

BOARD OF REGENTS *for* KENTUCKY STATE UNIVERSITY



Regular Meeting of the Board of Regents

Thursday, January 28, 2021
9:00 a.m.

2nd Floor Julian M. Carroll
Academic Service Building
Frankfort, Kentucky 40601

KENTUCKY STATE UNIVERSITY

MISSION STATEMENT

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

VISION STATEMENT

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. As a university of distinction, Kentucky State University will create an environment where:

- Students are first.
- Diversity is valued, understood and respected.
- Diverse, motivated and talented students, staff and faculty are actively recruited and retained.
- An intellectual environment conducive to leadership in teaching, research and community service is encouraged and supported.
- Effective teaching is promoted both inside and outside the classroom.
- Students are taught how to obtain, evaluate and use information.
- Learning is lifelong.
- Effective and efficient fiscal management by the administration is the norm.
- Collegiality is the norm, not the exception.
- Each person is a change agent.
- Excellence starts with me.

KENTUCKY STATE UNIVERSITY

CORE VALUES

Through the core values, we- the faculty, staff, administration and students of Kentucky State University – communicate to all our stakeholders and constituents the way in which we choose to do business. The following values that we hold are essential to achieving the University’s mission:

Student Centered Philosophy

In everything we do, our students come first. We strive to create an environment that values the unique backgrounds, perspectives and talents of all our students and provide them with the academic, leadership and social tools to help them grow as responsible, knowledgeable and creative global citizens. We encourage attitudes and behaviors that lead to a desire to learn, a commitment to goals and respect for the dignity of others. Ultimately, we encourage attitudes and behaviors that build success.

Excellence and Innovation

We believe in student’s potential to learn and to connect what they learn inside and outside the classroom to solving problems for productive changes. We strive to offer excellent academic programs; to encourage exploration and discovery through providing outstanding instruction, technology and facilities; and to ignite a curiosity toward the world and a passion for lifelong learning. We seek to reward the pursuit and achievement of excellence and innovation in an environment where freedom of thought and expression are valued. We want all members of our campus community to leave a mark through their creativity, curiosity, discovery, exploration and ingenuity.

Ethical Conduct

We encourage the sharing of information in an open and responsible manner while maintaining the highest ethical and moral standards. The standards are reflected in our commitment to accountability and to personal responsibility for our choices and actions. We encourage respect for the dignity, diversity and right of individuals. We welcome all students who commit themselves to learning, knowing that students and faculty with diverse perspective enhance our classroom experience.

Social Responsibility

We share responsibility for each other and are committed to providing opportunities for the participation in the economic, political and cultural life of our local, state, regional, national and global communities. We are sensitive to our surrounding community; therefore, we recognize the value of integrating classroom learning with the community experience. Our commitment is to provide leadership and to establish partnerships for addressing community and workforce needs and to make a positive difference in the city of Frankfort, the Commonwealth of Kentucky and the world.

KENTUCKY STATE UNIVERSITY

COUNCIL OFFICERS

Dr. M. Christopher Brown II
Eighteenth President

Dr. Lucian Yates III
Interim Provost and Vice President for Academic Affairs

Mr. Douglas R. Allen II
Executive Vice President for Finance and Administration / CFO

Ms. Clara Ross Stamps
Senior Vice President for Brand Identity and University Relations

Vacant
Institutional Advancement

Dr. Pernella R. Deams
Interim Vice President for Student Engagement and Campus Life

Ms. Lisa Lang
General Counsel, and Records Custodian

Dr. Tymon M. Graham
Chief of Staff

KENTUCKY STATE UNIVERSITY BOARD MEMBERS

Mr. Ron Banks (2023)

Ms. Mindy Barfield, Esq. (2021)

Dr. Elaine Farris (2020), *Chairperson*

Ms. Chandee Felder (2022), *Staff Regent*

Mr. Paul C. Harnice, Esq. (2022)

Mr. Dalton Jantzen, MS (2022)

Mr. Kirk Miller (2021), *Student Regent*

Dr. Joe Moffett (2022), *Faculty Regent*

Dr. Syamala H.K. Reddy (2021)

Mr. Roger Reynolds (2024)

KENTUCKY STATE UNIVERSITY ELECTED BOARD OFFICERS

Dr. Elaine Farris, *Chairperson*

Mr. Dalton Jantzen, *Vice Chairperson*

Dr. M. Christopher Brown II, *Secretary*

Mr. Douglas R. Allen II, *Treasurer*

KENTUCKY STATE UNIVERSITY

BOARD COMMITTEES

ACADEMIC AFFAIRS

Regent Dalton Jantzen, *Chair*
Regent Mindy Barfield
Regent Elaine Farris
Regent Kirk Miller
Regent Joe Moffett
Regent Roger Reynolds

BRAND IDENTITY AND UNIVERSITY RELATIONS

Regent Roger Reynolds, *Chair* Regent
Ron Banks
Regent Elaine Farris
Vacant
Regent Dalton Jantzen
Regent Joe Moffett

INSTITUTIONAL ADVANCEMENT

Regent Ron Banks, *Chair*
Regent Elaine Farris
Regent Chandee Felder
Regent Paul Harnice
Regent Syamala Reddy
Regent Roger Reynolds

FINANCE AND ADMINISTRATION

Regent Mindy Barfield, *Chair*
Regent Elaine Farris
Regent Paul Harnice
Vacant
Regent Dalton Jantzen
Regent Roger Reynolds

STUDENT ENGAGEMENT AND CAMPUS LIFE

Regent Elaine Farris, *Chair*
Regent Ron Banks
Regent Chandee Felder
Regent Paul Harnice
Regent Dalton Jantzen
Regent Kirk Miller

GOVERNANCE

Regent Paul Harnice, *Chair*
Regent Mindy Barfield
Regent Elaine Farris
Regent Chandee Felder
Regent Syamala Reddy
Regent Roger Reynolds

EXECUTIVE AND AUDIT COMMITTEE

Regent Elaine Farris, *Chair*
Regent Ron Banks
Regent Mindy Barfield
Regent Paul Harnice
Regent Dalton Jantzen
Regent Roger Reynolds

KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

Annual Retreat of the Board of Regents

Thursday, January 28, 2021 at 9:00am

Zoom Link: <https://kysu.zoom.us/j/96308138701>

Webinar ID: 963 0813 8701

Phone One-Tap: US: +16468769923,,96308138701# or
+13017158592,,96308138701#

Board of Regents Room
2nd Floor Julian M. Carroll Academic Services Building
Frankfort, Kentucky 40601

RETREAT AGENDA

- I. **Call to Order** Regent Elaine Farris,
Chair, Board of Regents

- II. **Roll Call** Dr. M. Christopher Brown II
Secretary, Board of Regents

- III. **Greetings and Overview** Regent Elaine Farris

- IV. **Working Session** Dr. M. Christopher Brown II
 - A. *2020 Audit Update*
 - B. *2021 General Assembly Legislative Update*
 - C. *Board of Regents Self-Evaluation Results*
 - D. *Overview of Campus KRS Pension Liabilities and Obligations*
 - E. *Review of 2021-2025 Campus Strategic Plan*
 - F. *Spring 2021 COVID Reopening Plan*
 - G. *Update on Fall 2020 Semester Grades*
 - H. *Update on Fall to Spring Retention*
 - I. *Update on Spring 2021 Course Delivery Formats*
 - J. *Title IX New Federal Regulations Training*

- V. **Executive Session** Regent Elaine Farris
 - A. *Pending Litigation (KRS 61.810 (1)(c))*
 - B. *Individual Personnel Matters (KRS 61.810 (1)(f))*

- VI. **Action Item(s)** Regent Elaine Farris
A. Any Action Items from the Working and/or Executive Session(s)

- VII. **Adjournment** Regent Elaine Farris

**Kentucky State University Board of Regents
2021 Quarterly Meeting Dates**

March 4-5, 2021
June 3-4, 2021
September 2-3, 2021
December 2-3, 2021



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: 2020 Audit Update
FROM: FINANCE AND ADMINISTRATION
ACTION ITEM: NO

BACKGROUND: In accordance with KRS 164A.170, the corporation shall also cause an audit to be made by a resident independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans and all other matters relating to its financial operations. The persons performing such audit shall furnish copies of the audit report to the secretary of the Finance and Administration Cabinet, where they shall be placed on file and made available for inspection by the general public.

The Federal Government's Office of Management Budget released the Compliance Supplement Addendum on December 23, 2020. Our external auditors began performing their additional audit work in accordance with the supplemental addendum on January 4, 2021. Our external auditors communicated in a memo on December 3, 2020 they will need 2-3 weeks to complete the audit upon receipt of the Compliance Supplement Addendum and the KSU Foundation audit. The KSU Foundation audit is still in process with an estimated completion date of January 31, 2021.

SUMMARY OF PROGRAMS/ACTIVITIES: N/A

ALIGNMENT WITH STRATEGIC GOALS:

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

PROGRAM IMPLICATIONS: N/A

FISCAL IMPLICATIONS: N/A

RECOMMENDATION: N/A

ATTACHMENTS: YES

SECTION 2 – HIGHER EDUCATION EMERGENCY RELIEF FUND (HEERF)**CFDA 84.425E HIGHER EDUCATION EMERGENCY RELIEF FUND (HEERF)
STUDENT AID PORTION****CFDA 84.425F HEERF INSTITUTIONAL PORTION****CFDA 84.425J HEERF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
(HBCUs)****CFDA 84.425K HEERF TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES
(TCCUs)****CFDA 84.425L HEERF MINORITY SERVING INSTITUTIONS (MSIs)****CFDA 84.425M HEERF STRENGTHENING INSTITUTIONS PROGRAM (SIP)****CFDA 84.425N HEERF FUND FOR THE IMPROVEMENT OF POSTSECONDARY
EDUCATION (FIPSE) FORMULA GRANT****I. PROGRAM OBJECTIVES**

The objective of the Higher Education Emergency Relief Fund (HEERF) program is to use HEERF grant funds to “prevent, prepare for, and respond to coronavirus” through grants to eligible institutions. Each grant award type (denoted by separate CFDA alpha) has specific funding requirements, as described below.

II. PROGRAM PROCEDURES**Overview**

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) appropriated \$2.2 trillion to provide economic aid to the American people negatively impacted by the COVID-19 pandemic. Of that money, approximately \$14 billion was given to the Office of Postsecondary Education as the HEERF.

The HEERF program has several different methods for the distribution of the approximately \$14 billion in funds to eligible IHEs based on a student enrollment formula and institution status:

- Ninety percent (\$12.56 billion) under Section 18004(a)(1) of the CARES Act to institutions using a formula based on student enrollment, in which at least 50 percent must be reserved to provide students with emergency financial aid grants to help cover expenses related to the disruption of campus operations due to coronavirus (the “Student Aid Portion,” CFDA 84.425E) and the remainder of which may be used to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus (the “Institutional Portion”; CFDA 84.425F). Of this 90 percent, the funds are distributed to eligible institutions as follows:

- 75 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and
 - 25 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.
- A total of 7.5 percent (\$1.05 billion) under Section 18004(a)(2) of the CARES Act for grants for Historically Black Colleges and Universities (HBCUs), Tribally Controlled Colleges and Universities (TCCUs), and other Minority Serving Institutions (MSIs) as well as other institutions eligible for the Strengthening Institutions Program (SIP) under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act of 1965, as amended (HEA), to address needs directly related to the coronavirus (CFDAs 84.425J, 84.425K, 84.425L, and 84.425M). This 7.5 percent is distributed based on the relative share of funding appropriated under the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94).
 - A total of 2.5 percent (\$349 million) under Section 18004(a)(3) of the CARES Act for additional funds for institutions under Part B of title VII of the HEA, through the Fund for the Improvement of Postsecondary Education (FIPSE), to prioritize schools that received less than \$500,000 under other parts of Section 18004 by distributing funds in an amount that, when added to funds received under Section 18004(a)(1) and Section 18004(a)(2), brings each institution eligible to receive funds through the FIPSE program to an award amount of \$500,000 (CFDA 84.425N).

In order to notify each institution of the eligibility for funding, and the allocation amount they could apply for under each CFDA, the US Department of Education (ED) published lists of eligible institutions and their allocation amounts based on the formulas provided in each HEERF program. While, generally, all institutions were eligible to receive funding under the Student Aid Portion (CFDA 84.425E) and the Institutional Portion (CFDA 84.425F), some institutions also received awards under the funding streams in sections 18004(a)(2) and 18004(a)(3), depending on their eligibility under other HEA grant programs, the composition of their student body, and whether the total amount of HEERF funding received by the institution would otherwise have been less than \$500,000.

Finally, ED also anticipates that institutions have applied under Section 18004(a)(1) will also later receive a redistribution of unclaimed Section 18004(a)(1) funds in October 2020 as a supplement to their existing HEERF grants. For more information regarding the Reserve redistribution, please see ED's Section 18004(a)(1) reserve website here:

<https://www2.ed.gov/about/offices/list/ope/heerfreserve.html>.

Source of Governing Requirements

The main source of governing requirements is the CARES Act statute, Pub. L. No. 116-136 (March 27, 2020).

In addition to the required [SF-424 form](#), a completed Certification and Agreement was the application used to award HEERF funds under each CFDA alpha. The certification and agreements also help form the basis of the governing requirements for this program:

1. [\(a\)\(1\) Student Aid Portion Certification and Agreement](#) (CFDA 84.425E)
2. [\(a\)\(1\) Institutional Portion Certification and Agreement](#) (CFDA 84.425F)
3. [\(a\)\(2\) Programs Certification and Agreement](#) (used for all (a)(2) programs; CFDA 84.425J, 84.425K, 84.425L, and 84.425M)
4. [\(a\)\(3\) FIPSE Formula Certification and Agreement](#) (CFDA 84.425N)
5. (a)(1) Reserve redistribution:
 - a. [Student Certification and Agreement](#) (CFDA 88.425E)
 - b. [Institutional Certification and Agreement](#) (CFDA 84.425F)

Furthermore, the regulations in the Education Department General Administrative Regulations (EDGAR) 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (non-procurement) in 2 CFR Part 180, as adopted and amended as regulations of ED in 2 CFR Part 3485; and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200, as adopted and amended as regulations of ED in 2 CFR Part 3474 (Uniform Guidance) also apply.

Availability of Other Program Information

Rulemaking

On June 17, 2020, ED published its Interim Final Rule (IFR) regarding Eligibility of Students at Institutions of Higher Education for Funds Under the [CARES Act](#). The IFR constitutes ED's binding final rule regarding student eligibility for HEERF assistance and carries the force of law except as enjoined with respect to certain entities based on on-going litigation. Please see ED's litigation updates website for more information:
<https://www2.ed.gov/about/offices/list/ope/heerfupdates.html>.

Frequently Asked Questions (FAQs) and Other Guidance

Additionally, a number of documents posted on [ED's HEERF website](#) contain information pertinent to the compliance requirements described in this compliance supplement. ED strongly encourages auditors to regularly check the HEERF website for updated FAQs and other pertinent guidance and reporting information. The information below is current as of October 19, 2020.

1. [CARES Act HEERF Rollup FAQs](#) (Compilation of all five previously-released HEERF FAQ documents in one document) (October 14, 2020) (these are the following five FAQ documents listed below)
2. [CARES Act HEERF Round 3 FAQs](#) (October 2, 2020)
3. [CARES Act HEERF Supplemental FAQs](#) (Issued June 30, 2020 and Revised September 8, 2020)
4. [CARES Act HEERF Student FAQs](#) (May 15, 2020)
5. [CARES Act HEERF Emergency Financial Aid Grants to Students under Section 18004\(a\)\(1\) and 18004\(c\) FAQs](#) (April 9, 2020)
6. [CARES Act HEERF Institutional Portion under Section 18004\(a\)\(1\) and 18004\(c\) FAQs](#) (April 9, 2020)
7. HEERF Reporting Requirements & Lost Revenue Discussion Webinar (October 14, 2020)
 - a. [Webinar Recording](#)
 - b. [Slides used in the Presentation](#)

Reporting and Data Collection Requirements

There are three components to reporting for HEERF: (1) public reporting on the (a)(1) Student Aid Portion; (2) public reporting on the (a)(1) Institutional Portion, (a)(2) and (a)(3) programs, as applicable; and the (3) the annual report, which is currently being developed.

1. [HEERF Student Portion Public Reporting Requirement](#) (Aug 31, 2020; *Federal Register* Notice revising the original May 6, 2020 [Electronic Announcement](#))
2. HEERF Institution Portion, (a)(2), and (a)(3) Funds Public Reporting Forms (October 13, 2020)
 - a. [Word Document](#) | [PDF Document](#)
 - b. [Email to Grantees Regarding HEERF Reporting Requirements](#) (September 23, 2020)
3. Annual Report (the HEERF Annual Report Form is being developed for use and submission in early 2021 by all HEERF grantees via a portal)

III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for this federal program, the auditor must determine, from the following summary (also included in Part 2, “Matrix of Compliance Requirements”), which of the 12 types of compliance requirements have been identified as subject to the audit (noted with a “Y” in the summary matrix below), and then determine which of the compliance requirements that are subject to the audit are likely to have a direct and material effect on the federal program at the auditee. For each such compliance requirement subject to the audit, the auditor must use Part 3 (which includes generic details about each compliance requirement other than Special Tests and Provisions) and this program supplement (which includes any program-specific requirements) to perform the audit. When a compliance requirement is shown in the summary below as “N,” it has been identified as not being subject to the audit. Auditors are not expected to test requirements that have been noted with an “N.” See the Safe Harbor Status discussion in Part 1 for additional information.

A	B	C	E	F	G	H	I	J	L	M	N
Activities Allowed or Unallowed	Allowable Costs/Cost Principles	Cash Management	Eligibility	Equipment/Real Property Management	Matching, Level of Effort, Earmarking	Period Of Performance	Procurement Suspension & Debarment	Program Income	Reporting	Subrecipient Monitoring	Special Tests and Provisions
Y	Y	N	N	N	Y	Y	Y	N	Y	N	N

A. Activities Allowed or Unallowed

Institutions must demonstrate that costs incurred are allowable under the relevant statutory provisions and consistent with the purpose of the ESF “to prevent, prepare for, and respond to coronavirus.” In general, the CARES Act authorizes broad uses of HEERF funds, with specific standards for the different funding streams described below. Auditors are strongly encouraged to review the aforementioned FAQ documents and guidance materials which provide specific examples that help interpret these statutory standards.

- For the (a)(1) Student Aid Portion (CFDA 84.425E), disbursements made under the Student Aid Portion are required to be made directly to students. Allowable expenditures must be “for expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student’s cost of attendance, such as food, housing, course materials, technology, health care, and child care)” (CARES Act Section 18004(c)).

As it relates to expenditures under the (a)(1) Student Aid Portion, auditors should determine (1) the institution had a documented plan to distribute funds to students, (2) that the institution did not place any restrictions on the expenditure of those funds beyond what is in the statute, above, and (3) the institution expended the entirety of the Student Aid Portion grant on emergency financial aid grants to students and that the institution did not reimburse itself for any costs or expenses previously issued to students.

- For the (a)(1) Institutional Portion (CFDA 84.425F), allowable expenditures must be “to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus, so long as such costs do not include payment to contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship” (CARES Act Section 18004(c)).

