training will, at minimum, cover the following:

- MSU policies and procedures for reporting and addressing sexual misconduct;
- Reminders that MSU prohibits the offenses of domestic violence, dating violence, sexual assault, sexual exploitation and stalking;
- The definitions for domestic violence, dating violence, sexual assault, sexual exploitation and stalking;
- The definition of consent and “welcome” conduct;
- Training on safe and positive options for bystander intervention that may be carried out by an person to prevent harm or intervene when there is a risk of sexual misconduct against a person other than such person;

- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding sexual misconduct;
- Procedures survivors should follow if sexual misconduct has occurred;
- Procedures for institutional disciplinary action in cases of alleged sexual misconduct;
- Information about existing counseling, health, mental health, survivor advocacy, legal assistance, and other services available for survivors both on-campus and in the community; and
- Information about survivor options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the survivor and if such accommodations are reasonably available, regardless of whether the survivor chooses to report the crime to campus police or local law enforcement.

In addition, MSU provides informational resources such as crime bulletins and alerts and bulletin board campaigns.

Adopted _____, 2015
 Revised _____, 2015

APPENDIX

Assistant Title IX Coordinators

Ladonna Purcell
106 Procurement Services
(606) 783-2323

Richard Fletcher
186 Academic Athletic Center
(606) 783-5136

Dr. Robert Royar
104 Combs Building
(606) 783-2734

Dr. Suzanne Tallichet
313 Rader Hall
(606) 783-2108

VICTIM RESOURCES

Health

MSU Health Clinic
112 Allie Young Hall
Morehead, KY 40351

(606) 783-2055

St. Claire Regional Medical Center
222 Circle Drive
Morehead, KY 40351

(606) 783-6615 (Emergency Department)
(606) 783-6500 (Main Hospital Operator)

Mental Health/Counseling/Advocacy

MSU Counseling Center
112 Allie Young Hall
Morehead, KY 40351

(606) 783-2123

After hours, evenings, weekends contact

(606) 783-2035

This is the MSU Police Dept. and they have the on-call schedule for licensed counselors

St. Claire Regional Medical Center
Counseling
475 Clinic Drive
Morehead, KY 40351

(606) 783-6805

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

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

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

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

24-hour Crisis Line (800) 562-8909

National Domestic Violence Hotline (800) 799-SAFE

National Sexual Assault Hotline (800) 656-HOPE

Child & Adult Abuse Hotline (800) 752-6200

Disability Services

MSU Office of Disability Services (606) 783-5188
204E Adron Doran University Center
Morehead, KY 40351

Housing

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

Gateway Homeless Shelter (606) 784-2668
695 Flemingsburg Road
Morehead, KY 40351

Morehead Housing Authority (606) 784-4314
200 Heritage Place
Morehead, KY 40351

Kentucky Housing Corporation
1231 Louisville Road
Frankfort, KY 40601-6191

(502) 564-7630
(502) 564-7630 x702 Español
(800) 633-8896

Legal Services

Northeast Legal Services, Inc.
320 East Main Street
Morehead, KY 40351

(606) 784-8921

Education

Adult Learning Center
211-D Education Service Building
Morehead, KY 40351

(606) 783-9531

Maysville Community & Technical College
Rowan Campus
609 Viking Drive
Morehead, KY 40351

(606) 783-1538

Morehead State University
Office of Enrollment Services
100 Admissions Center
Morehead, KY 40351

(606) 783-2000

Police Department Contacts

MSU Police Department
100 Laughlin Bldg.
Morehead, KY 40351

(606) 783-2035 or 911 on campus

Morehead Police Department
105 East Main Street
Morehead, KY 40351

(606) 784-7511

Kentucky State Police (Post 8)
1595 Flemingsburg Road
Morehead, KY 40351

(606) 784-4127

Online Resources

If a person feels the need to pursue further help and counseling, there are institutions and charity groups that are specialized and specifically trained to aid survivors

of different violent crimes. A formal report is not required to access these resources. These are some nationwide websites that provide help:

National Domestic Violence Hotline

<http://www.thehotline.org/>

Stalking Resource Center

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

National Sexual Assault Hotline

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

Girls Health Website

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

Clery Center for Security on Campus

<http://clerycenter.org/help-victims>

**APPROVE REVISIONS TO THE
MOREHEAD STATE UNIVERSITY
STUDENT CONDUCT CODE**

**BOR (V-B-2)
September 24, 2015**

Recommendation:

That the Board approve revisions to the Morehead State University Student Conduct Code, found in the Eagle Student Handbook.

