

**NOTE: If at any point in this process, it is determined that the grievance is covered by any other University policy or procedure, that other policy or procedure will be followed.**

## **> Statement on Confidentiality of Student Records**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records, including:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. A parent of a dependent student as defined in section 152 of the Internal Revenue Code may request permission to view a student's educational records upon showing proof of dependency.
2. The right to request the amendment of the student's education records that are believed to be inaccurate or misleading. The student should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for an amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent, as follows:
  - a) Disclosure without the student's consent is permissible to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); the University attorney; appropriate community safety and emergency personnel to whom information regarding students is to be provided pursuant to KRS 164.9495; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a contractor, consultant, volunteer, or other person or entity to which the University has outsourced institutional services or functions, and who is limited as to use, maintenance, and re-disclosure of information; a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. In addition, the following groups are specifically recognized as "school officials" within the definition of FERPA for the limited purpose of receiving at any time listings of names and addresses of students, including in-coming students, and/or student directory information: MSU Alumni Association; Murray State University Foundation, Inc; a person or company who performs a service for MSU that serves a legitimate educational interest; authorized representatives of federal or State supported education programs if disclosure is in connection with an audit or evaluation of supported programs or for the enforcement of or compliance with legal requirements that relate to those programs. A school official has a legitimate educational interest if the official needs to review or receive any education record in order to fulfill his or her professional responsibility or if the service to or for MSU is of a type that MSU would normally perform itself including one which MSU has outsourced.
4. The right to file a written complaint with the Family Compliance Office of the United States Department of Education concerning an alleged failure by MSU to comply with the provisions of FERPA.
  - a) The complaint must contain specific allegations of fact giving reasonable cause to believe that a FERPA violation has occurred. A complaint does not have to allege that a violation is based on a policy or practice at MSU.
  - b) To be timely, a complaint should be submitted to the Family Compliance Office within 180 days of the date of an alleged violation. The Family Compliance Office may extend the time limit for good cause shown.
  - c) The complaint may be filed at: Family Compliance Office, U.S. Department of Education, 400 Maryland Ave, S.W., Washington D.C., 20202.
- b) FERPA allows the institution to routinely release information defined as "directory information." The following student information is included in the definition: the student's name, addresses, telephone listings, campus e-mail address, date and place of birth, fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, enrollment status (including full-time, part-time, not enrolled), degrees (pending and received), awards or honors received and the most recent previous educational institution attended. When a student wants the directory information to remain confidential, an official request form must be completed in the Registrar's Office within the first five days of class of the school term. If a student requests directory information withheld during a term and does not return to Murray State after that term, that request remains in force until such a time as a formal written statement removing that hold is received from the student rescinding that request. Murray State will release directory information to school officials or others with a legitimate educational interest.

**Please visit [murraystate.edu/Academics/RegistrarsOffice/FERPAPrivacyAct](http://murraystate.edu/Academics/RegistrarsOffice/FERPAPrivacyAct) to determine if this policy has been amended.**

## **> Use of Outside Areas on Campus**

1. **Non-University Groups and Individuals.** Murray State University has the duty and responsibility to maintain a safe and orderly environment conducive to its principal mission of education. The University has adopted a policy on the "Use of Outside Areas by Non-University Groups and Individuals" which is found at [murraystate.edu/campus/CurrisCenter/Forms](http://murraystate.edu/campus/CurrisCenter/Forms) under the heading "Outside Speech Policy." Non-University groups and individuals who wish to use an outside area on campus must be sponsored by a registered MSU student organization, University academic department, or University administrative office. An exception exists if the non-University group or individual wishes to use the Free Speech Zone, located at the Curris Center. In that event, the group or individual must complete the "Free Speech Zone Request" found at [murraystate.edu/campus/CurrisCenter/Forms](http://murraystate.edu/campus/CurrisCenter/Forms).

The policy on the “Use of Outside Areas by Non-University Groups and Individuals” should be consulted for applicable terms and restrictions.

2. **Recognized Student Groups.** Recognized student organizations wishing to reserve outside areas on campus may, but are not required to, make arrangements as follows:
  - i. For use of areas around residential colleges or College Courts contact the Director of Housing.
  - ii. For use of areas in or around the Curris Center or use of the Free Speech Zone contact the Director of the Curris Center.
  - iii. For use of areas in or around athletic events contact the MSU Director of Athletics.
  - iv. For use of outdoor areas south of the Curris Center, or of other outdoor areas not addressed here, contact the Executive Assistant in the Office of the President.