Generally, lost revenue is not a permissible expenditure (such as replacing lost revenue due to reduced enrollment; replacing lost revenue from non-tuition sources (e.g., cancelled ancillary events; disruption of food service, dorms, childcare or other facilities; cancellation of use of campus venues by other organizations; lost parking revenue). Other allowable expenditures under the Institutional Portion include *additional* emergency grants made to students (in accordance with the requirements of the Student Portion). Additionally, institutions also may reimburse themselves for refunds previously made to students on or after March 13, 2020, if those refunds were necessitated by significant changes to the delivery of instruction, including interruptions in instruction, due to the coronavirus. Please see questions 31 and 44 from the [Rollup FAQs](#) for more information.

- For the (a)(2) programs, (CFDAs 84.425J, 84.425K, 84.425L, and 84.425M), funds “may be used to defray expenses, including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll incurred by IHEs and for grants to students for any component of the student’s cost of attendance (as defined under section 472 of the HEA), including food, housing, course materials, technology, health care, and child care” (CARES Act Section 18004(a)(2)).
- For the (a)(3) FIPSE Formula Grant (CFDA 84.425N), funds “may be used to defray expenses, lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll incurred by IHEs and for grants to students for any component of the student’s cost of attendance (as defined under section 472 of the HEA), including food, housing, course materials, technology, health care, and child care.” This is the same standard as applied to the (a)(2) programs (CARES Act Section 18004(a)(3)).

B. Allowable Costs/Cost Principles

See Part 3, Section B, “Allowable Costs/Cost Principles” for a general description of the compliance requirements, the related audit objectives, and suggested audit procedures.

The Uniform Guidance Cost Principles described in 2 CFR Part 200, Subpart E, apply to the HEERF program. As described earlier, for the HEERF programs covered in this section, institutions generally have broad uses of funds. Some items of cost in Subpart E of the Uniform Guidance require prior approval under [2 CFR section 200.407](#) by ED.

The 34 CFR section 75.533 generally prohibits grantees from using grant funds for the acquisition of real property or for construction “unless specifically permitted by the authorizing statute or implementing regulations for the program.”

In the context of the HEERF program, the CARES Act contains no specific language authorizing HEERF funds to be used for the acquisition of real property or for construction. However, the general prohibition against construction and acquisition of real property would not prevent HEERF funds from being used for minor remodeling to prevent the spread of COVID-19, where such alterations occur within the confines of a previously completed building and meet the other characteristics of minor remodeling under 34 CFR section 77.1.

G. Matching, Level of Effort, Earmarking**1. Matching**

Not Applicable

2. Level of Effort

Not Applicable

3. Earmarking

Institutions must use no less than 50 percent of funds received under Section 18004(a)(1) of the CARES Act to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus. Conversely, institutions may use up to 50 percent of the funds they receive under Section 18004(a)(1) to “cover any costs associated with significant changes to the delivery of instruction due to the coronavirus so long as such costs do not include payment to contractors for the provision of pre-enrollment recruitment activities, including marketing and advertising; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.” See [\(a\)\(1\) Institutional Portion Certification and Agreement](#).

The 50 percent division of the (a)(1) funds into the Student Aid Portion and Institutional Portion was made by ED. Each were given as separate grant awards, the Student Aid Portion under CFDA 84.425E and the Institutional Portion under CFDA 84.425F.

The order of incurring costs which will be attributed to the Student Aid and Institutional portions is not relevant to the earmarking requirement but, rather, the relationships between these two portions must be met and measured by the end of the period of performance. Therefore, testing this requirement is only applicable at the end of the period of performance.

H. Period of Performance

All institutions were given one calendar year (365 days) from the date of award in their HEERF Grant Award Notification (GAN) to complete the performance of their HEERF grant. Therefore, for example, if a grantee received a GAN on April 7, 2020, the one calendar year period of performance for their HEERF grant would be through April 6, 2021.

Institutions were allowed to incur pre-award costs consistent with [2 CFR section 200.458](#) and [34 CFR section 75.263](#) from March 13, 2020, the declaration of the national emergency due to the coronavirus, to the date of their HEERF grant award for their (a)(1) Institutional Portion, (a)(2), and (a)(3) funds as long as those expenditures would have been allowable if incurred after the date of the HEERF grant award. For the (a)(1) Student Aid Portion, institutions were only able to refund themselves for institutionally-funded emergency grants to students that were made (1) for authorized expenses related to the disruption of campus operations due to coronavirus as set forth in Section 18004(c) of the CARES Act; (2) to students eligible to receive emergency financial aid grants under the CARES Act; and (3) on or after March 27, 2020, the date the CARES Act was enacted.

Auditors should determine if the institution correctly expended funds during the allowable period, if any costs were charged as pre-award costs, and if the institution incurred costs during its calendar year period of performance (unless it obtained a no-cost extension from ED).

I. Procurement, Suspension, and Debarment

See Part 3, Section I, "Procurement, Suspension, and Debarment."

For those procurements supported by HEERF grant funds, auditors should determine if institutions sufficiently documented rationales and determinations in making any sole-source awards during the time of national emergency due to the coronavirus. Exceptions from the competitive procurement requirements of the Uniform Guidance may be accepted if institutions have documented that the public exigency or emergency would not permit a delay, in accordance with 2 CFR section 200.320(f)(2). A circumstance that may influence this determination is the length of time between the procurements and the

emergency at issue. Specifically, exceptions are more likely to be acceptable the closer the procurement occurred to the March 13, 2020 declaration of the national emergency.

L. Reporting

There are three components to reporting for HEERF: 1) public reporting on the (a)(1) Student Aid Portion; 2) public reporting on the (a)(1) Institutional Portion (a)(2) and (a)(3) programs (Quarterly Reporting Form), as applicable; and the 3) the annual report, which is currently being developed.

There was no public reporting on the Quarterly Reporting Form or the annual reporting requirements as of the year-that ended June 30, 2020. Auditors should consult ED's [HEERF Reporting and Data Collection webpage](#) to gain an understanding of the reporting requirements in place for fiscal years ending after June 30, 2020.

1. Financial Reporting

- a. *SF-270, Request for Advance or Reimbursement* – Not Applicable
- b. *SF-271, Outlay Report and Request for Reimbursement for Construction Programs* – Not Applicable
- c. *SF-425, Federal Financial Report* – Not Applicable

2. Performance Reporting

Not Applicable

3. Special Reporting

- a. *Annual Reporting (all HEERF grantees)*

The HEERF Annual Report form is being developed for use and submission in early 2021 by all HEERF grantees via a portal. Depending on the time the audit is conducted, auditors should examine the annual report and reconcile that reported amounts with underlying documentation and the public quarterly reporting amounts to ensure accuracy.

- b. *Sections 18004(a)(1) Institutional Portion, (a)(2), and (a)(3) Quarterly Public Reporting (CFDAs 84.425F, 84.425J, 84.425K, 84.425L, 84.425M, 84.425N, as applicable)*

This form, available in [PDF](#) and [Microsoft Word](#) versions, must be conspicuously posted on the institution's primary website on the same page the reports of the IHE's activities as to the emergency financial aid grants to students made with funds from the IHE's allocation under Section 18004(a)(1) of the CARES Act (Student Aid Portion) are posted.

A new, separate form must be posted covering each quarterly reporting period (September 30, December 31, March 31, June 30), concluding after either (1) posting the quarterly report ending September 30, 2022, or (2) when an institution has expended and liquidated all (a)(1) Institutional Portion, (a)(2), and (a)(3) funds and checks the “final report” box. IHEs must post this quarterly report form no later than 10 days after the end of each calendar quarter (October 10, January 10, April 10, July 10) apart from the first report, which is due October 30, 2020.

Please see the form instructions (located on page three of the document) for more information regarding compliance.

Auditors should determine if an institution was both timely and accurate in posting in publicly posting its Quarterly Reporting Form from October 30, 2020, onward and sample these quarterly public reports and reconcile the publicly reported amounts with underlying documentation to ensure accuracy.

c. *Section 18004(a)(1) Student Aid Portion Quarterly Public Reporting (CFDA 84.425E)*

Beginning on May 6, 2020, ED required institutions that received a HEERF 18004(a)(1) Student Aid Portion award to publicly post certain information on their website no later than 30 days after award, and update that information every 45 days thereafter (by posting a new report). This was announced through an [electronic announcement \(EA\)](#).

On August 31, 2020, ED [revised the EA](#) by decreasing the frequency of reporting after the initial 30-day period from every 45 days thereafter to every calendar quarter. Grantees posting a 45-day report on or after August 31, 2020, should instead post a report every calendar quarter, with the first calendar quarter report due by October 10, 2020, and covering the period from after their last 45-day or 30-day report through the end of the calendar quarter on September 30, 2020.

Auditors should determine if an institution was both timely and accurate in publicly posting its Section 18004(a)(1) Student Aid Portion Reports from May 6, 2020 onward and sample these public reports and reconcile the publicly reported amounts with underlying documentation to ensure accuracy.

Key Line Items – The following are identified as critical information:

- Item #3: The total amount of Emergency Financial Aid Grants distributed to students under Section 18004(a)(1) of the CARES

Act as of the date of submission (i.e., as of the initial report and every calendar quarter thereafter).

- Item #4: The estimated total number of students at the institution eligible to participate in programs under Section 484 in Title IV of the Higher Education Act of 1965 and thus eligible to receive Emergency Financial Aid Grants to Students under Section 18004(a)(1) of the CARES Act.

Auditors should consult the [August 31, 2020 Federal Register notice](#) that provides more information about how institutions may calculate this number.

- Item #5: The total number of students who have received an Emergency Financial Aid Grant to students under Section 18004(a)(1) of the CARES Act.
- Item #6: The method(s) used by the institution to determine which students receive Emergency Financial Aid Grants and how much they would receive under Section 18004(a)(1) of the CARES Act.

In particular, auditors should examine whether the method(s) of distribution reported here are consistent with the method(s) that were actually employed by the institution to distribute emergency financial aid grants to students.



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: 2021 General Assembly Legislative Update
FROM: GOVERNANCE
ACTION ITEM: NO

BACKGROUND: Over the past few years, Government Relations has educated members of the General Assembly on the legal requirements set forth by the Morrill Act of 1890 which governs Kentucky State University's land-grant program and the matching requirements outlined in the 2018 Farm Bill specifying new compliance regulations. The General Assembly included one year of funding for the KYSU Land-Grant program for FY 2020-2021. The General Assembly will modify the line-item budget to fund the second year of the biennium since only a one-year Executive Branch budget was passed due to COVID. Given the federal requirements that states must report matching requirements for the University of Kentucky and Kentucky State University, and the misalignment of the federal government fiscal year and Kentucky's two-year budget process, the Interim Appropriations and Revenue Committee has proposed authorization language to fund any shortfalls of the state match in a non-budget year. Draft language proposed by the House Budget Review Subcommittee on Postsecondary Education chaired by Representative Tipton is attached. The Legislature convened on January 5. In the ensuing meeting period, the budget, which includes our priorities for Land Grant as noted in the attachments and summary below, was presented for review. In addition, the 2021 Legislative Priorities brochure was delivered to all elected officials during the first week of the General Session.

SUMMARY OF PROGRAMS/ACTIVITIES:

- **Land Grant Program Matching Funds**
The full Matching Funds Requirement for Agricultural Research and Extension Formula Funds at 1890 Land-Grant Institutions is required to be in compliance with federal law. The General Assembly only funded the shortfall matching requirement for FY 2019-2020 as a result of the request submitted by the Council on Postsecondary Education on behalf of Kentucky State University. There is a shortfall for Fiscal Years 2020-2021 and 2021-2022.
- **Property Exchange and Real Property Proceeds**



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

Any changes to the sale of real estate and other real properties related to the “Conveyance of Property” provision per KRS. 45.777 and 164A.575(7) may be required until University real property and retention of proceeds is materialized.

- **The Performance Funding Timetable**

The 2020 Executive Branch Budget included a provision related to Kentucky State University’s request for maintaining the stop-loss provision of the performance funding formula. Per the statute, the Performance Funding Working Group reconvened July 30, 2020, to begin discussion on recommended adjustment to the Performance Funding Formula. The next meeting is set for Wednesday, September 2, 2020.

- **Student Success Outcomes**

Request specific earmark funding for student retention and success initiatives.

- **Environmental Education Research Center**

Request support for a state-wide environmental literacy and STEM education partnership with the Commonwealth for K-12 students in collaboration with the Economic Development Cabinet and Education and Workforce Cabinet.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 1: Enhance Student Enrollment, Improve Student Life and Engagement, and Improve Student Advising and Career Development.

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

Goal 4: Enhance the Impact of External Relations and Development.

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: A decrease in general fund appropriations or harmful legislative language will have a direct impact on program development, implementation, and student success/services. Advocacy efforts seek to retain funding allocations, influence public policy, and regulatory authorization to remain competitive in the global market.



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

FISCAL IMPLICATIONS: General fund appropriations directly impacts operational efficiency, campus infrastructure and student success. Specific higher education non-budgetary legislative language also has an impact to institutional operations and research.

RECOMMENDATION: N/A

ATTACHMENTS: YES

HB 303 (2016) - MANAGEMENT IMPROVEMENT PLAN

KENTUCKY STATE UNIVERSITY REPORT CARD

KENTUCKY STATE UNIVERSITY REPORT CARD

	FALL 2015	FALL 2016	FALL 2017	FALL 2018	FALL 2019	FALL 2020
FALL ENROLLMENT	D	B	A	A	A	A
FALL TO FALL RETENTION	B	C	B	C	B	A
COHORT STUDENTS RETURNING FOR THE THIRD YEAR	F	D	D	C	C	B
GROSS TUITION AND FEES REVENUE	F	D	C	B	B	B
YEAR END UNRESTRICTED NET ASSETS EXCLUDING PLANT NET OF COMP ABSENCES AND PENSIONS	*	*	*	*	*	*
PRIMARY RESERVE RATIO	D	C	C	A	B	A
VIABILITY RATIO	F	D	C	B	A	C
RETURN ON NET ASSETS RATIO	F	F	B	A	B	A
NET OPERATING REVENUES RATIO	F	F	C	A	A	A
COMPOSITE FINANCIAL INDEX	F	D	C	B	B	C

KENTUCKY STATE UNIVERSITY



LEGISLATIVE PRIORITIES

MISSION STATEMENT

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.



COUNCIL OF PUBLIC LIBERAL ARTS COLLEGES

In 2020, Kentucky State University became the first HBCU and the only university in Kentucky to join the Council of Public Liberal Arts Colleges (COPLAC). Sharing membership with national colleges and universities which are also dedicated to the liberal arts will help Kentucky State achieve national prominence, create new opportunities for collaboration with such partner schools as Truman State University, Georgia College and State University and St. Mary's College of Maryland, and offer a range of professional development programs for faculty and additional scholarship and leadership opportunities for students.

2021 Legislative Priorities



KYSU.EDU

Founded in 1886, Kentucky State University is the only regionally accredited historically black college or university (HBCU) in the Commonwealth of Kentucky. The campus, located in Frankfort, provides both undergraduate and graduate degrees, as well as workforce certificates enabling Kentuckians access to gainful employment in the areas of Nursing, Criminal Justice, Agriculture, Education, and Business. Our students, faculty, and staff continue to demonstrate excellence in community engagement, attainment of student learning outcomes, and stewardship of resources. In order to sustain Kentucky State University's forward momentum, the campus presents the following legislative priorities for the 2021 legislative session.



POSTSECONDARY PERFORMANCE FUNDING

Kentucky State University supports the recommendations of the Council on Postsecondary Education (CPE) for the “Floor 21” funding request to the General Assembly. The proposal, as collaboratively crafted by Senator Givens and Representative Tipton with CPE leadership, provides a model for an equitable baseline funding for all public universities. The proposed redistribution model is aligned with the individual missions of each institution across the Commonwealth. Even more, the proposal maintains the CPE performance metrics currently in place. Kentucky State University will compete for funding using the legislatively approved performance funding model.



LAND GRANT MATCH SOLUTION

Kentucky State University supports the recommendations of the Legislative Research Commission (LRC) that ensures the General Assembly appropriates land grant matching funds pursuant to federal law. The LRC language provides for a state match from the General Fund Surplus account (KRS 48.700) or the Budget Reserve Trust Fund (KRS 48.705) for additional funding made through the U.S. Department of Agriculture in a given year. The proposed language establishes that no funds may be expended under this subsection without receipt of the Notice of Award from the U.S. Department of Agriculture; confirmation of the award amount for the next fiscal year from the Council on Postsecondary Education (CPE); and approval from the Office of the State Budget Director. Expenditures under this subsection of the operating budget of CPE must be reported to the Interim Joint Committee on Appropriations and Revenue by August 1 of each calendar year.



KENTUCKY WORK READINESS SUPPORT

Kentucky State University requests legislative support to enhance efforts to accelerate work-readiness through learning supports and career services as a mandated program. The increases in persistence, retention, and graduation rates the campus has experienced under HB303 (2016) are a direct result of focused efforts to enhance student readiness for college learning, expand learning support services, and create robust pathways to enable Kentucky State University to meet the Commonwealth and the CPE's 60x30 college attainment goal. The campus seeks legislative support for curricular innovations around work-readiness that include funding for advanced technological tools, curriculum and program development that engages with the Kentucky Education to Work initiative and underwrites a suite of student success programs (e.g., University College, Pre-college Academy, the Office of Career and Professional Development, and the Thorobred Learning Center).



PROPERTY EXCHANGE AND REAL PROPERTY PROCEEDS

Kentucky State University seeks legislative support to retain proceeds from the sale of real property and real estate without sequestration or return of funds derived from sale of such assets to the Commonwealth General Fund. The campus proposes amendment of the language to “Conveyance of Property” (KRS 45.777 and 164A.575(7) as follows: “Should Kentucky State University dispose of real property and improvements located throughout the Commonwealth, any funds associated with property exchange and real property proceeds that may be surplus will be retained by and for the sole use of Kentucky State University at its discretion.”



ENVIRONMENTAL EDUCATION RESEARCH CENTER

Located in Henry County, Kentucky State University's Environmental Education Research Center (EERC) is a 308-acre facility that supports the engagement of K-12 students with agriculture-related studies. Kentucky State University seeks legislative support for capital and facilities improvements to the EERC given its key role in educating K-12 students, especially in the STEM fields. The EERC is central to the Commonwealth's environmental literacy initiatives. The EERC's pond and 6.5 miles of walking trails accommodate differently-abled students, making STEM educational offerings accessible and equitable for all learners.

PART I
OPERATING BUDGET
K. POSTSECONDARY EDUCATION
4. KENTUCKY STATE UNIVERSITY

Add:

(#) **Land Grant Match:** If additional federal funding is made available through the United States Department of Agriculture in accordance with the university's land-grant status in either fiscal year, additional General Fund needed to maximize the federal funding as a state match, up to a maximum of \$1,180,000 in fiscal year 2020-2021 and \$x,xxx,xxx in fiscal year 2021-2022, may be deemed a necessary government expense and may be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). No funds may be expended under this subsection without (a) receipt of a Notice of Award from the United States Department of Agriculture, (b) confirmation of the award amount by the Council on Postsecondary Education, and (c) approval of the Office of State Budget Director. Expenditures under this subsection shall be reported to the Interim Joint Committee on Appropriations and Revenue by August 1 of each year.