The changes/updates included in this revision of the Student Conduct Code include:

SCC NUMBER 2750:	Retaliation (New)
SCC NUMBER 2800:	Sexual Misconduct (Revision)

Background:

The Student Conduct Code reinforces student behavioral expectations by providing general notice of expected and prohibited behavior. The code is not written with the specificity of a criminal statute, and similarities in vocabulary between criminal statutes and the Student Conduct Code are unintentional. Students found responsible for misconduct are subject to disciplinary sanctions intended to promote personal growth, educate them to the consequences of their actions, and contribute to the safety/security of the larger campus community.

The new Retaliation (SCC Number 2750) code prohibits any retaliation by a student against another student for making an inquiry, participating in an investigation, or making a reasonable good faith report of possible non-compliance with laws and regulations.

The Sexual Misconduct (SCC Number 2800) code revises the previous version to ensure congruency and procedural compliance with the new MSU Title IX policy and the University Administrative Regulation 337 (Sexual Misconduct).

The Board has received a copy of the 2015-2016 Eagle Student Handbook, which includes the Student Code of Conduct, for review. Refer to pages 62-65.

**APPROVE REVISIONS TO THE
MOREHEAD STATE UNIVERSITY
POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES MANUAL** **BOR (V-B-3)
September 24, 2015**

Recommendation:

That the Board approve revisions to the Morehead State University Police Department (MSUPD) Standard Operation Procedures (SOP) Manual.

The changes/updates included in this revision of the MSUPD SOP include:

CHAPTER 1:	Amber Alerts (New)
CHAPTER 3:	Complaints Against Officers (KRS Update)
CHAPTER 4:	Diminished Capacity/Mental Illness (New)
CHAPTER 5:	Golden Alert/Elderly Missing (New)
CHAPTER 6:	Safe Infant Act (New)
CHAPTER 7:	Response to Resistance (TASER ADDED)
CHAPTER 12:	Order of Rank/Duties/Job Description of Personnel (LT Update)
CHAPTER 22:	Physical Fitness Standards (Minor Changes)
CHAPTER 23:	Professional Conduct & Responsibilities (Flag Salute, etc.)
CHAPTER 24:	Promotion (Minor Changes)
CHAPTER 30:	Uniform & Equipment (Minor Changes)
CHAPTER 32:	911 Communications Center (Minor Changes reference NCIC)
CHAPTER 33:	Police Radio Operations Procedure (Minor Changes)
CHAPTER 39:	Bike/SEGWAY Patrol Unit (Additional Policy on Segway)
CHAPTER 51:	Pursuit/Emergency Driving (Minor Change)
CHAPTER 52:	Pursuit/Foot (New)
CHAPTER 58:	Traffic Safety Checkpoints (Title/Protocol Change) (Previously Sobriety Checkpoints)
CHAPTER 60:	Motorcycle Patrol Unit (New)

Background:

The Morehead State University Police Departments Standard Operating Procedures Manual (MSUPD SOP) was first approved and published in 1980 as the Public Safety Policy Manual. Since that time, there have been several revisions brought before and approved by the Board. It is customary to update the manual as needed which may include changes to KRS; as equipment, trainings, and accreditation standards are revised; and to address minor housekeeping updates related to University procedures and processes.

The Board has received a copy of the complete MSUPD SOP for review.



Fall 2015 Preliminary Enrollment Report

5-Year Enrollment Trends

Term	Headcount		Student Credit Hours		FTE		First-Time Freshmen	
	N	% Change	N	% Change	N	% Change	N	% Change
Fall 2011	10,971		106,315		7,241		1,372	
Fall 2012	11,172	1.8%	110,859	4.3%	7,537	4.1%	1,649	20.19%
Fall 2013	11,358	1.7%	114,224	3.0%	7,741	2.7%	1,685	2.18%
Fall 2014	11,053	-2.7%	113,494	-0.6%	7,678	-0.8%	1,513	-10.21%
*Fall 2015	10,839	-1.9%	111,488	-1.8%	7,577	-1.3%	1,467	-3.04%

High School Dual-Credit Enrollment

	Fall 2014	Fall 2015
Early College Program	2,508	2,525
Grand Total	2,508	2,525

55 high schools enrolled students in the Early College Program (preliminary).

Fall 2015* Enrollment by Race/Ethnicity

Non URM	10,302
Nonresident Alien	191
Asian	40
White	9,773
Two or More Races	176
Unknown	122
Under-Represented Minority	537
American Indian	14
Black	363
Hispanic	150
Native Hawaiian, Pacific Islander	10
Grand Total	10,839

Fall 2015* Enrollment by Level

Undergraduate	9,750
Graduate	1,089
Grand Total	10,839

*Fall 2015 data is preliminary.