## **> REPORTING ALLEGATIONS OF DISCRIMINATION AND DISCRIMINATION GRIEVANCE PROCEDURES**

### **I. Principles of Non-Discrimination at Murray State University**

Murray State University endorses the intent of all federal and state laws created to prohibit discrimination. Murray State University does not discriminate on the basis of race, color, national origin, gender, sexual orientation, religion, age, veteran status, or disability in employment, admissions, or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities equal access to participate in all programs and activities.

In particular and without limiting the preceding and pursuant to and consistent with the requirements of Title VI of the Civil Rights Act of 1964 and its regulations 34 CFR 100 et seq.; Section 504 of the Rehabilitation Act of 1973 and its regulations 34 CFR 104; Title IX of the Education Amendments of 1972, 20 USC 1681 et seq., and its regulations 34 CFR 106 et seq; and the Age Discrimination Act of 1975 and its regulations 34 CFR 110, Murray State University does not discriminate on the basis of race, color, national origin, sex, handicap, or age in its educational programs and activities. This non-discrimination in education programs and activities extends to employment and admissions and to recruitment, financial aid, academic programs, student services, athletics, and housing. Murray State is required by Title IX and 34 CFR part 106 not to discriminate on the basis of sex and the prohibition against sex discrimination specifically includes a prohibition of sexual harassment and sexual violence. Examples of prohibited sexual harassment and sexual violence can be found in the “Policy Prohibiting Sexual Harassment” which can be accessed via the link referenced in Appendix I.

Inquiries concerning the application of these provisions may be referred to: 1) the Executive Director of Institutional Diversity, Equity, and Access/ Murray State University Title IX Coordinator, Murray State University, 103 Wells Hall, Murray, KY 42071 Telephone: (270) 809-3155 Fax: (270) 809-6887; TDD: (270) 809-3361; Email: [msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu); or 2) to the Assistant Secretary of the United States Department of Education, U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100; Telephone: 1-800-421-3481 FAX: 202-453-6012;

TDD: 1-800-877-8339; Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Links to Murray State University’s policies related to Non-Discrimination, Sexual Harassment, and the Americans with Disabilities Act; Affirmative Action; and Sexual Violence and Misconduct, Relationship Violence, and Stalking; are found in Appendix I at the end of this policy. Allegations of violation of these policies as applicable are considered as allegations of discrimination under this policy. Appendix II includes contact information for all offices mentioned in this policy and for other available resources.

### **II. Scope of this policy regarding Discrimination Grievance Procedures**

This policy establishes the procedures to be followed in the event of allegations of discrimination against a University employee or volunteer or against a non-University individual, including the employee of a contractor at, a visitor to, or a patron of the University.

This policy also establishes the procedures to be followed in the event of allegations of discrimination against a student or student organization based upon sex or sexual orientation, including allegations of sexual harassment, sexual violence or misconduct, relationship violence, or stalking.

Murray State University is committed to investigating, in a prompt, reliable, and equitable manner, allegations and claims of discrimination in the operation and administration of its programs, services and employment practices.

This policy supersedes any other grievance mechanism with respect to issues of discrimination and affirmative action, except as the question of discrimination and affirmative action constitute a part, but only a part, of grievances or complaints filed before other hearing bodies within the University. In these latter cases, the proceedings before the hearing body shall be suspended until matters of discrimination and affirmative action have been decided in accordance with the procedure provided by this policy.

### **III. Reporting Allegations of Discrimination and where to report violations**

A. Where to report allegations that *you* have been discriminated against

Any member of the University community, including students, staff, faculty, patrons, visitors, employees of a contractor, and applicants for employment and admission, who believes he or she may have been subjected to discrimination by a University employee, student, or volunteer or non-University individual is encouraged to report it as provided below.

1. Allegations against University employees, volunteers, and non-University individuals.

Allegations under this policy against University employees, volunteers and non-University individuals should be made with the Executive Director of the Office of Institutional Diversity, Equity, and Access (IDEA)/Title IX Coordinator. This includes allegations of discrimination based on sex or sexual orientation, including allegations of sexual harassment, and sexual violence and misconduct, relationship violence, and stalking.

Contact information for the Executive Director of IDEA/Title IX Coordinator is: Ms. Camisha Duffy, Murray State University, 103 Wells Hall, Murray, KY 42071; telephone: (270) 809-3155 (voice), (270) 809-3361 (TDD); facsimile: (270) 809-6887; Email: [cduffy@murraystate.edu](mailto:cduffy@murraystate.edu); [msu.titleix@murraystate.edu](mailto:msu.titleix@murraystate.edu).

If the allegations are against an employee in IDEA, including the Executive Director/Title IX Coordinator, the allegations should be made to the President of the University. The President is obligated to contact the Murray State University Police Department immediately upon receipt of a report of a crime. If the victim requests anonymity or that law enforcement authorities