KENTUCKY STATE UNIVERSITY

Board of Regents

DATE: January 28, 2021

SUBJECT: Board of Regents Self-Evaluation Results

FROM: GOVERNANCE

ACTION ITEM: NO

BACKGROUND: Board Self-Evaluation Results.

SUMMARY OF PROGRAMS/ACTIVITIES: The Board Self-Evaluation Results show that holistically the Board ranks their performance between 2.9 and 3.04 in each of the major assessment areas. Specifically, Board Policy-Making Role and Function is a 2.9, Board Organization and Operation is a 3.04, Board Leadership and Accountability is a 3.02, Board Expectations is a 2.98, and Board President Relations is a 2.9. In comparison to the 2019 Board Self-Evaluation, the 2020 Board Self-Evaluation revealed a decrease in each of the major areas assessed. The largest change (-.6) was regarding Board-President Relations.

Qualitatively, the Board believes that their greatest strengths are “Diversity”, “Organized/focused/Unity”, “Leadership/Expertise”, and “Enthusiasm/care/understanding.” The Board also believes the areas for improvement are “Communication” and “Preparedness for meeting/receiving materials prior to the meeting.” The top accomplishments are “Approval of various action items”, “Better university performance”, “Supporting/Evaluating the President”, COVID-19 related decisions”, and “Functioning efficiently.” The Board is most please about their “Board’s dedication/leadership/collaboration.” The Board is most concerned about the “Finance”, “Staff turnover/pay scales”, “Board’s Engagement”, “Integrity of committee”, and “University vision.” The Board recommends focusing in on the “Better Committee Meetings”, “Better financial state/more financial reports”, and “Encouraging Board members to give to University/more involvement”.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: N/A

FISCAL IMPLICATIONS: N/A

RECOMMENDATION: N/A

ATTACHMENTS: YES

Board Self Evaluation Survey 2020-2021

January 2021

=

A survey was distributed among the KSU Board of Regents in December 2020 to assess their duties and performances. There are 9 out of 10 Board members responded, making the response rate of 90%. There are 26 multiple choice questions and 6 essays asked in this Board Self-Evaluation survey. These multiple choice questions are grouped into five areas: Board Policy-Making Role and Function, Board Organization and Operation, Board Leadership and Accountability, Board Expectations, and Board-President Relations.

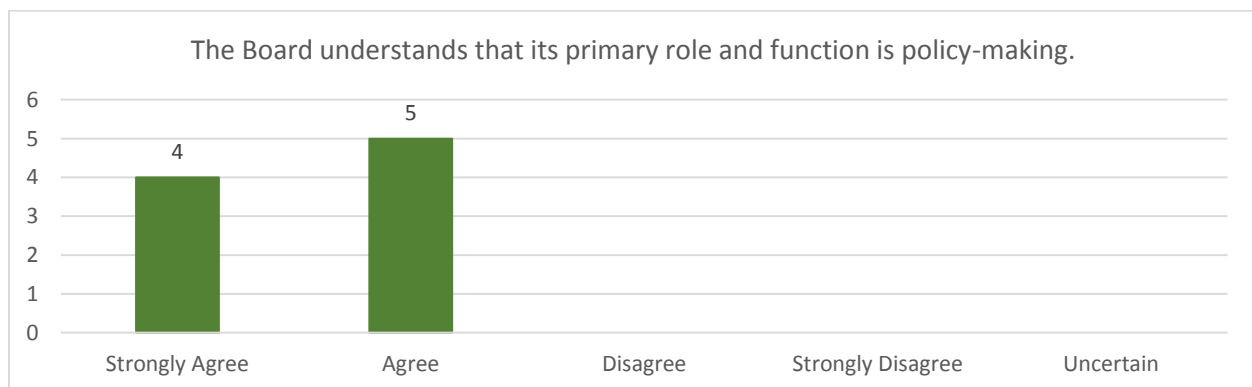
Likert scale is used for the multiple choice questions, ranging from Strongly Agree, Agree, Disagree, Strongly Disagree, and Uncertain. When analyzing the response, weights were given to each scale, where the highest weight (4) is given to the most positive scale and least weight (0) is given to the most negative scale. The weights are: Strongly Agree = 4, Agree = 3, Uncertain = 2, Disagree = 1, and Strongly Disagree = 0.

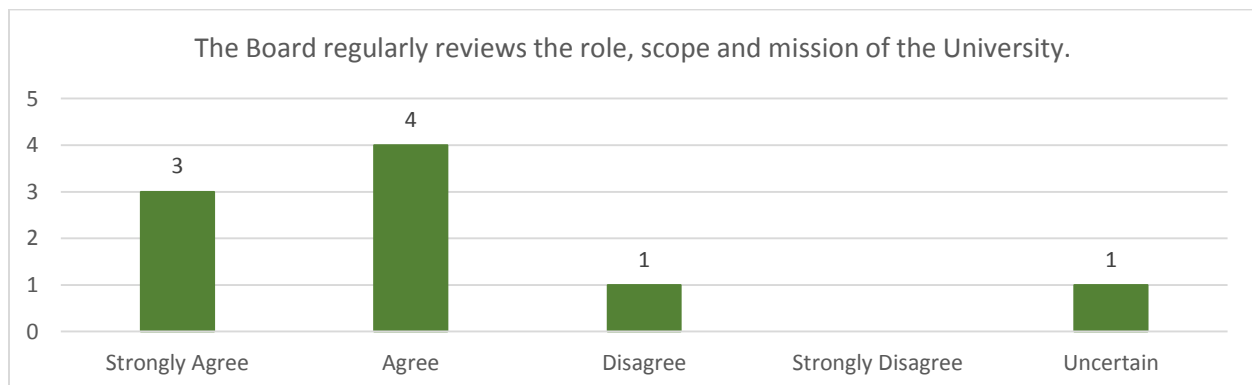
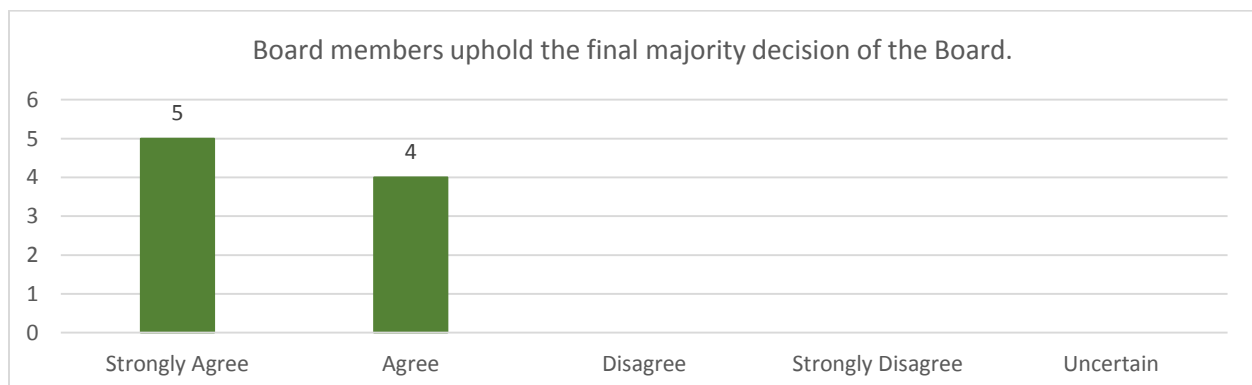
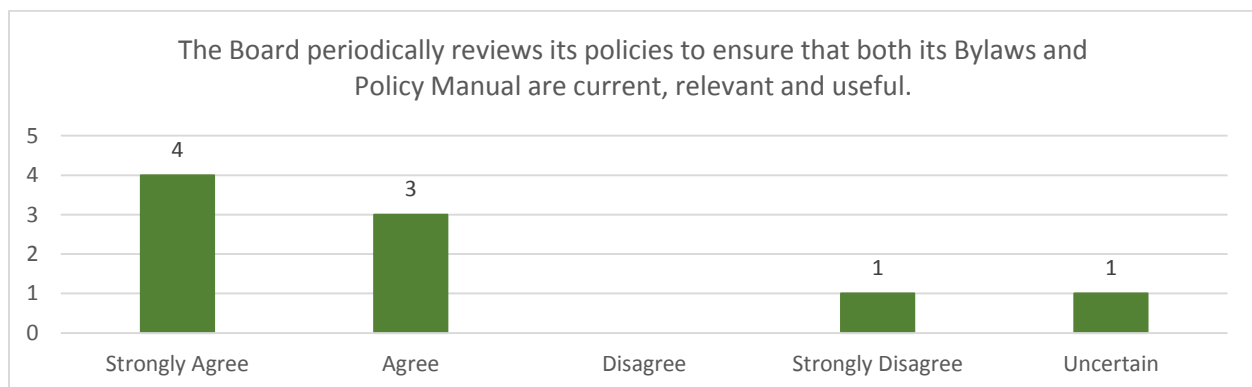
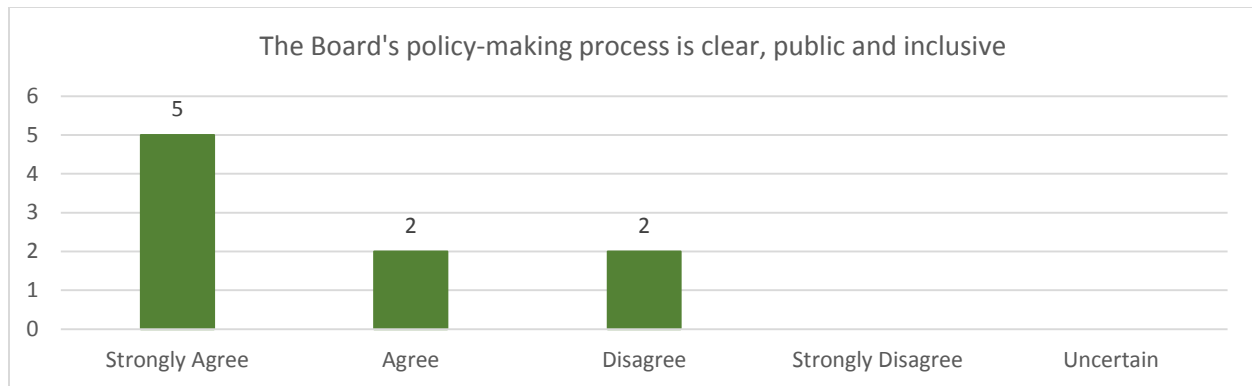
Board Policy-Making Rule and Function.

Five questions were asked in this area:

- The Board understands that its primary role and function is policy-making.
- The Board's policy-making process is clear, public and inclusive.
- The Board periodically reviews its policies to ensure that both its Bylaws and Policy Manual are current, relevant and useful.
- Board members uphold the final majority decision of the Board.
- The Board regularly reviews the role, scope and mission of the University.

The responses are presented below:



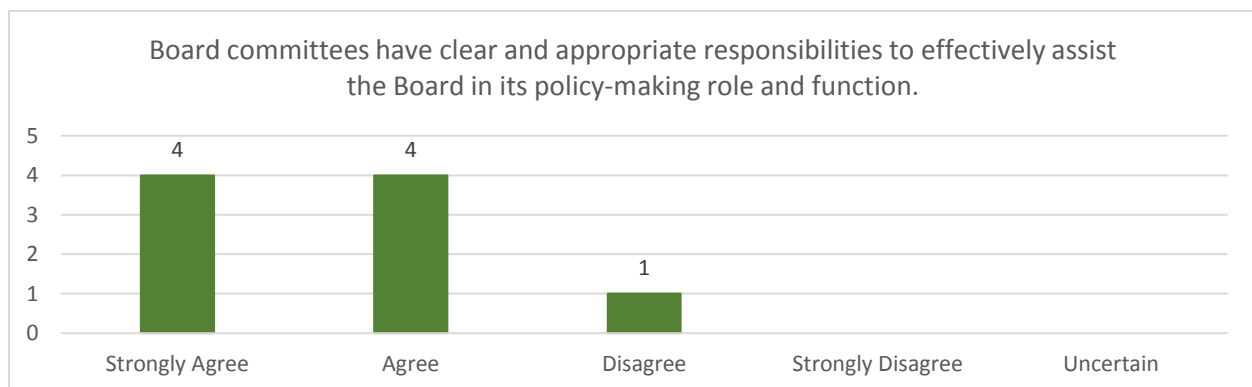
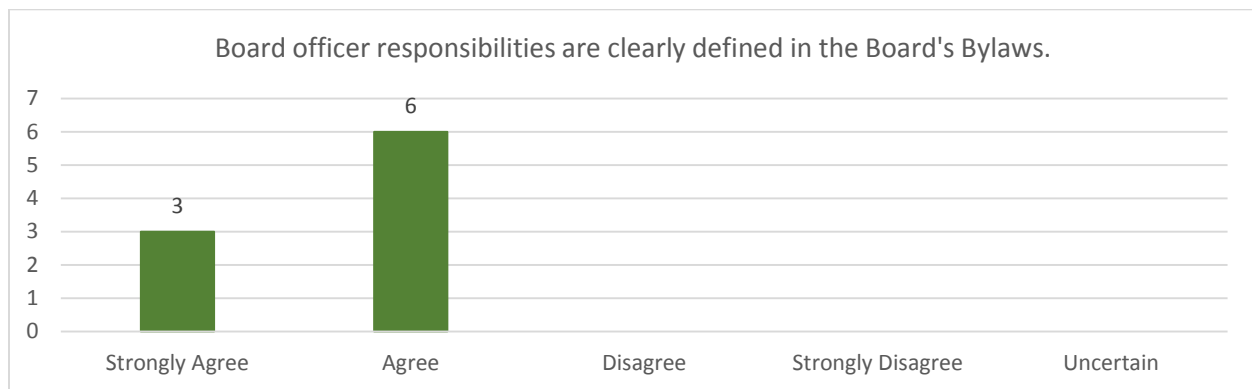


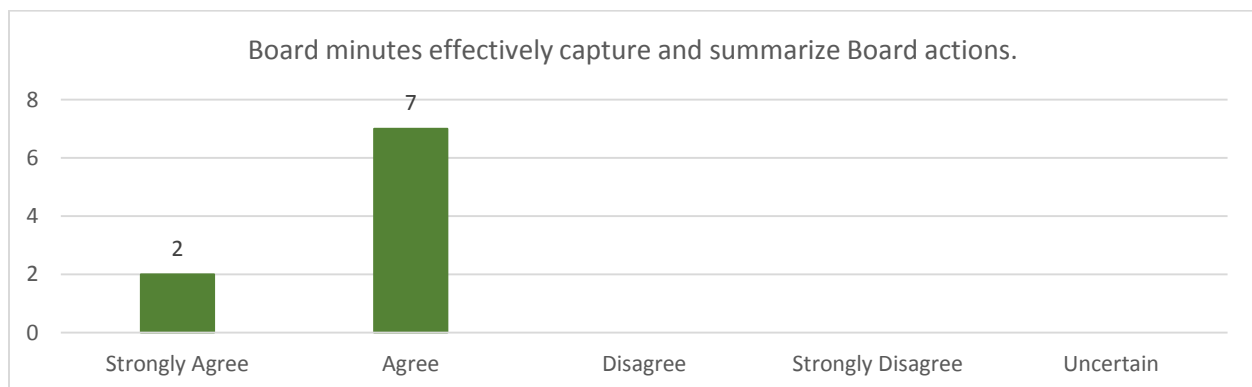
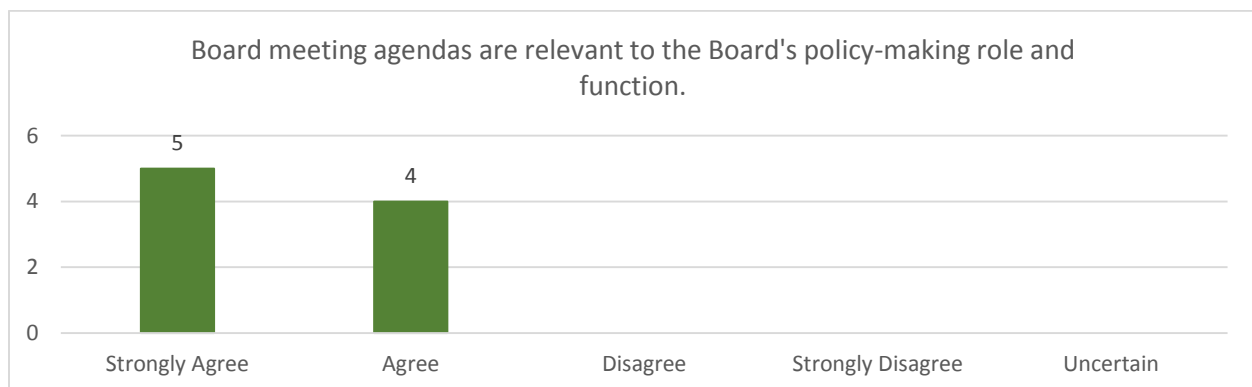
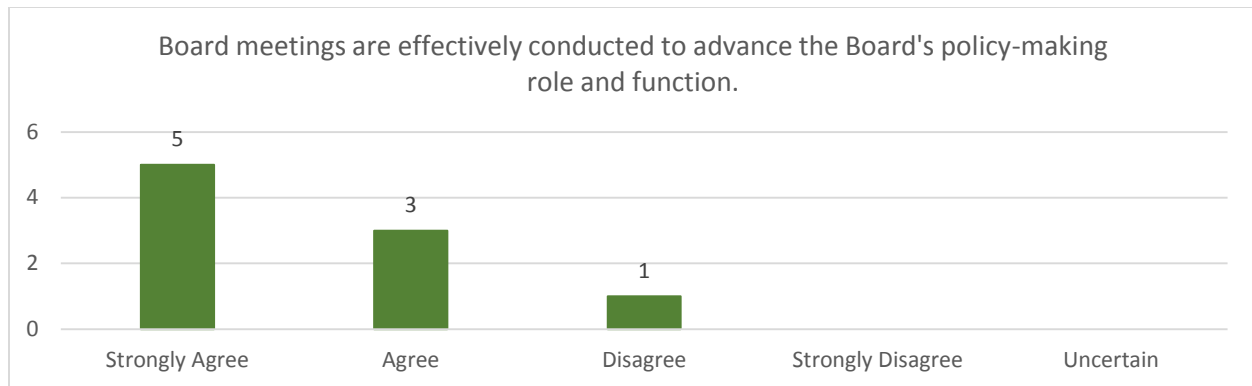
Board Organization and Operation

Questions in this area are:

- Board officer responsibilities are clearly defined in the Board's Bylaws.
- Board committees have clear and appropriate responsibilities to effectively assist the Board in its policy-making role and function.
- Board meetings are effectively conducted to advance the Board's policy-making role and function.
- Board meeting agendas are relevant to the Board's policy-making role and function.
- Board minutes effectively capture and summarize Board actions.