Quick Facts about Preliminary Enrollment Numbers for Fall 2015:

473 transfer students with 277 being from KCTCS.

64.8% retention of Fall 2014 first-time freshmen to Fall 2015.

58.3% retention of Fall 2014 first-time freshmen who were under-represented minorities to Fall 2015.

59.2% retention of Fall 2014 Black first-time freshmen to Fall 2015.

**ANNUAL REPORT ON
REAL PROPERTY LEASES**

**BOR (V-C-2)
September 24, 2015**

Background:

Policies related to Real Property Management approved by the Board of Regents on April 30, 1993, require that all leases be reported annually to the Board. The Lease Report reflects those Lease Agreements in effect on July 1, 2015.

ANNUAL REPORT ON REAL PROPERTY LEASES

LESSOR	LEASE ID	DESCRIPTION	LOCATION	LEASE EXPIRES	ANNUAL RENTAL COST
ACADEMIC SUPPORT					
AGB Holdings	MSU-028	Adult Learning Center 2,047.13 sq. ft. Classroom/office space (\$8.50/sq. ft.)	316 E. Main Street Morehead	6/30/2016	\$ 17,400.60
Vision Realty	MSU-9	Small Business Dev. Ctr. 1,000 sq. ft. Office Space (\$7.20/sq. ft.)	3455 North Mayo Trail Pikeville	9/31/2017	\$ 7,200.00
Ashland Community & Technical College (ACTC)	MOA	MSU at Ashland Classroom/office space	College Drive Ashland	6/30/2015	\$ 62,136.00
Morehead-Rowan County Chamber of Commerce	MSU-024	Small Business Development Center Office space 700 sq. ft.	150 East 1 st Street Morehead	6/30/2021	\$ 7,500.00
CommUNITY Development	MSU-18	MSU at Mt. Sterling 8,777 sq. ft. Classroom/office space (\$9.00/sq. ft.)	Indian Mound Drive Mt Sterling	6/30/2031	\$ 79,000.00
CommUNITY Development	MSU-18	MSU at Mt. Sterling 9,206 sq. ft. Classroom space (\$9.00/sq. ft.)	Indian Mound Drive Mt. Sterling	6/30/2031	\$ 82,854.00
Center for Health Education & Research Building (CHER)	MOA	MSU/ SCR / UK	316 West 2 nd Street Morehead	MOA Beginning 07/02/2010	
Parrott Corporation	MSU-31	Small Businesses Development Center 2 offices and 4 parking spaces 850 sq. ft.	1645 Winchester Ave. 2nd floor Ashland	12/31/2023	\$ 8,400.00

ANNUAL REPORT ON REAL PROPERTY LEASES (continued)

LESSOR	LEASE ID	DESCRIPTION	LOCATION	LEASE EXPIRES	ANNUAL RENTAL COST
First Commonwealth Bank	MSU-37	Small Business Dev. Ctr. 750 sq. ft. Office and training room	224 Main Street Paintsville	06/30/2023	\$ 3,000.00
Powell County Board of Education	MSU-34	Adult Learning Center 1568 sq. ft. Office, classroom and instructional room	691 Breckinridge Street P.O. Box 430 Stanton	06/30/2016	\$ 10,380.00
MSU Foundation, Inc.	MSU-051	Launch Pad Business Incubator 5,218 sq. ft. w/8 parking spaces. (Cost per term of \$1.00)	149 East Main Street Morehead	06/30/2020	\$1.00
AUXILIARY SUPPORT					
KET	MSU A-006	WMKY Transmitter Site and Antenna	2066 Triangle Mt.	08/31/2016	\$ 2,903.00
LEASE/PURCHASE					
MSU Foundation, Inc.	MSU-16	Enrollment Services Center 10,080 sq. ft. Office space (\$5.16/sq. ft.)	120 Normal Avenue Morehead	06/30/2018	\$ 52,012.80
MSU Foundation, Inc.	MSU-7	Adjacent to Sunnybrook Golf Course	Morehead	02/01/2019	\$ 18,927.84

ANNUAL REPORT ON REAL PROPERTY LEASES (continued)

LESSOR	LEASE ID	DESCRIPTION	LOCATION	LEASE EXPIRES	ANNUAL RENTAL COST
PARKING LOTS					
Dr. Don Blair	PR 3122	54 space gravel parking lot	5th Street Morehead	6/30/2023	\$ 4,225.00
Claudette Edie	PR 032	21 space parking lot	247 West Main Street Morehead	6/30/2023	\$ 3,054.00
OTHER					
Alana Scott	MSU-050	Faculty/Staff Housing 1248 sq. ft.	5th Street Morehead	6/30/2023	\$ 7,200.00

REPORT ON PERSONAL SERVICE CONTRACTS

BOR (V-C-3)
September 24, 2015

The attached list of personal service contracts represents all such contracts issued with amounts greater than \$10,000 between May 16, 2015 and August 31, 2015.