Below are the responses:



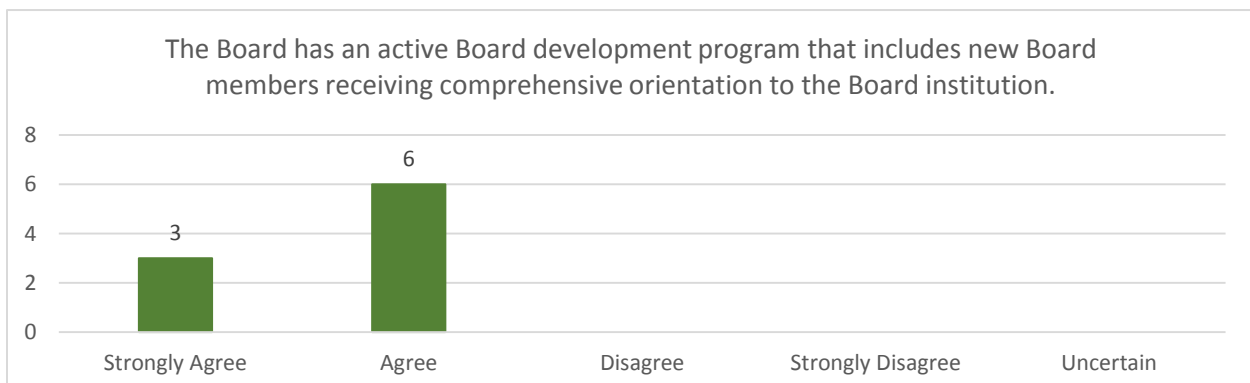
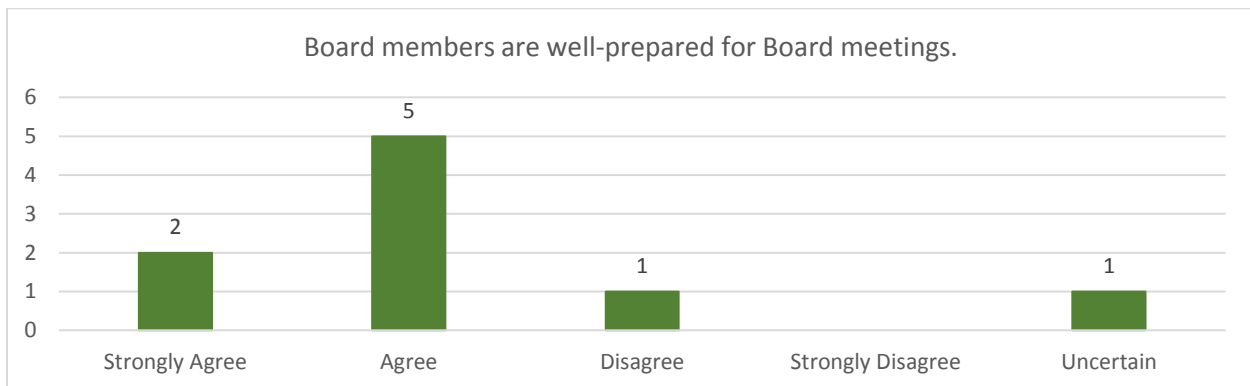
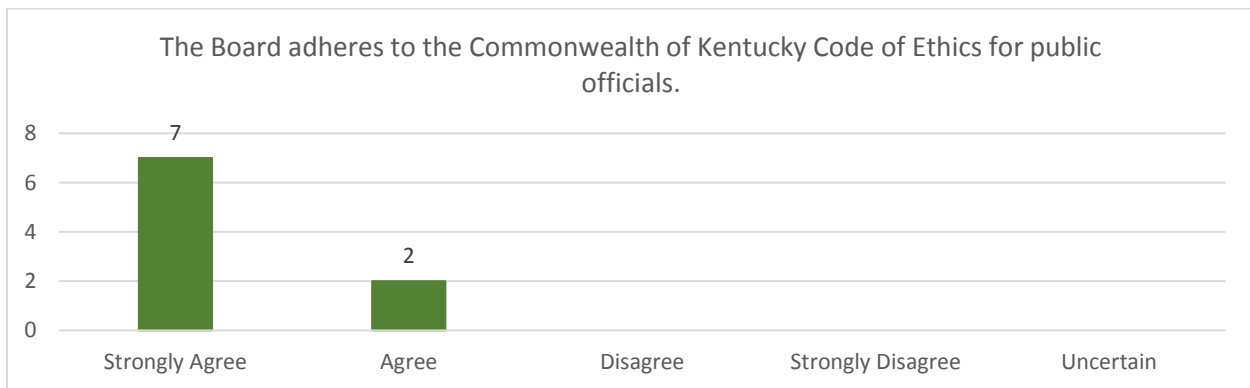
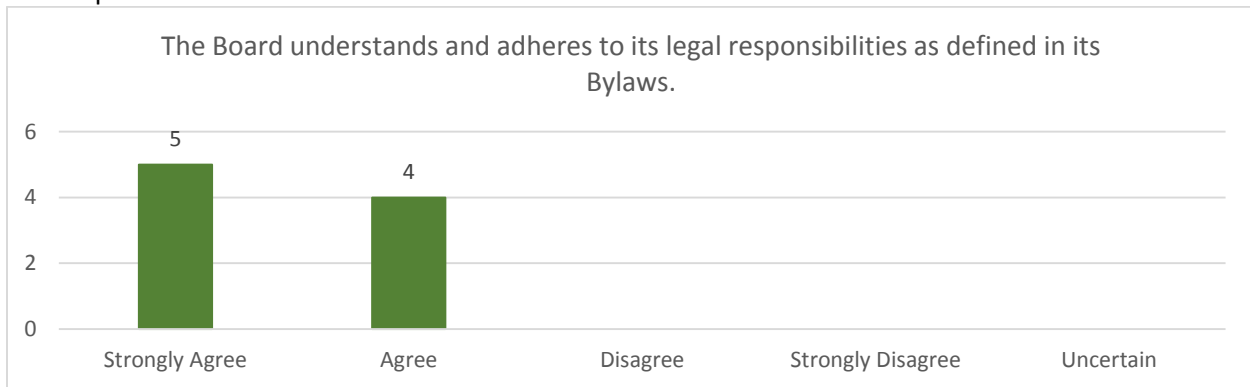


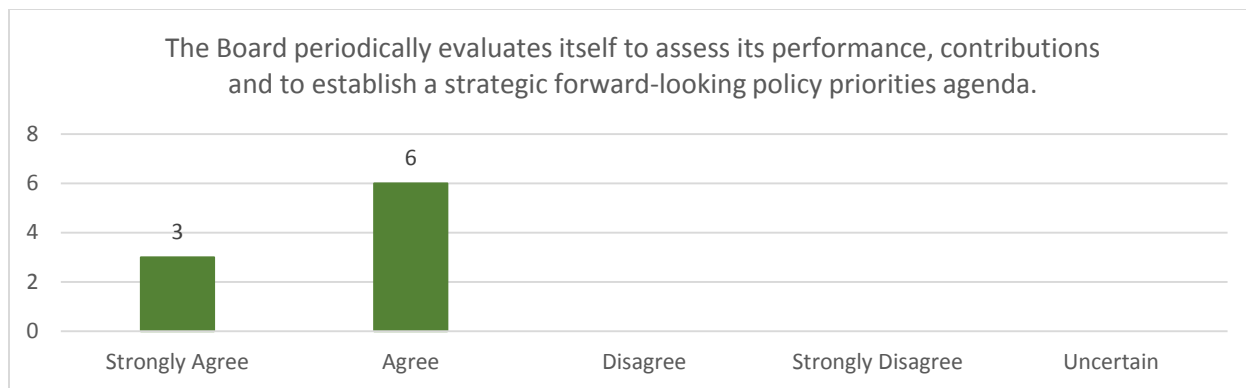
Board Leadership and Accountability

There were five questions asked in this area:

- The Board understands and adheres to its legal responsibilities as defined in its Bylaws.
- The Board adheres to the Commonwealth of Kentucky Code of Ethics for public officials.
- Board members are well-prepared for Board meetings.
- The Board has an active Board development program that includes new Board members receiving comprehensive orientation to the Board institution.
- The Board periodically evaluates itself to assess its performance, contributions and to establish a strategic forward-looking policy priorities agenda.

The responses:





Board Expectations

The questions in this area are:

- The Board engages in long-range strategic planning evidenced by a current Board Strategic Plan and expects its institution to do likewise.
- The Board expects the development and implementation of an institutional effectiveness model across the University designed to establish an evidence-based planning and assessment culture focused on continuous improvement that will further elevate academic and administrative excellence.
- The Board monitors the effectiveness of the University in fulfilling its stated mission by routinely examining performance data for established expected outcomes for the University.
- The Board expects the development and implementation of a financial health index across the University.
- The Board expects to be informed of all relevant accomplishments, issues and concerns across the University.

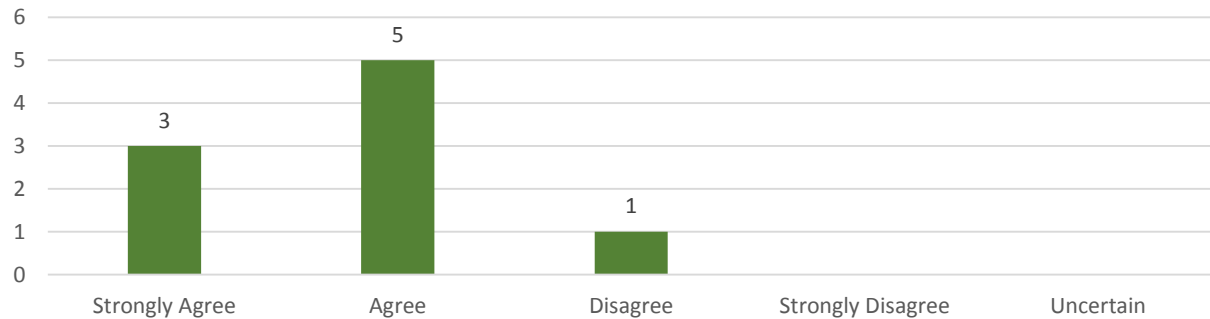
Below are the responses:



The Board expects the development and implementation of an institutional effectiveness model across the University designed to establish an evidence-based planning and assessment culture focused on continuous improvement that will further elevate academic

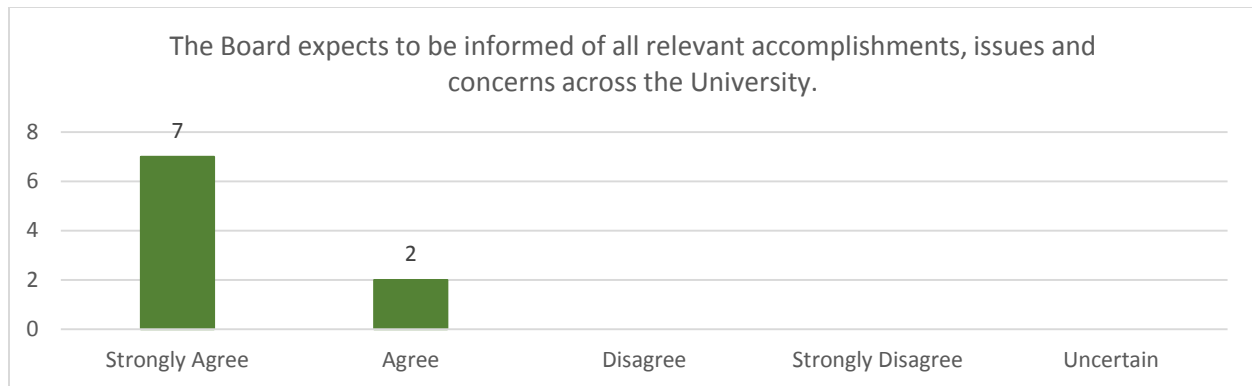


The Board monitors the effectiveness of the University in fulfilling its stated mission by routinely examining performance data for established expected outcomes for the University.



The Board expects the development and implementation of a financial health index across the University.



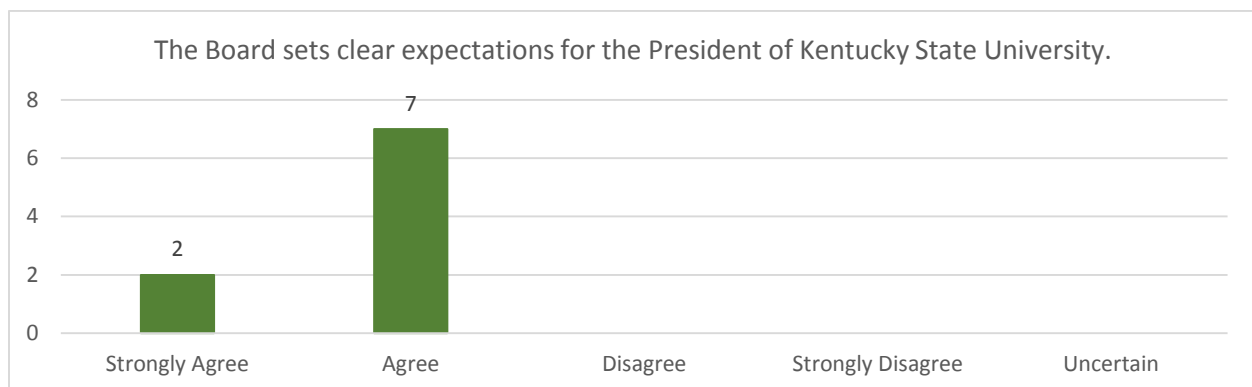


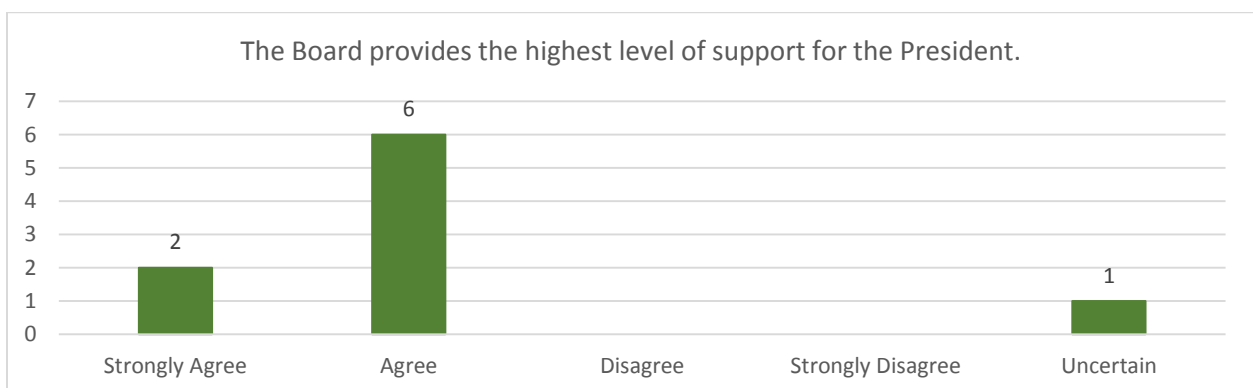
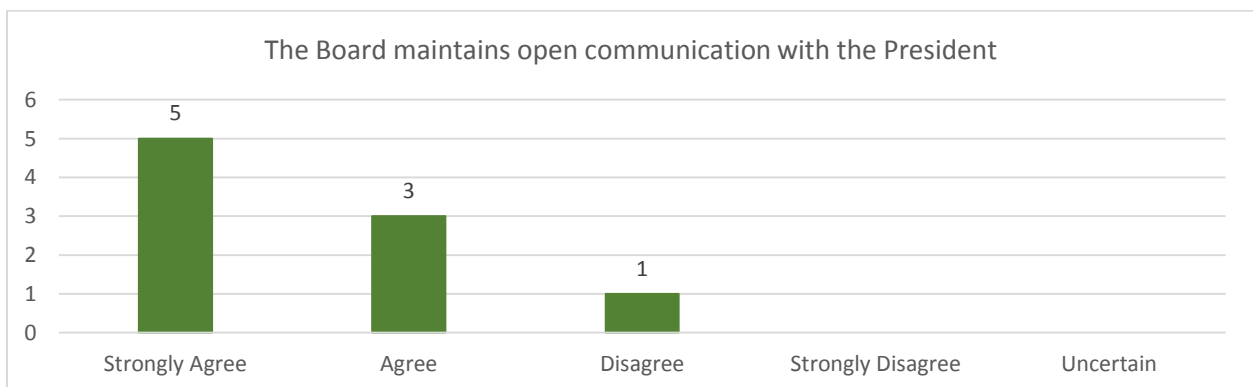
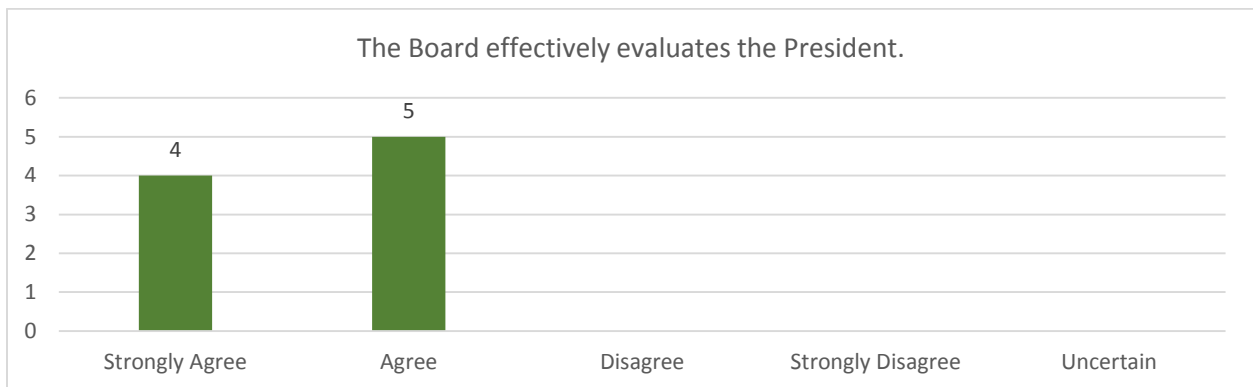
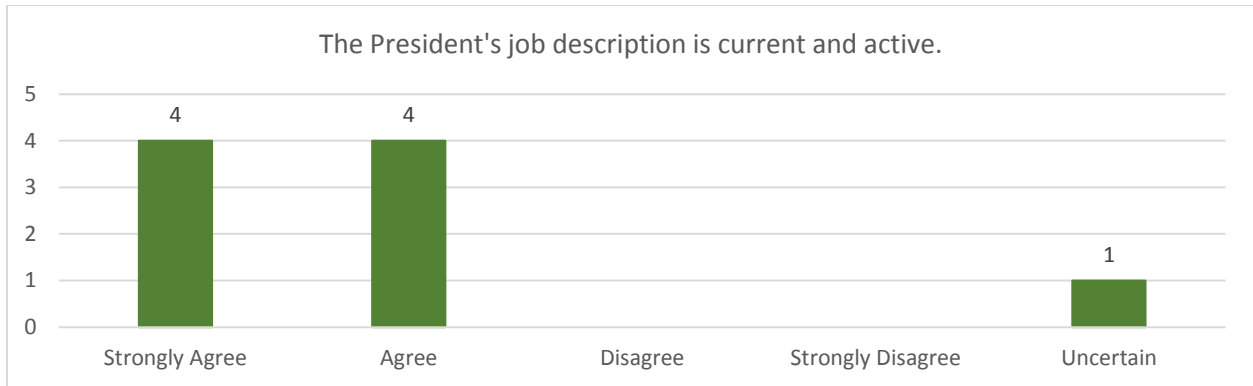
Board - President Relations

Questions are:

- The Board sets clear expectations for the President of Kentucky State University.
- The President's job description is current and active.
- The Board effectively evaluates the President.
- The Board maintains open communication with the President
- The Board provides the highest level of support for the President.