PERSONAL SERVICE CONTRACTS May 16, 2015 through August 31, 2015					
Individual/Firm	Contract Description	Contract Beginning Date	Contract Ending Date	Contract Amount	Method of Selection
Dean Dorton Allen Ford PLLC	External audit services	7/1/15	6/30/16	\$ 76,700.00	Request for Proposal
CG&B Marketing	Athletic media publications	7/1/15	6/30/16	16,000.00	Request for Proposal
Corbin Design, Inc.	Wayfinding consultant	7/1/15	6/30/16	128,299.13	Request for Proposal
Interspace Limited LLC	Interior design & interior planning consultant	7/1/15	6/30/16	35,387.00	Request for Proposal
Performance Resource Partners	Phase II Facilities Operational Assessment	7/1/15	6/30/16	88,208.04	Request for Proposal
SecureWatch 24	Access control/security system consultant	7/1/15	6/30/16	36,400.00	Request for Proposal
Caption Colorado	Remote real time captioning service	7/1/15	6/30/16	120,000.00	Request for Proposal

PERSONAL SERVICE CONTRACTS May 16, 2015 through August 31, 2015					
Individual/Firm	Contract Description	Contract Beginning Date	Contract Ending Date	Contract Amount	Method of Selection
Sign Language Network of KY	Sign language interpretation	7/1/15	6/30/16	\$ 80,000.00	Request for Proposal
Audrey Ruiz Lambert	Sign language interpretation	7/1/15	6/30/16	35,000.00	Request for Proposal
Kortz & Funke Immigration Law	Immigration matters	7/1/15	6/30/16	10,000.00	Request for Proposal
Law Offices of J. Gregory Clare	Immigration matters	7/1/15	6/30/16	10,000.00	Request for Proposal
Sturgill, Turner, Barker & Moloney	General legal services	7/1/15	6/30/16	15,000.00	Request for Proposal
Sturgill, Turner, Barker & Moloney	United Educators legal representation	7/1/15	6/30/16	50,000.00	Request for Proposal
Perceptive Software	Enterprise content management system implementation	7/1/15	6/30/16	64,438.63	Request for Proposal
Maximum Higher Education	F&A rate consultant	7/1/15	6/30/16	15,000.00	Request for Proposal

PERSONAL SERVICE CONTRACTS May 16, 2015 through August 31, 2015					
Individual/Firm	Contract Description	Contract Beginning Date	Contract Ending Date	Contract Amount	Method of Selection
William Collins/Freedom Psychiatry	Delivering healthcare to students	7/1/15	6/30/16	\$ 24,500.00	Request for Proposal
McBrayer, McGinnis, Leslie & Kirkland	General legal services	7/1/15	6/30/16	10,000.00	Request for Proposal
MML&K Government Solutions	Governmental relations consultant	7/1/15	6/30/16	59,640.00	Request for Proposal
Central Kentucky Interpreter Referral, Inc.	Sign language interpretation	7/1/15	6/30/16	35,000.00	Request for Proposal
KY Science & Technology Corporation	Broker of services for Space Science Center	7/1/15	6/30/16	140,750.00 (paid as percentage of contract)	Request for Proposal
Erron Prickett	Coaching and Pro D Consultant – Adult Education Academy	8/15/15	6/30/16	10,000.00	Request for Proposal
Pat Marshall, Inc.	Coaching and Pro D Consultant – Adult Education Academy	8/15/15	6/30/16	10,000.00	Request for Proposal

PERSONAL SERVICE CONTRACTS May 16, 2015 through August 31, 2015					
Individual/Firm	Contract Description	Contract Beginning Date	Contract Ending Date	Contract Amount	Method of Selection
E-Learning Connection Inc.	Mathematic course consultant – Adult Education Academy	9/1/15	6/30/16	\$ 65,000.00	Request for Proposal
Carson Consulting & Training	Mathematic course consultant – Adult Education Academy	9/1/15	6/30/16	47,000.00	Request for Proposal
The Segal Company (Sibson Consulting)	Health and wellness plan consulting	9/1/15	6/30/16	132,000.00	Request for Proposal (cooperative with WKU)