The responses are below:





Comparing this year's responses with the last year, a weighted average was calculated for each questions. The result is below.

Questions	Average 2020	Average 2019	Indicator
The Board understands that its primary role and function is policy-making.	3.1	3.5	↓
The Board's policy-making process is clear, public and inclusive.	3.0	3.0	≡
The Board periodically reviews its policies to ensure that both its Bylaws and Policy Manual are current, relevant and useful.	2.6	3.0	↓
Board members uphold the final majority decision of the Board.	3.2	3.4	↓
The Board regularly reviews the role, scope and mission of the University.	2.6	3.3	↓
Board officer responsibilities are clearly defined in the Board's Bylaws.	3.0	3.2	↓
Board committees have clear and appropriate responsibilities to effectively assist the Board in its policy-making role and function.	3.0	3.3	↓
Board meetings are effectively conducted to advance the Board's policy-making role and function.	3.1	3.4	↓
Board meeting agendas are relevant to the Board's policy-making role and function.	3.2	3.3	↓
Board minutes effectively capture and summarize Board actions.	2.9	3.4	↓
The Board understands and adheres to its legal responsibilities as defined in its Bylaws.	3.2	3.1	↑
The Board adheres to the Commonwealth of Kentucky Code of Ethics for public officials.	3.4	3.5	↓
Board members are well-prepared for Board meetings.	2.5	2.8	↓
The Board has an active Board development program that includes new Board members receiving comprehensive orientation to the Board institution.	3.0	3.4	↓
The Board periodically evaluates itself to assess its performance, contributions and to establish a strategic forward-looking policy priorities agenda.	3.0	3.4	↓
The Board engages in long-range strategic planning evidenced by a current Board Strategic Plan and expects its institution to do likewise.	2.4	2.8	↓
The Board expects the development and implementation of an institutional effectiveness model across the University designed to establish an evidence-based planning and assessment culture focused on continuous improvement that will further elevate academic and administrative excellence.	3.1	3.0	↑
The Board monitors the effectiveness of the University in fulfilling its stated mission by routinely examining performance data for established expected outcomes for the University.	2.9	3.0	↓
The Board expects the development and implementation of a financial health index across the University.	3.1	3.1	≡

The Board expects to be informed of all relevant accomplishments, issues and concerns across the University.	3.4	3.4	☰
The Board sets clear expectations for the President of Kentucky State University.	2.9	3.5	⬇️
The President's job description is current and active.	2.8	3.5	⬇️
The Board effectively evaluates the President.	3.1	3.1	☰
The Board maintains open communication with the President	3.1	3.6	⬇️
The Board provides the highest level of support for the President.	2.6	3.6	⬇️
Overall Rating of the Board's Performance	3.0	3.2	⬇️

Overall, the Board members feel slightly less confidence this year when compared to last year's, but still in the satisfactory level.

The last six essay responses are being grouped by the keywords to be analyzed. The grouping are shown below.

Questions	Keywords	Frequency
What are the Board's greatest strengths? (List at least 3 examples)	Diversity	4
	Organized/focused/unity	4
	Leadership/Expertise	3
	Enthusiasm/care/understand	3
	Engaged/involved	2
	Collegial/unity	1
	Communication	1
	Multitask	1
	Board size	1
What are the areas in which the Board could improve? (List at least 3 examples)	Communication	4
	Preparedness for meeting/receiving materials prior	3
	Develop policy/vision	2
	Public Relations	2
	More student focused	1
	Engage more	1
	Face to face meeting	1
	Alignment with strategic plan	1
	Separate meeting for committee	1
	Better attention	1
What are the major accomplishments of the Board this past year? (List at least 3 examples)	Approved various action items	6
	Better university performance	2
	Supporting/evaluating President	2
	Covid related decisions	2
	Function efficiently	2
	Increased Board involvement	1
	Financial strength	1
	Moving in the right path	1

As a Board member, I am most pleased about:	Board's dedication/leadership/collaboration	5
	Better university performance	1
	President's leadership	1
As a Board member, I am most concerned about:	Finance	2
	Staff turnover/pay scales	2
	Board's engagement	1
	Integrity of committee	1
	University vision	1
I recommend that the Board adapt the following three (3) goals for the coming year. The analysis and discussion of the Board Self-Evaluation results will serve as the basis for establishing future goals.	Better committee meeting	3
	Better financial state/more financial report	3
	Encourage Board members to give to University/more involve	2
	Evolve the university to the greater	1
	Better policy	1
	More Board meeting	1
	Weekly President's report	1
	Board materials to be sent early	1
	Improve student body	1
	Promote employees loyalty	1
	Better manage the disagreement	1
	Focus on strategic agenda	1
	Grow the endowment	1
	Improve buildings condition	1
	Trust President's work	1



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021

SUBJECT: Overview of Campus KRS Pension Liabilities and Obligations

FROM: EXECUTIVE AND AUDIT

ACTION ITEM: NO

BACKGROUND: Provide an overview of the process by which Kentucky State University reviewed Campus KRS Pension Liabilities and Obligations, to determine continuation in state pension system.

(1) In accordance with KRS 61.520 each department determined by the board to be eligible and qualified for participation shall participate in the system when the Governor by appropriate executive order, the authority to issue such executive order being granted, directs such department to participate in the system. The effective date of such participation shall be determined by the board and fixed by the Governor in his executive order.

(2)(a) Notwithstanding the provisions of subsection (1) above of this section the Governor is authorized to permit any state college or university, which he directs by appropriate executive order to participate in the system after January 1, 1972, to include its noninstructional employees in the membership of the system while excluding the instructional employees of the state college or university from membership.

SUMMARY OF PROGRAMS/ACTIVITIES: The University has evaluated all options and has elected to continue participation in the Kentucky Retirement System. This staff note and attachment provides a summary of all actions taken in regard to reviewing KRS Pension Liabilities and Obligations.

- **July 2019**
 - o House Bill 1 – Signed 7/24/19
- **September 2019**
 - o September 5, 2019 Quarterly Meeting
- **October 2019**
 - o October 3, 2019 Email to Board
 - o October 16, 2019 – Actuarial Report Completed
- **December 2019**
 - o December 5, 2019 Quarterly Meeting
- **March 2020**
 - o March 5, 2020 Quarterly Meeting – Action Items Approved by Board of Regents
 - o March 31, 2020 EVP Allen submitted letter to KERS



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

ALIGNMENT WITH STRATEGIC GOALS:

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

Goal 4: Enhance the Impact of External Relations and Development.

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: N/A

FISCAL IMPLICATIONS: The University contributes \$1,900,000 annually to the Pension Trust Fund (KRS) on behalf of qualified staff. The University contributes approximately \$1,800,000 annually to the Pension Trust Fund (KTRS) on behalf of participating faculty and staff. This will save approximately \$300,000 more than discontinuing service with the Kentucky Retirement System.

RECOMMENDATION: N/A

ATTACHMENTS: YES

KERS Pension Decision Timeline/Communication

- **July 2019**
 - House Bill 1 – Signed 7/24/19 (Attached)
- **September 2019**
 - September 5, 2019 Quarterly Meeting
 - President's Quarterly Report (Outline Attached)
 - Policies
 - HB1- Act relating to the KERS and declaring an emergency
 - Meeting of the Governance Committee (Meeting Agenda & Staff Note Attached)
 - Update on HB1, Kentucky Comprehensive Universities and Quasi-Governmental Agencies Pension Reform
- **October 2019**
 - October 3, 2019 Email to Board (Email & Attachments Attached)
 - BOR September Meeting – Follow Up Documents from Government Relations
 - Included Quasi-Governmental Cessation
 - October 16, 2019 – Actuarial Report Completed (Attached)
- **December 2019**
 - December 5, 2019 Quarterly Meeting
 - President's Quarterly Report (Outline Attached with Pension Related Articles)
 - Policies
 - HB1- Act relating to the KERS and declaring an emergency
- **March 2020**
 - March 5, 2020 Quarterly Meeting
 - Board Approved the Following Action Items
 - Meeting of the Executive and Audit Committee (Meeting Agenda, Staff Notes, and Meeting Minutes Attached)
 - Approval of Continuance within the Kentucky Retirement System (KRS)
 - Motion: Regent Harnice
 - Seconded: Regent Barfield
 - Passed w/o Dissent
 - Approval of Continuance within the Kentucky Teacher Retirement System (KTRS)
 - Motion: Regent Harnice
 - Seconded: Regent Barfield
 - Passed w/o Dissent
 - March 31, 2020
 - EVP Allen submitted letter to KERS (Attached with Completed Actuarial Report)

KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

Meeting of the Executive and Audit Committee

Thursday, March 5, 2020

(Following the Brand Identity and University Relations Committee Meeting)

Board of Regents Room
2nd Floor Julian M. Carroll Academic Services Building
Frankfort, Kentucky 40601

AGENDA

1. Call to Order Regent Elaine Farris, Chair
 2. Roll Call Dr. M. Christopher Brown II,
Board Secretary
 3. Adoption of the Agenda Regent Elaine Farris
 4. Agenda Item(s)
 - A. Action Item(s)
 - a. *Approval of Continuance within the Kentucky Retirement System (KRS)*
 - b. *Approval of Continuance within the Kentucky Teacher Retirement System (KTRS)*
 - c. *Approval of the Consultant's Proposal to Assist Executive Committee/Board of Regents in Reviewing and Developing Presidential Contract and Performance Evaluation Instrument*
 - B. Information Item(s)
 - a. *Introduction of Internal Auditor*
 5. Adjournment Regent Elaine Farris
-

MEMBERS

Regent Elaine Farris, Chair
Regent Ron Banks, Regent Mindy Barfield, Regent Paul Harnice,
Regent Dalton Jantzen, Regent Roger Reynolds



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: March 5, 2020
SUBJECT: Approval of Continuance within the Kentucky Retirement System (KRS)
FROM: EXECUTIVE AND AUDIT
ACTION ITEM: YES

BACKGROUND: (1) In accordance with KRS 61.520 each department determined by the board to be eligible and qualified for participation shall participate in the system when the Governor by appropriate executive order, the authority to issue such executive order being granted, directs such department to participate in the system. The effective date of such participation shall be determined by the board and fixed by the Governor in his executive order.

(2)(a) Notwithstanding the provisions of subsection (1) above of this section the Governor is authorized to permit any state college or university, which he directs by appropriate executive order to participate in the system after January 1, 1972, to include its noninstructional employees in the membership of the system while excluding the instructional employees of the state college or university from membership.

SUMMARY OF PROGRAMS/ACTIVITIES: The University has evaluated all options and has elected to continue participation in the Kentucky Retirement System

ALIGNMENT WITH STRATEGIC GOALS:

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

Goal 4: Enhance the Impact of External Relations and Development.

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: N/A

FISCAL IMPLICATIONS: The University contributes \$1,900,000 annually to the Pension Trust Fund on behalf of qualified staff.

RECOMMENDATION: Approval of Continuance within the Kentucky Retirement System (KRS)

ATTACHMENTS: N/A

**KENTUCKY STATE UNIVERSITY
BOARD OF REGENTS
Meeting of the Executive and Audit Committee**

Thursday, March 5, 2020

1:00 p.m.

Board of Regents Room
2nd Floor Julian M. Carroll Academic Services Building
Frankfort, Kentucky 40601

MINUTES

Call to Order

Regent Farris, Chair of the Executive and Audit Committee, called the meeting to order at 2:55 p.m.

Roll Call

Regent Elaine Farris, Chair	Present
Regent Ron Banks	Present
Regent Mindy Barfield	Present
Regent Paul Harnice	Present
Regent Dalton Jantzen	Present
Regent Roger Reynolds	Present

Quorum was established.

Adoption of the Agenda

MOTION by Regent Harnice:

Move the Committee to adopt the agenda of the March 5, 2020 Executive and Audit Committee Meeting.

Seconded by Regent Banks and passed without dissent.

Agenda Item(s)

Action Item(s):

Douglas R. Allen II, Executive Vice President for Finance and Administration and CFO, apprised the Board that remaining in Kentucky Retirement System and Kentucky Teacher Retirement System keeps KSU's contributions at forty-nine to forty-seven (49-47) percent, approximately 1.9 million per year. If KSU opts out of the current systems, contributions could reach ninety-three and one-tenth (93.1) percent. Regent Harnice asked, and received confirmation, that it is management's recommendation that KSU remain in both systems and that there is no indication that it would be a good idea to leave either system.

MOTION by Regent Harnice:

Move the Committee to approve that Kentucky State University continue with the Kentucky Retirement System (KRS).

Seconded by Regent Barfield and passed without dissent.

MOTION by Regent Harnice:

Move the Committee to approve that Kentucky State University continue with the Kentucky Teacher Retirement System (KTRS).

Seconded by Regent Barfield and passed without dissent.

MOTION by Regent Barfield:

Move the Committee to approve the proposal of the consultant, Raymond Cotton, to assist the Executive Committee/Board of Regents in reviewing and developing the presidential contract and the performance evaluation instrument.

Seconded by Regent Jantzen and passed without dissent.

Information Item(s) EVP Allen introduced the new Internal Auditor, Mr. James Harris, to the Committee and Mr. Harris explained his goals for his employment at KSU. Chairperson Farris requested the Annual Internal Audit Plan and the Internal Audit Charter, as outlined in the Gold Book, for the Committee to review.

Adjournment

MOTION by Regent Jantzen:

Move the Executive and Audit Committee to adjourn.

Seconded by Regent House-Mansfield and passed without dissent.



Wesley J. Wickenheiser, FSA, EA, MAAA
9510 Ormsby Station Road
Louisville, KY 40223
502.253.4625
Wesley.Wickenheiser@findley.com

Benjamin J. Evans, Partner
3500 National City Tower
101 South Fifth Street
Louisville, KY 40202
502.587.3678
Bevans@BGDLegal.com

October 16, 2019

Mr. Douglas R. Allen II

Executive Vice President /CEO of Finance and Administration
Kentucky State University
400 East Main Street
Frankfort, KY 40601

Dear Mr. Allen II:

On July 24, 2019, House Bill 1 (HB1) was signed into law, allowing certain employers a window to elect to opt out of the Kentucky Employees Retirement System ("KERS").


Employers contemplating withdrawing from KERS are required to request an estimate of the cost prior to December 31, 2019. Employers opting out of KERS are required to pay their respective shares of the unfunded pension liability. This obligation can be met by either a lump sum payment or in installments paid over a period not to exceed 30 years. Employers must submit this election between April 1, 2020 and May 1, 2020. Employers opting out are required to make available an alternative defined contribution retirement program for their employees. The effective date of cessation is June 30, 2020.


Employers affected by this new legislation are certain quasi-governmental employers. It appears that HB1 also applies to Kentucky State University. This group of employers covers local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges and the Kentucky Higher Education Student Loan Corporation.

This is a significant, complex financial and fiduciary decision for Kentucky State University and its stakeholders. We want you to know that you have local actuarial and benefits consulting resources and legal support to help you evaluate and decide whether to remain with KERS or exit KERS and establish your own successor defined contribution plan. Findley's office in Louisville has been providing employee benefits consulting and actuarial services for more than 40 years. BGD's office in Louisville has been providing legal services for more than 50 years.

We may be calling to see if we can be of assistance and answer any immediate questions you might have. In the meantime, please feel free to contact Wes Wickenheiser at 502.253.4625 or Wesley.Wickenheiser@findley.com or Ben Evans at 502.587.3678 or Bevans@BGDLegal.com.

Sincerely,


Wesley J. Wickenheiser, FSA, EA, MAAA
Principal and Consulting Actuary


Benjamin J. Evans
Partner

**Kentucky Retirement Systems**

1260 Louisville Rd. • Frankfort KY 40601-6124

Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

**Form 7726**
08/2019**Request for Estimated Cost of Voluntary Cessation from KERS under KRS 61.522(8)****Agency Information**

Full Legal Name of Agency: Kentucky State University		Phone Number: 502-597-6434	
Address: 400 East Main Street	City: Frankfort	State: KY	Zip Code: 40601
KRS Employer Code 3801			

Name of person to contact regarding this application for estimate: Jessica Burton			
Address: 400 East Main Street	City: Frankfort	State: KY	Zip Code: 40601
Phone Number: 502-597-6434	Fax:	E-mail: jessica.burton@kysu.edu	

Name of Agency Head: Douglas Allen II			
Address: 400 East Main Street	City: Frankfort	State: KY	Zip Code: 40601
Phone Number: 502-597-5075	Fax:	E-mail: douglas.allen@kysu.edu	

Name of Reporting Official: Candance Raglin			
Address: 400 East Main Street	City: Frankfort	State: KY	Zip Code: 40601
Phone Number: 502-597-6502	Fax:	E-mail: candance.raglin@kysu.edu	

Name of Attorney representing agency (if any): Shuo Han			
Address: 400 East Main Street	City: Frankfort	State: KY	Zip Code: 40601
Phone Number: 502-597-5945	Fax:	E-mail: Shuo.Han@kysu.edu	

This estimate of the full actuarial cost of voluntary cessation under KRS 61.522(8) provided by Kentucky Retirement Systems will be based on unaudited information currently in Kentucky Retirement Systems' database with projections that current employees will stay employed and earn service credit until June 30, 2020 and will continue to earn the same creditable compensation. This estimate shall not be binding on Kentucky Retirement Systems and shall not be relied upon by the requesting employer.

Douglas R. Allen II
Name of Agency Head

EVP, Finance & Administration

Title of Agency Head

acknowledge and agree

that the estimate of the full actuarial cost of voluntary cessation under KRS 61.522(8) to be provided by Kentucky Retirement Systems is only an estimate based on unaudited information currently in Kentucky Retirement Systems' database with projections that current employees will stay employed and earn service credit until June 30, 2020 and will continue to earn the same creditable compensation. This estimate shall not be binding on Kentucky Retirement Systems and shall not be relied upon by the requesting employer.

Douglas R. Allen II
Agency Head Signature

IMPORTANT DATES TO REMEMBER:

Now – December 30, 2019	Period in which an employer may request an estimate from the Systems regarding the cost of cessation.
December 30, 2019	Last day an employer may request an estimate from the Systems (the Systems has 60 days from date of request to provide the estimate).
January 31, 2020	First date that the Systems is required to provide estimates to employers.
February 28, 2020	Last day the Systems may provide estimates to employers who requested one.
April 1, 2020	First day an employer may submit a resolution to the Systems voluntarily ceasing participation in KERS.
April 30, 2020	Last day an employer may submit a resolution to the Systems voluntarily ceasing participation in KERS.
April 30, 2020	Last day an employer may rescind a previously submitted resolution to the Systems voluntarily ceasing participation in KERS.
June 30, 2020	Effective date of cessation for any employers who opted-out of KERS.



January 28, 2020

Mr. David Eager
Executive Director
Kentucky Retirement Systems
1260 Louisville Road
Frankfort, KY 40601

Re: Preliminary Cessation Liability for Kentucky State University under House Bill 1 (2019 Special Session)

Dear Mr. Eager:

Below are the results of the calculations of the preliminary actuarial cost associated with the cessation of Kentucky State University from the Kentucky Employees Retirement System Non-Hazardous Fund (KERS-NH) under the provisions established in subsection (8) of KRS 61.522. These statutes allow an eligible employer to voluntarily cease participating in KERS-NH effective June 30, 2020 under different provisions than are generally provided by KRS 61.522. An employer must make an election on or after April 1, 2020 but prior to May 1, 2020.

The analysis contained in this letter is a preliminary cessation liability as of June 30, 2020 based on financial and membership data available as of June 30, 2019. If the employer elects to withdraw from KERS-NH, a final actuarial cost will be provided in early 2021, which will be based on plan assets, actuarial assumptions, plan provisions and census information as of June 30, 2020. The final actuarial cost could vary significantly from the preliminary calculation contained in this letter.

Table 1: Summary of Cessation Cost

	Cessation Cost as of June 30, 2020	Annual Payment Beginning July 1, 2020	Discount Rate used to Calculate Cessation Cost	Current Employees Continue Participating?
Option #1 (Hard Freeze, Lump Sum)	\$39,907,488	N/A (lump sum required)	4.50%	No
Option #2 (Soft Freeze, Lump Sum)	\$51,423,410	N/A (lump sum required)	3.50%	Tier 1/2 Only
Option #3 (Hard Freeze, Installments)	\$45,773,787	\$2,362,508 ⁱ (payable for 30 years)	3.50%	No
Option #4 (Soft Freeze, Installments)	\$55,968,813	\$3,150,448 ⁱ (payable for 30 years)	3.00%	Tier 1/2 Only
No Election to Cease Participation	N/A	\$4,441,821 ⁱⁱ	N/A	Yes

ⁱ Amount increases by 1.5% annually. See tables 5 and 7 for additional information.

ⁱⁱ Estimated annual required contribution based on the actuarially determined contribution rate of 93.01% calculated in the June 30, 2019 actuarial valuation and estimated FY 20/21 payroll. Actual contributions will be based on the contribution rate budgeted by the General Assembly and actual payroll for FY 20/21.

Cessation Option #1: Hard Freeze and pay actuarial cost as a lump-sum payment

Under cessation option #1, all active employees will become inactive members effective June 30, 2020. The employees' accrued benefits will be frozen and they will cease earning additional service credit applicable for retirement eligibility. The cessation cost is determined as of June 30, 2020 and must be paid in a one-time lump-sum payment prior to July 1, 2021 (with interest from July 1, 2020 to the payment date based on a 5.25% annual rate for the retirement fund and a 6.25% annual rate for the insurance fund).

Table 2: Cessation Cost under Option #1

	Retirement Fund	Insurance Fund	Total
1. Full Actuarial Cost for Active Members	\$ 9,285,984	\$ 3,225,975	\$ 12,511,959
2. Full Actuarial Cost for Vested Inactive Members	2,631,212	983,588	3,614,800
3. Full Actuarial Cost for Other Inactive Members	144,081	-	144,081
4. Full Actuarial Cost for Members In Receipt of Benefits	26,174,243	5,103,864	31,278,107
5. Full Actuarial Cost: (1) + (2) + (3) + (4)	\$ 38,235,520	\$ 9,313,427	\$ 47,548,947
6. Allocated Market Value of Assets	4,967,781	2,673,678	7,641,459
7. Unfunded Actuarial Cessation Cost: (5) – (6)	\$ 33,267,739	\$ 6,639,749	\$ 39,907,488
8. Lump Sum Payable on June 30, 2021 ¹	\$ 35,014,295	\$ 7,054,733	\$ 42,069,028

¹ Illustrative purposes only. The lump-sum payment may be made on any date prior to July 1, 2021.

Cessation Option #2: Soft Freeze and pay actuarial cost as a lump-sum payment

Under cessation option #2, active employees earning benefits in the KERS Non-Hazardous Hybrid Cash Balance plan will become inactive members effective June 30, 2020. These employees' accrued benefits will be frozen and they will cease earning additional service credit applicable for retirement eligibility. Active employees earning Tier 1 or Tier 2 benefits will continue to contribute and earn service credit for as long as they remain employed by the employer in a regular full-time position that is eligible to participate in KERS-NH. The cessation cost is determined as of June 30, 2020 and must be paid in a one-time lump-sum payment prior to July 1, 2021 (with interest from July 1, 2020 to the payment date based on a 5.25% annual rate for the retirement fund and a 6.25% annual rate for the insurance fund).

Table 3: Cessation Cost under Option #2

	Retirement Fund	Insurance Fund	Total
1. Full Actuarial Cost for Active Members	\$ 15,225,650	\$ 4,625,933	\$ 19,851,583
2. Full Actuarial Cost for Vested Inactive Members	3,008,954	1,227,711	4,236,665
3. Full Actuarial Cost for Other Inactive Members	144,081	-	144,081
4. Full Actuarial Cost for Members in Receipt of Benefits	29,092,174	5,740,366	34,832,540
5. Full Actuarial Cost: (1) + (2) + (3) + (4)	\$ 47,470,859	\$ 11,594,010	\$ 59,064,869
6. Allocated Market Value of Assets	4,967,781	2,673,678	7,641,459
7. Unfunded Actuarial Cessation Cost: (5) – (6)	\$ 42,503,078	\$ 8,920,332	\$ 51,423,410
8. Lump Sum Payable on June 30, 2021 ¹	\$ 44,734,490	\$ 9,477,853	\$ 54,212,343

¹ Illustrative purposes only. The lump-sum payment may be made on any date prior to July 1, 2021.

Cessation Option #3: Hard Freeze and pay actuarial cost in installments

Under cessation option #3, all active employees will become inactive members effective June 30, 2020 and will cease earning additional service credit applicable for the calculation of the benefit amount and for retirement eligibility. The cessation cost is determined as of June 30, 2020 and must be paid in monthly installments beginning July 1, 2020. The annual amount paid from July 1, 2020 through June 30, 2021 will be equal to the greater of:

- (1) Actual contributions paid by the employer from July 1, 2019 through June 30, 2020; or
- (2) 49.47% times the annualized average of creditable compensation reported to the system over the last 60 months occurring prior to July 1, 2019.

The total annual payment due will be increased by 1.50% each year until the unfunded actuarial cessation cost is paid for in full or until 30 years of payments are made. Annual interest at a rate equal to 5.25% for the retirement fund and 6.25% for the insurance fund will be applied.

Table 4: Cessation Cost under Option #3

	Retirement Fund	Insurance Fund	Total
1. Full Actuarial Cost for Active Members	\$ 10,487,713	\$ 3,714,247	\$ 14,201,960
2. Full Actuarial Cost for Vested Inactive Members	3,008,954	1,227,711	4,236,665
3. Full Actuarial Cost for Other Inactive Members	144,081	-	144,081
4. Full Actuarial Cost for Members in Receipt of Benefits	29,092,174	5,740,366	34,832,540
5. Full Actuarial Cost: (1) + (2) + (3) + (4)	\$ 42,732,922	\$ 10,682,324	\$ 53,415,246
6. Allocated Market Value of Assets	4,967,781	2,673,678	7,641,459
7. Unfunded Actuarial Cessation Cost: (5) – (6)	\$ 37,765,141	\$ 8,008,646	\$ 45,773,787
8. Actual contributions for FY 19/20	\$ 1,960,877	\$ 401,631	\$ 2,362,508
9. 49.47% x Annualized 60-month average payroll	\$ 1,726,565	\$ 353,639	\$ 2,080,204
10. Annual Payment for FY 20/21: Greater of (8) or (9)	\$ 1,960,877	\$ 401,631	\$ 2,362,508

Table 5: Annual Payment¹ Schedule under Option #3

FY 20/21	\$ 2,362,508	FY 28/29	\$ 2,661,347	FY 36/37	\$ 2,997,989	FY 44/45	\$ 3,377,213
FY 21/22	2,397,945	FY 29/30	2,701,268	FY 37/38	3,042,959	FY 45/46	3,427,871
FY 22/23	2,433,914	FY 30/31	2,741,787	FY 38/39	3,088,604	FY 46/47	3,479,289
FY 23/24	2,470,423	FY 31/32	2,782,914	FY 39/40	3,134,933	FY 47/48	3,531,478
FY 24/25	2,507,480	FY 32/33	2,824,658	FY 40/41	3,181,957	FY 48/49	3,584,450
FY 25/26	2,545,092	FY 33/34	2,867,028	FY 41/42	3,229,686	FY 49/50	3,638,216
FY 26/27	2,583,268	FY 34/35	2,910,033	FY 42/43	3,278,131		
FY 27/28	2,622,017	FY 35/36	2,953,684	FY 43/44	3,327,303		

¹ Annual payments calculated separately for retirement and Insurance plans and each will increase 1.50% annually

Cessation Option #4: Soft Freeze and pay actuarial cost in installments

Under cessation option #4, active employees earning benefits in the KERS Non-Hazardous Hybrid Cash Balance plan will become inactive members effective June 30, 2020. These employees' accrued benefits will be frozen and they will cease earning additional service credit applicable for retirement eligibility. Active employees earning Tier 1 or Tier 2 benefits will continue to contribute and earn service credit for as long as they remain employed by the employer in a regular full-time position that is eligible to participate in KERS-NH. The unfunded actuarial cessation cost is determined as of June 30, 2020 and must be paid in monthly installments beginning July 1, 2020. The annual amount paid from July 1, 2020 through June 30, 2021 will be equal to the greater of:

- (1) Actual contributions paid by the employer from July 1, 2019 through June 30, 2020; or
- (2) 49.47% times the annualized average of creditable compensation reported to the system over the last 60 months occurring prior to July 1, 2019; or
- (3) Annual contribution necessary to pay off the cessation cost within 30 years.

The total annual payment due will be increased by 1.50% each year until the unfunded actuarial cessation cost is paid for in full. Annual interest at a rate equal to 5.25% for the retirement fund and 6.25% for the insurance fund will be applied.

Table 6: Cessation Cost under Option #4

	Retirement Fund	Insurance Fund	Total
1. Full Actuarial Cost for Active Members	\$ 16,823,108	\$ 5,125,770	\$ 21,948,878
2. Full Actuarial Cost for Vested Inactive Members	3,242,716	1,381,673	4,624,389
3. Full Actuarial Cost for Other Inactive Members	144,081	-	144,081
4. Full Actuarial Cost for Members in Receipt of Benefits	30,782,350	6,110,574	36,892,924
5. Full Actuarial Cost: (1) + (2) + (3) + (4)	\$ 50,992,255	\$ 12,618,017	\$ 63,610,272
6. Allocated Market Value of Assets	4,967,781	2,673,678	7,641,459
7. Unfunded Actuarial Cessation Cost: (5) – (6)	\$ 46,024,474	\$ 9,944,339	\$ 55,968,813
8. Actual contributions for FY 19/20	\$ 1,960,877	\$ 401,631	\$ 2,362,508
9. 49.47% x Annualized 60-month average payroll	\$ 1,726,565	\$ 353,639	\$ 2,080,204
10. Annual Payment for FY 20/21: Greater of (8) or (9) unless payment must be increased to pay for cost within 30 years	\$ 2,536,514	\$ 613,934	\$ 3,150,448

Table 7: Annual Payment Schedule under Option #4

FY 20/21	\$ 3,150,448	FY 28/29	\$ 3,548,957	FY 36/37	\$ 3,997,872	FY 44/45	\$ 4,503,571
FY 21/22	3,197,705	FY 29/30	3,602,191	FY 37/38	4,057,840	FY 45/46	4,571,124
FY 22/23	3,245,670	FY 30/31	3,656,224	FY 38/39	4,118,707	FY 46/47	4,639,691
FY 23/24	3,294,355	FY 31/32	3,711,067	FY 39/40	4,180,487	FY 47/48	4,709,286
FY 24/25	3,343,771	FY 32/33	3,766,733	FY 40/41	4,243,194	FY 48/49	4,779,926
FY 25/26	3,393,927	FY 33/34	3,823,234	FY 41/42	4,306,842	FY 49/50	4,851,531
FY 26/27	3,444,836	FY 34/35	3,880,583	FY 42/43	4,371,444		
FY 27/28	3,496,509	FY 35/36	3,938,791	FY 43/44	4,437,016		

¹ Annual payments calculated separately for retirement and insurance plans and each will increase 1.50% annually

Option #5: Continue to remain a participating employer in KERS Non-Hazardous System

Absent any election to cease participation in the KERS Non-Hazardous System by April 30, 2020, the employer will remain a participating employer in the System and all current and future eligible employees will earn benefits in KERS-NH. Absent any future legislation, the employer will contribute the full board certified contribution rate on the payroll of employees earning benefits in the System, which is expected to be 93.01% of pay beginning July 1, 2020. This contribution rate may increase or decrease in future years depending on future plan experience as well as possible future legislation enacted by the General Assembly.

Calculation Process and Actuarial Assumptions

The actuarial calculations were performed in accordance with KRS 61.522, as amended by HB 1 passed during the 2019 Special Session. For the purposes of this calculation, the effective cessation date is assumed to be June 30, 2020 but the analysis is based on financial and membership data as of June 30, 2019. The total actuarial cost for all current and former employees for an employer is calculated based on the assumptions and methods described below. The allocated market value of assets is subtracted from the total actuarial cost to calculate the final cessation cost under each option.

For members active as of June 30, 2019 who will not accrue additional service after the cessation date, the members' accrued benefits are determined as of the cessation date, taking into account expected service and salaries that will be earned through June 30, 2020. Employees who are eligible to commence their retirement and health insurance benefits are assumed to do so July 1, 2020. Employees who are not eligible to commence their benefits July 1, 2020 are assumed to commence their retirement and insurance benefits at the first age they will satisfy the retirement eligibility criteria. Members active as of June 30, 2019, who will accrue additional service after the cessation date, are assumed to accrue benefits and to terminate, retire, become disabled, or die based on the actuarial assumptions documented in the June 30, 2019 actuarial valuation report.

Vested members who are inactive as of June 30, 2019 are assumed to commence their retirement and insurance benefits at the first age they will satisfy the retirement eligibility criteria. Non-vested inactive members who are due a refund are assumed to receive refunds of their member contributions at July 1, 2020.

The discount rate used to calculate the cessation cost shall be equal to 4.50%, 3.50%, 3.50%, and 3.00% under cessation options #1, #2, #3, and #4, respectively. Except where noted above, all other assumptions and methods used to determine this preliminary calculation of the cessation cost are based on the June 30, 2019 actuarial valuation (including the 2020 health insurance premiums).

The final cessation cost will be based on membership data as of June 30, 2020, actuarial assumptions and methods used in the June 30, 2020 actuarial valuation, and the yield on a 30-year Treasury bond as of June 30, 2020 (if greater than the statutory discount rate minimums).

In order to identify the allocated market value of assets, the actuarial accrued liability for only employees of Kentucky State University was determined on an ongoing basis (i.e. assuming all employees continue participating in the System) based on the assumptions used in the June 30, 2019



actuarial valuation, including the valuation discount rate. This liability was divided by the total actuarial accrued liability for the entire Fund, as determined in the June 30, 2019 actuarial valuation, in order to identify the percentage of liability attributable to Kentucky State University. This percentage was, then, multiplied by the total market value of assets in the Fund. The following table shows the development of the allocated market value of assets for both the Retirement and Insurance Fund. The calculations shown below are also based on assets and liability as of June 30, 2019. The final cessation cost will be based on assets and liability as of June 30, 2020.

Table 8: Allocation of the Market Value of Assets

	Retirement Fund	Insurance Fund
1. On-Going Actuarial Accrued Liability for the Fund	\$ 16,466,427,022	\$ 2,733,065,479
2. On-Going Actuarial Accrued Liability for Employer	\$ 36,622,033	\$ 7,343,403
3. Percentage of the Total Actuarial Accrued Liability Attributed to Employer: (2) / (1)	0.2224%	0.2687%
4. Market Value of Assets for the Fund	\$ 2,233,671,656	\$ 995,088,799
5. Allocated Market Value of Assets: (3) x (4)	\$ 4,967,781	\$ 2,673,678

Membership Data

These calculations were based on the census data provided for the June 30, 2019 actuarial valuation. A summary of the census data used in these calculations can be found below. The final cessation cost will be based on census data as of June 30, 2020.

Table 9: Summary of Census Data

Active Members		Vested Inactive Members	
Number	121	Number	285
Average Age at Cessation Date	47	Average Age at Cessation Date	56
Average Service at Cessation Date	9	Average Annual Benefit	\$ 717
Average Annual Salary	\$ 39,468		
Members in Receipt of Benefits		Other Inactive Members	
Number	195	Number	150
Average Age at Cessation Date	70	Accumulated Contributions	\$ 137,386
Average Annual Benefit	\$ 10,637		

For purposes of this analysis, the calculations only include liability attributable to: (1) the accrued benefits payable to members who are currently actively employed with Kentucky State University, (2) accrued benefits payable to inactive members in KERS-NH whose last employment with a participating employer in KERS-NH was with Kentucky State University, and (3) members who were last employed with Kentucky State University when they commenced their retirement allowance (which also includes former inactive members with Kentucky State University who commenced their retirement benefits after satisfying the retirement eligibility requirements). The calculated liability amounts do not include any liability attributable to members who earned service with Kentucky State University and subsequently became employed by another participating employer in KERS-NH. There is also no liability

attributable for retirement benefits that a member may have earned while employed with another employer that participated in a different retirement system, such as the County Employees Retirement System (CERS).

Certification

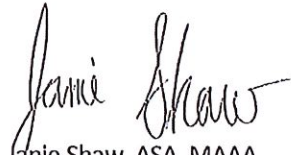
All of our work conforms with generally accepted actuarial principles and practices and the Actuarial Standards of Practice issued by the Actuarial Standards Board. In our opinion, the methodology and processes used in these calculations are reasonable and comply with the applicable requirements of Kentucky State law.

The undersigned are independent actuaries and consultants. Mr. White is an Enrolled Actuary and both Mr. White and Ms. Shaw are Members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. Both consultants below are experienced in performing valuations for large public retirement systems.

Sincerely,



Daniel J. White, FSA, EA, MAAA
Senior Consultant



Jamie Shaw, ASA, MAAA
Consultant

cc: Rebecca Adkins, KRS
Kathy Rupinen, KRS
Erin Surratt, KRS



KENTUCKY RETIREMENT SYSTEMS

David L. Eager, Executive Director

Perimeter Park West • 1260 Louisville Road • Frankfort, Kentucky 40601
kyret.ky.gov • Phone: 502-696-8800 • Fax: 502-696-8822



ADDENDUM

January 30, 2020

The Kentucky Retirement Systems (KRS) actuary, Gabriel Roeder Smith & Company (GRS), developed the voluntary cessation estimates using the current Kentucky Revised Statutes. However, it is important that your agency be aware that Governor Beshear's budget bill, HB 352 which was introduced to the House on January 28, 2020, may make changes to the employer contribution rate for quasi-governmental agencies that elect to continue to participate in the KERS Non-Hazardous plan.

Additionally, the bill may make changes to your ability to cease participation in KERS.

You have access to the most current version of this bill at the following link:

<https://apps.legislature.ky.gov/record/20rs/hb352.html>

KRS provides information to employers, members and other stakeholders on the KRS website, kyret.ky.gov. Included on the website is a page dedicated to keeping our stakeholders up to date on the legislative process as it relates to KRS. The webpage can be found at the following link, <https://kyret.ky.gov/About/Legislative%20Updates/Pages/default.aspx>.

Sincerely,

David L. Eager
Executive Director



KENTUCKY RETIREMENT SYSTEMS

David L. Eager, Executive Director

Perimeter Park West • 1260 Louisville Road • Frankfort, Kentucky 40601
kyret.ky.gov • Phone: 502-696-8800 • Fax: 502-696-8822



January 30, 2020

Dear Quasi-Governmental Employer Representative:

Pursuant to Kentucky Revised Statute 61.522(2)(c) and regulation 105 KAR 1:149E, Kentucky Retirement Systems (KRS) received your Form 7726, "Request for Estimated Cost of Voluntary Cessation from KERS under KRS 61.522(8)," along with your payment for the administrative cost associated with the creation of the estimate.

The KRS actuary, Gabriel Roeder Smith & Company (GRS), developed the enclosed letter that contains the requested estimates for each of the four options of voluntary cessation. As is noted in the letter, "this is a preliminary cessation liability based on financial and membership data as of June 30, 2019 ... The final actuarial cost could vary significantly from the preliminary calculation contained in this letter."

The responsibility for calculating the actuarial cost of cessation rests solely on the KRS consulting actuary, GRS. There is no process for individual agencies to contest or appeal these calculations. It is also not possible for KRS to disclose to individual employers the data necessary to replicate the cessation cost calculated by GRS, as the data necessary to calculate an individual employer's cessation liability includes confidential member account information protected by statute.

If your agency chooses to cease participation in KERS, the governing body of your agency must pass a resolution to cease participation in KERS nonhazardous and must submit the resolution to the KRS Board of Trustees on or after April 1, 2020, but prior to May 1, 2020, along with a completed Form 7727, "Actuarial Study for Quasi-Governmental Employer Cessation." Additionally, a \$10,000 deposit must be submitted with the Form 7727.

KRS will continue to provide you with information on the cessation process as it becomes available. You may want to visit our website, kyret.ky.gov, to view additional information. Emergency regulation, 105 KAR 1:149E, has been filed to clarify the administration of cessation under 2019 Special Session HB1. It can be found at the following link:
<https://apps.legislature.ky.gov/law/kar/105/001/149reg.pdf>.

If you have any questions, please contact D'Juan Surratt at 1-502-696-8682.

Sincerely,

David L. Eager
Executive Director

Attachment: Preliminary Cessation Liability Letter from GRS



Finance and Administration
Academic Services #202 | 400 East Main Street
Frankfort, KY 40601 | (502) 597-6343
KYSU.EDU

March 31, 2020

Kentucky Retirement Systems
1260 Louisville Rd.
Frankfort, KY 40601-6157

Attention: Mr. D'Juan Surratt
Director of Employer Reporting, Compliance & Education

Dear Mr. Surratt,

As you are aware, last year House Bill 1 was enacted during the Special Session of the Legislature which modified KRS 61.522. The law and regulations set forth various dates and deadlines which must be complied with by an employer making an election to cease participation in the Kentucky Employees Retirement Systems ("KERS"). The Kentucky Retirement Systems ("Systems"), as administrator of KERS, does not have the authority to extend or waive any of the deadlines set forth within the law or regulations, regardless of the circumstances currently facing every community and employer in this Commonwealth. As of the date of this notification, Tuesday, March 24, 2020, the Governor has not ordered an extension to any deadline set forth within the laws governing the Systems, and we do not foresee these deadlines changing. The Systems will continue to provide updates in the event it receives information relevant to its statutory deadlines, but as of today the deadlines set forth below remain in effect.

The Systems sent a reminder that the governing body of an employer seeking to cease participation in KERS through 61.522(8), ***shall pass a resolution*** to cease participation ***and submit the resolution to the Systems' Board, on or after April 1, 2020, but prior to May 1, 2020*** (no later than April 30, 2020). (KRS 61.522(8), KRS 61.522(3)(a)1., and 105 KAR 1:149 Section 3(1)).

Please be advised that Kentucky State University's Board of Regents voted to remain in the KERS Plan.

Let us know if there is anything additional that the university needs to do at this time.

Best Regards,

Douglas R. Allen II
Executive Vice President for Finance & Administration/CFO

Onward. Upward. *Forward.*



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: Review of 2021-25 Campus Strategic Plan
FROM: ACADEMIC AFFAIRS
ACTION ITEM: YES

BACKGROUND: The current Kentucky State University Strategic Plan reached its end in 2020. The new strategic plan development process was launched in September 2019. The process involved campus and community stakeholders, and it included a variety of feedback and participatory activities which led to the establishment of the proposed 2021-25 Strategic Goals. Due to the outbreak of COVID-19, plans to approve and implement the plan were postponed in light of the immediate needs to respond to the issues associated with the pandemic.

SUMMARY OF PROGRAMS/ACTIVITIES: The new 2021-25 Strategic Plan is built around three goals and elaborations:

STUDENT SUCCESS

Goal: Provide a high-quality education that is relevant, innovative and significant to the needs of our students.

1. Define, identify and target the ideal KSU student
2. Increase graduation rates
3. Increase usage of foundation and external scholarships

CAMPUS ENGAGEMENT

Goal: Enhance and celebrate

KSU's unique culture and tradition through a lens of inclusion, diversity and accessibility.

1. Create a campus environment that is safe and welcoming to all
2. Provide vibrant and engaging campus activities
3. Foster positive relationships between our campus and surrounding communities

INSTITUTIONAL VIABILITY

Goal: Implement clear and transparent practices and policies to drive operational efficiencies and accountability.

1. Improve campus-wide communication, transparency and collaboration
2. Ensure fiscal responsibility in all operational activities
3. Prioritize and implement the Facilities Master Plan



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

ALIGNMENT WITH STRATEGIC GOALS from immediate past Strategic Plan:

Goal 1: Enhance Student Enrollment, Improve Student Life and Engagement, and Improve Student Advising and Career Development.

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

Goal 4: Enhance the Impact of External Relations and Development.

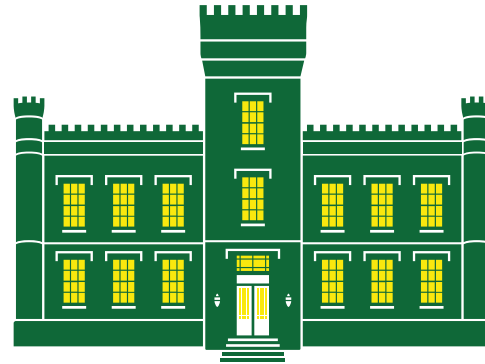
Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: The 2021-2025 Strategic Plan will be the driving force, once adopted, behind a full range of campus activities. Most specifically, the tenets of the plan will inform program review, program development, resource allocation discussions, institutional assessment and effectiveness evaluation, and pathways for increased community engagement, institutional advancement and fundraising, and the seeking of grants, among other endeavors.

FISCAL IMPLICATIONS: There are no specific or additional resources expected to execute or implement the strategic plan as the goals are in alignment with current fiscal priorities.

RECOMMENDATION: The Kentucky State Board of Regents approve the 2021-2025 Campus Strategic Plan.

ATTACHMENTS: YES



**KENTUCKY STATE
UNIVERSITY**

2021 - 2025 STRATEGIC PLAN

BOARD OF REGENTS UPDATE

MISSION STATEMENT

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.

GOALS STRATEGIC PLANNING OUTCOMES

- 1. ENGAGE** a wide-range of stakeholder voices in the plan development process
- 2. ENCOURAGE** conversations about the future directions for Kentucky State University
- 3. DISCOVER** common areas of interest and potential opportunities to enrich Kentucky State University

A FIVE STAGE COLLABORATIVE PROCESS

PHASE I

COMPLETED

- 1. PLAN** – recruit an inclusive core team and develop roles for widespread engagement.
- 2. LISTEN** – conduct face-to-face focus groups and gather input via online survey.
- 3. ANALYZE** – distill and analyze data to determine key themes and the operational areas impacted.
- 4. DEVELOP** – determine overall focus areas and goals.
- 5. EXECUTE** – create “work plans” to monitor and measure strategic plan goals. (Fall 2021)

PHASE II

ACTIVITIES COMPLETED IN 2020

(JAN. 14)

Hosted an
All-Campus
Drop-In to gather
feedback on
major themes.

(JAN. 22)

Socialized
major themes
and gathered
feedback from
Faculty and Forum.

(FEB. 12 AND 25)

Reconvened Core
Team to work
on the Vision,
Values and
Strategic Goals.

NEW VISION

Kentucky State University will be recognized as a model of student success by embracing diversity and inclusion, inspiring innovation, and demonstrating a dedication to excellence.

NEW VALUES

- ▶ **STUDENT DRIVEN**
- ▶ **INTEGRITY & RESPECT**
- ▶ **DIVERSITY & INCLUSION**
- ▶ **ACCOUNTABILITY & CONSISTENCY**
- ▶ **PARTNERSHIPS & RELATIONSHIPS**

STRATEGIC PLAN FOCUS AREAS AND GOALS

STUDENT SUCCESS

GOAL:

Provide a high-quality education that is relevant, innovative and significant to the needs of our students.

CAMPUS ENGAGEMENT

GOAL:

Enhance and celebrate KSU's unique culture and tradition through a lens of inclusion, diversity and accessibility.

INSTITUTIONAL VIABILITY

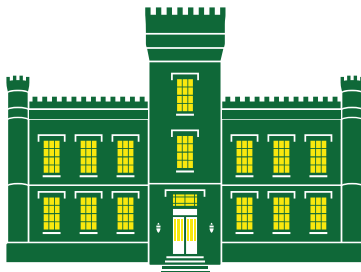
GOAL:

Implement clear and transparent practices and policies to drive operational efficiencies and accountability.

STRATEGIC PLAN FOCUS AREAS AND GOALS



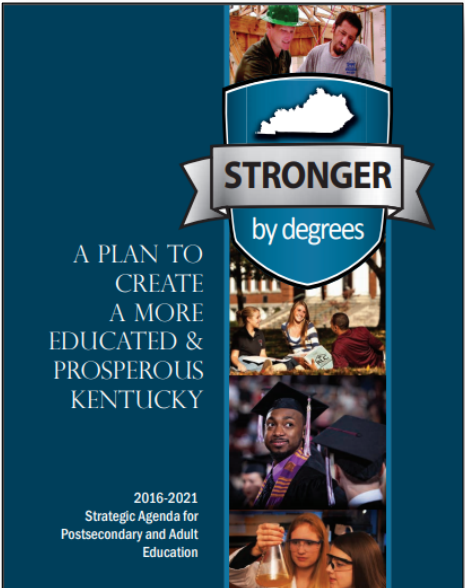
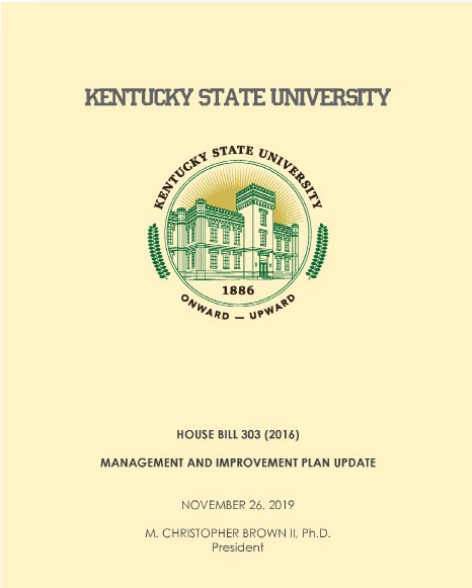
STUDENT
SUCCESS



CAMPUS ENVIRONMENT
FOR SUCCESS



OPERATIONAL
EFFICIENCY



STUDENT SUCCESS

GOAL: Provide a high-quality education that is relevant, innovative and significant to the needs of our students.

1. Define, identify and target the ideal KSU student
2. Increase graduation rates
3. Increase usage of foundation and external scholarships

CAMPUS ENGAGEMENT

GOAL: Enhance and celebrate KSU's unique culture and tradition through a lens of inclusion, diversity and accessibility.

1. Create a campus environment that is safe and welcoming to all
2. Provide vibrant and engaging campus activities
3. Foster positive relationships between our campus and surrounding communities

INSTITUTIONAL VIABILITY

GOAL: Implement clear and transparent practices and policies to drive operational efficiencies and accountability.

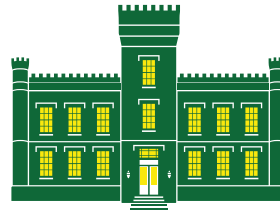
1. Improve campus-wide communication, transparency and collaboration
2. Ensure fiscal responsibility in all operational activities
3. Prioritize and implement the Facilities Master Plan

EXECUTION

Identify and train Champions
and Co-Champions for each focus area



STUDENT
SUCCESS



CAMPUS
ENGAGEMENT



INSTITUTIONAL
VIABILITY

PRIMARY ROLE: Support the initiative and assist
with goal development and data collection.

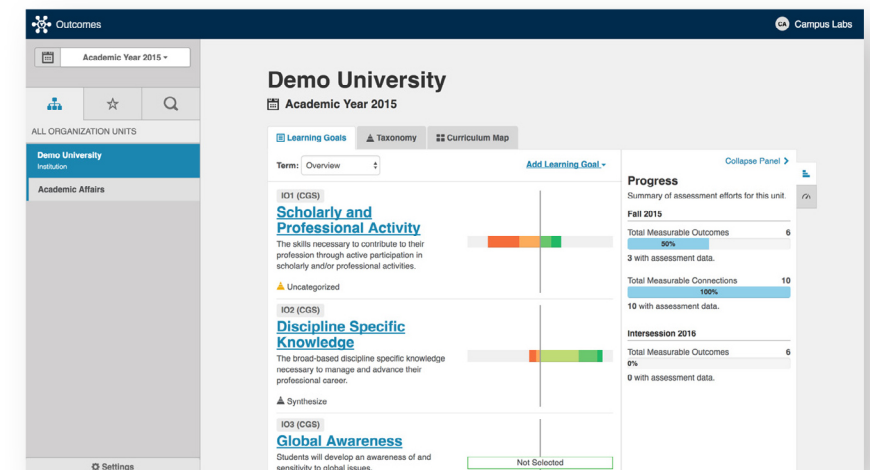
PROPOSED DELIVERABLES FOR 2021

- 1.** Finalize the system and process for documenting and reporting goal progress.
- 2.** Select and conduct orientation sessions with Champions/Co-Champions.
- 3.** Champion/Co-Champion establishes and collaborates with 3-5 cross-functional team members to finalize key metrics.
- 4.** SP Admin team finalizes forms, presentations, announcements and other material required for plan rollout.
- 5.** Day 1 of Fall Encampment (if possible) – general strategic plan overview
Day 2 of Fall Encampment (if possible) – conduct department goal development workshop
- 6.** Department goals due check-in

TRACKING OUR PROGRESS

CAMPUS LABS WILL BE USED AS THE TOOL TO TRACK AND REPORT OUR PROGRESS.

- Provides a systemized way for documenting and reporting ongoing progress
- Reporting can be done at various levels – institution, functional area or department
- No paper copies or 100's of individual spreadsheets to manage
- Integrated workflow for advancing ongoing progress
- Connects data to support university mission and goals





KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: Spring 2021 COVID Reopening Plan
FROM: ACADEMIC AFFAIRS
ACTION ITEM: NO

BACKGROUND: On March 3, 2020, the COVID-19 pandemic was declared. Since that time Kentucky State University has managed campus operations using a hybrid of in-person essential activities and telecommuting. All courses were moved on-line for the conclusion of the academic session and residence halls were vacated. The campus continues to monitor the landscape regarding Spring 2021 and beyond.

SUMMARY OF PROGRAMS/ACTIVITIES: Kentucky State University will operate with:

- Normal Start/End Date – Residential students will populate the campus in accordance to public health guidelines and recommendations for social distancing, temperature/wellness checks and stockpiling of personal protective equipment.
- Virtual with Residency – Students will return in residence and pursue coursework virtually. This will allow campus auxiliaries and activities to continue while limiting large clusters in compact classrooms.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 1: Enhance Student Enrollment, Improve Student Life and Engagement, and Improve Student Advising and Career Development.

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

Goal 4: Enhance the Impact of External Relations and Development.



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS:

FISCAL IMPLICATIONS: N/A

RECOMMENDATION: N/A

ATTACHMENTS: YES

Be THE HERO

EXCELLENCE WITHOUT EXCUSE



BREDS BACK ON THE HILL
A Safe Start to Spring 2021

COVID-19:

What is isolation and quarantine?

		Isolation	Quarantine
	For whom?	People sick with COVID-19.	People with no symptoms and who <ul style="list-style-type: none"> were in close contact with someone sick with COVID-19, OR <ul style="list-style-type: none"> are returning to Kentucky from out of the state for anything other than an essential purpose.¹
	Do I stay home or report to hotel quarantine?	Yes	Yes
	Can I go to work or class?	No. Employees contact your supervisor and HR for next steps. Students should contact Health Services and Academic Support.	No. Employees should telework. Students should do classwork in isolation or quarantine location.
	Can I go outside for walks, bike rides or activities?	No, not until you have recovered. ²	No, not until 14 days have passed and no symptoms have appeared. ³
	Can I go out for groceries and other essential items like medication?	No, not until you have recovered. ²	No, not until 14 days have passed and no symptoms have appeared. ³
	Do I stay in a separate room in my home or McCullin Hall?	Yes, until you have recovered. ²	If possible, until 14 days have passed and no symptoms have appeared. ³
	What if I start to feel ill?	Call the state COVID-19 Hotline (800) 722-5725.	Start isolation and call your health care provider.

¹ Essential purpose travel includes travel required for food, beverage or medicine; medical care; care of others; and to perform work, services or functions deemed critical to public health and safety and economic and national security.

² Recovery is when all three have happened:

1. It's been three full days of no fever without the use of fever-reducing medication, and
2. Other symptoms have improved, and
3. At least seven days have passed since any symptoms appeared.

³ For close contacts: 14 days since the day you were last in close contact with the person with COVID-19.

For returning travelers: 14 days since you were last outside of Kentucky. Day 0 is the day of possible exposure.



Fellow Thorobreds,

Kentucky State University has plans for faculty, staff and students to return to campus, in some capacity, this fall. The University plans to begin the spring semester on Jan. 16, as scheduled.

The policies and procedures employed will be based on local, state and federal guidelines, and they will be consistent with guidance received from the Council on Postsecondary Education (CPE). The health and safety of the Kentucky State community is the top priority and all plans will include strict adherence to procedures that reflect this.

Any employee who wishes to seek an exception to these policies and procedures should contact the Office of Human Resources at (502) 597-6667 or human.resources@kysu.edu. Any student who needs an academic-related accommodation should contact the Office of Disability Resources at (502) 597-6041 or phillip.clay@kysu.edu.

Students who have health-related questions or need health accommodations should contact the Health Services at (502) 597-6277 or Interim Vice President for Student Engagement and Campus Life Dr. Pernella Deams at (502) 597-6283 or pernella.deams@kysu.edu.

The circumstances of COVID-19 evolve constantly and plans may change in order for the University to remain committed to ensuring compliance and safety for our campus. Updates will continue to be provided as developed. Additional information can be found at www.kysu.edu/COVID19.

Key factors for Kentucky State to start Spring 2021

- Ability to meet all federal, state and local laws, regulations and guidance regarding COVID-19
- Ability to train and educate all students and employees
- Ability to test all students and employees
- Ability to screen campus community for symptoms, including random temperature screening
- Ability to contact trace
- Ability to obtain essential PPE
- Ability to reduce density on campus
- Social distancing in residence halls, classrooms, dining hall and all common areas

Let us all take seriously your responsibility to keep each other safe and well. We are Thorobred Strong and we will get through this pandemic. For we understand that the only way forward is together.

Forever Forward,

M. CHRISTOPHER BROWN II, PH.D.
18th President

TABLE OF CONTENTS

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OVERVIEW

Kentucky State University's Spring 2021 Reopening Plan is the result of many discussions and recommendations from the campus community and in accordance with guidance from the Centers for Disease Control and Prevention (CDC), local and federal government.

The Spring 2021 reopening guidance was framed around the following principles:

- Kentucky State University will make decisions guided primarily by considerations for the health and safety of our students, faculty, staff and surrounding community.
- Kentucky State University vigorously supports mandatory testing and provides tests free of charge to students and staff as available.
- Decisions about health and safety made by the University in the context of COVID-19 will be evidence-based and data-driven, where data is available.
- Kentucky State University will continue to deliver an exceptional education and optimal services, within the unavoidable constraints of the COVID-19 response.
- Kentucky State University will be transparent when communicating to our entire University body and our community.

BREDS BACK ON THE HILL

The campuswide Spring 2021 Reopening Plan includes mandatory training for all University employees and students. The EduRisk training — Your Campus COVID-19 and the Road back — is required before returning back to Kentucky State for work, instruction or residence life. The COVID-19 training will be available to the campus community via your official University email account. If you do not receive the mandatory training, please email human.resources@kysu.edu.

RETURN TO WORK

Kentucky State will be physically reopening in phases. Essential personnel never left the campus and always had access to the physical campus. A small percentage of the workforce started returning back to campus on June 29, 2020.

Supervisors will work with staff to determine workforce return that may include a combination of remote work, alternating days and staggered reporting/departing. As of July 13, 2020 upon the direction of divisional leadership, the workforce will remain at 20 percent based on risk assessment and capacity.

RETURN TO INSTRUCTION

The first day of classes for undergraduate students, and many graduate/professional programs will take place Saturday, January 16, 2021. Kentucky State will resume both face-to-face and online instruction at that time. Face-to-face instruction and on-campus living will officially conclude on April 20, 2021. All final exams will occur online.

In accordance with CDC guidance, Kentucky State will require that all members of the University community and any limited visitors employ the following social distancing guidelines:

- Keep at least six feet between yourself and another person in all public places and inside all buildings.

- Organize classes to minimize risk. Avoid close contact with others.
- Wear face masks or face coverings on campus when in the presence of others and in public settings where other social distancing measures are difficult to maintain (e.g., common workspaces, meeting rooms, classrooms).
- All individuals returning to campus will conduct self-screening for COVID-19 (and other illnesses such as flu to reduce overall illness and risk) with guidance provided by University Health Services. Individuals should remain at home, or in a dormitory room, if you have a fever, or other symptoms associated with COVID-19.
- In compliance with contact tracing guidelines, any person with covid related symptoms should contact their supervisor and human resources (faculty and staff) or Health Services (502) 597-6271 (student) immediately.
- As part of Commonwealth's phased guidance, the University will operate at limited building capacity in classrooms, common areas, and office spaces, until local guidance dictates otherwise.

RETURN TO RESIDENCE LIFE

Residence halls will open Saturday, Jan. 16 and will repopulate through a staggered process. Students will sign up for a move-in registration time, with options spread out over several days to keep the population density low. Further details will be provided by Campus Life. Residence halls will officially close on Friday, May 7. Food service will be grab and go only.

In accordance with CDC guidance, Kentucky State will make the following adjustments to University housing to limit the spread of COVID-19:

- Requires COVID-19 mandatory testing to reside in on-campus housing.
- Double room occupancy will be feasible if students choose their roommates.
- Vulnerable student populations must request a single room in accordance with University guidelines, contact Health Services for more accommodations.
- Student influenza vaccinations will be available.
- Students will be assigned to specific bathrooms if there are multiple units on a floor.
- Schedule times for grooming and showering to reduce simultaneous occupancy when possible.
- Clean shared bathrooms at least two times per day.
- Restrict events and social activities in residence halls as per current physical distancing guidance.

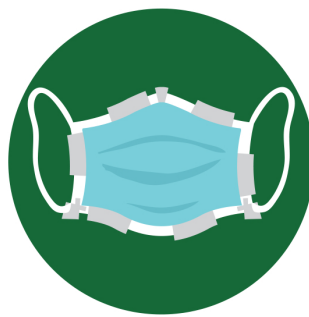
The Commonwealth of Kentucky has approved the University's Reopening Plan as stated above. If the Commonwealth requests modifications or additions to the plan, we will update the University community via the COVID-19 website.

HEALTH AND SAFETY

- Kentucky State University Health Services will work with the local health department.
- When in the substantial spread phase or Safer at Home Phase (high risk), campus access to visitors or guests will be restricted.
- During high risk, minimal students will be permitted to occupy the residential halls. Priority will be observed for international students and individuals with critical needs only.
- Employees who can work remotely will do so until further notice. Only work that requires a physical presence and is designated by an appropriate vice president/provost will be conducted on campus. An employee will require prior authorization to come to campus.
- Building access controls shall remain in place. All Kentucky State ID badge activity will be monitored. All buildings remain closed to the public.
- The University will provide a cloth facial covering to all personnel. Anyone coming to campus must have a mask on hand in case the University cannot provide a mask/face covering.
- Those without a mask shall not be allowed into any building.
- Building surveillance is in place to prevent unauthorized entry.
- Individuals who complete the self-screening process must respond honestly and accurately.
- All campus facilities will be thoroughly cleaned with an increased frequency based on CDC guidelines.
- If Kentucky State has any confirmed person with COVID-19 on campus, Kentucky State will suspend classes, as appropriate, close the appropriate buildings to disinfect, and initiate contact tracing in conjunction with guidance from the Kentucky Department for Public Health.



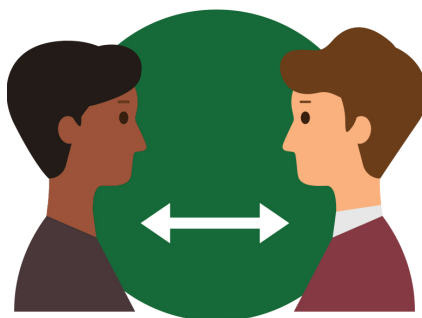
**TEMPERATURE
CHECKS**



**FACE
COVERINGS**



**WASH HANDS
FOR 20 SECONDS**



**6 FEET PHYSICAL
DISTANCING**



SANITATION

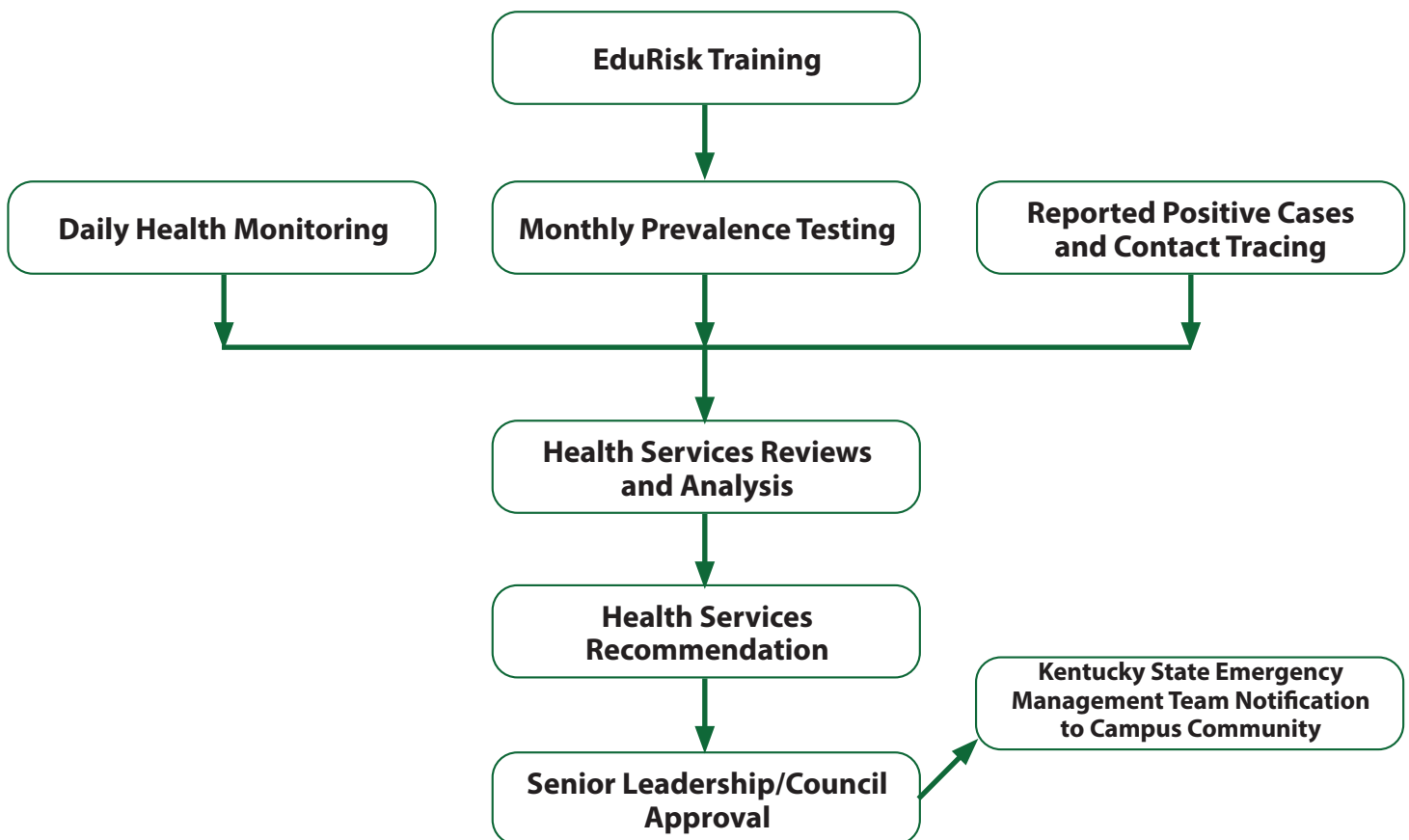
KENTUCKY STATE UNIVERSITY TESTING, MONITORING & CONTAINMENT

The University will promote a safe and healthy campus by utilizing measures to test and screen for COVID-19 to allow us to monitor and control the potential spread of COVID-19.

The University, in conjunction with Health Services and Quest Diagnostics, will employ the following measures regarding testing:

- Conduct required COVID-19 testing to monitor and determine the health of students, faculty, and staff as directed by the Kentucky Department of Health and local health departments.
- Monitor COVID-19 statistics provided by the Kentucky Department of Health and the Office of Governor Beshear.
- Identify trends and outbreaks to recommend course of action which includes:
 - Monitoring the prevalence testing, protocols and daily health acknowledgments
 - Develop protocols for response to any potential rise in incidence
 - Manage responses to outbreaks of COVID-19 and recommendations regarding isolated and general closures

MONITORING COVID-19 AT KENTUCKY STATE UNIVERSITY



**QUEST DIAGNOSTICS WILL PROVIDE COVID-19
CLINICAL LABORATORY TESTING FOR KENTUCKY STATE UNIVERSITY.**

EXPOSURE AND TESTING

A testing protocol for the campus community will be implemented. If a student identifies symptoms, has tested positive, or has come into close contact with a COVID-19 positive person, the student will contact Health Services at (502) 597-6271 and will be tested and quarantined per Kentucky State Department of Health and CDC guidelines (currently 14 days).

A testing protocol for the campus community will be implemented. If a student identifies symptoms, has tested positive, or has come into close contact with a COVID-19 positive person, the student will contact Health Services at (502) 597-6271 and will be tested and quarantined per Kentucky State Department of Health and CDC guidelines (currently 14 days).

Students will administer a COVID-19 test following specific instructions on how to self-collect and package a nasal specimen. The student will be placed in isolation until the test result returns. McCullin Hall is the designated isolation and quarantine site at Kentucky State. If the test result is positive, the student will remain in isolation. A thermometer and pulse oximeter will be provided to the student for daily self-assessment, and Health Services will conduct virtual assessments daily. Frankfort EMS will be contacted to transport any student with an oxygen saturation of less than 94 percent, and/or worsening shortness of breath, to Frankfort Regional Medical Center for the next level of care.

Students who are asymptomatic or have mild symptoms, defined as no shortness of breath and an oxygen saturation level equal or greater to 94 percent, will remain in campus isolation for a minimum of 14 days from the date of test collection. Additionally, to leave isolation, the student must be free of fever for 72 hours without the use of fever-reducing medications and have improvement of cough/shortness of breath.

If a student is subject to isolation or quarantine, dining services will be provided, and Health Services will evaluate symptoms daily via telemedicine and make recommendations for symptom management or further treatment at a hospital. University healthcare professionals on campus can provide telemedicine visits to monitor students in isolation or quarantine, on- or off-campus. Students will be required to include Health Services in their phone contact list, answer the phone and keep their voicemail active.

All students will be required to complete a daily COVID-19 health screening questionnaire, which includes checking their temperature.



SPRING TESTING DATES

TUESDAY, FEBRUARY 2, 2021
8 A.M. TO 4 P.M.

TUESDAY, MARCH 2, 2021
8 A.M. TO 4 P.M.

TUESDAY, APRIL 6, 2021
8 A.M. TO 4 P.M.

CONTAINMENT OF COVID-19

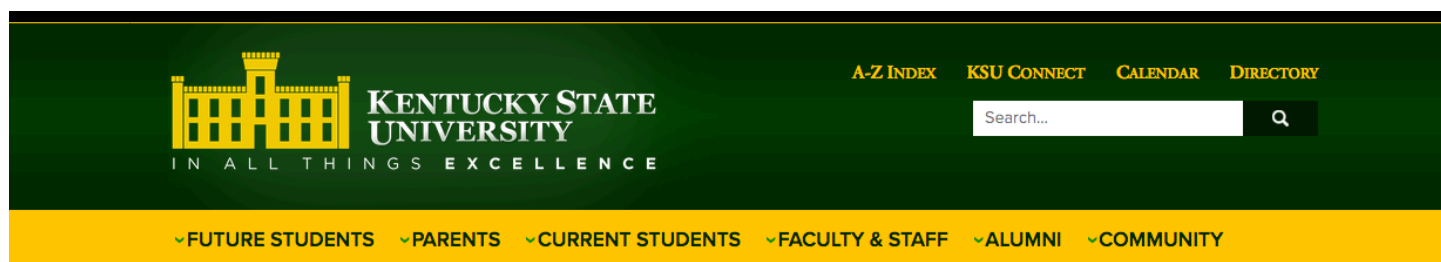
Health Services will continuously monitor the number of positive cases among students, faculty, and staff to determine the need to seek guidance from health agencies and solicit recommendations on whether or not Kentucky State has a severe outbreak of the virus.

The University will make every effort to contain the spread of the virus by maximizing the use of quarantine spaces and controlling the number of individuals present throughout all campus spaces. If it is determined that the number of cases warrants concern of a potential outbreak, the University will take the appropriate actions to remove all students, faculty, and staff from campus, except those designated as essential. At that point, the University will implement its Crisis Emergency Management Plan.

CAMPUS CLOSURE/SHUTDOWN

If there is a campus closure/shutdown, residence halls may close, and instruction will be delivered online synchronously using remote teaching and learning strategies.

Faculty and staff may be designated to work remotely, depending upon their role and the severity of an outbreak. The campus community should monitor www.kysu.edu/COVID19 and University email for the most up-to-date information on the campus operating status and the COVID-19 pandemic.



[🏠 > Coronavirus \(COVID-19\) information](#)

STAY INFORMED

Center for Disease Control and Prevention (CDC)

The Commonwealth of Kentucky

World Health Organization

Campus FAQs

COVID-19 Student Emergency Fund

COVID-19 Student Emergency Fund Application

Campus COVID-19 Announcements

COVID-19 Media Tools

COVID-19 Self-reporting Travel Form

Higher Education Emergency Relief Fund (HEERF) Reporting

Coronavirus (COVID-19) information

Kentucky State campus community members have no known cases of COVID-19 at this time.

[See all announcements to the Kentucky State campus community](#)

KEY POINTS

- In order to comply with the Commonwealth of Kentucky's Healthy At Work guidelines, Kentucky State University officials began a phased reopening plan June 29. Employees have begun to return to work. Employees should contact their supervisor if they have not been notified about returning to campus.
- Pursuant to the guidance of our state and federal leaders, Kentucky State will continue to operate under restricted access. Classes will continue under remote, modified instruction for the remainder of the semester as approved by SACSCOC. Again, there will be no face-to-face instruction for the remainder of the spring 2020 academic semester.
- Presently, students' access to campus and residence halls is restricted. Please do not return to campus. All students will be notified via their official email accounts and via

KNOW THE FACTS ABOUT COVID-19

This virus, which has caused an outbreak of respiratory disease, was first detected in China and is rapidly spreading worldwide. In the United States, most states have reported cases.

Coronaviruses are a large family of viruses that can cause respiratory illnesses such as the common cold or more severe illnesses. The coronavirus that originated in Wuhan, China had not been previously detected in humans or animals and much is still unknown about it. The virus has been named "SARS-CoV-2" and the disease it causes has been

MONITORING SYMPTOMS

Students and employees are expected to monitor symptoms. An **employee** who develops any of the following symptoms while on campus shall leave immediately and notify his or her supervisor or campus staff:

- ✓ Fever (99.9°F or higher), or a sense of having a fever (shivering or chills)
 - ✓ New cough that you cannot attribute to another health condition
 - ✓ New shortness of breath that you cannot attribute to another health condition
 - ✓ New sore throat that you cannot attribute to another health condition
 - ✓ New muscle aches (myalgias) that you cannot attribute to another health condition, or that may have been caused by a specific activity (such as physical exercise)
 - ✓ Headache
 - ✓ New loss of taste or smell
- A **student** who experiences any of the above symptoms should refrain from reporting to classes. Students should notify Health Services at (502) 597-6277.
 - An **employee** who tests positive for COVID-19 shall immediately notify his or her supervisor and Health Services and shall not return to work until he or she has been cleared to return by a medical professional.
 - A **student** who has been tested for COVID-19 and awaiting results or a student who has tested positive for COVID-19 shall immediately notify the Health Services staff and the Director of Residence Life.
 - A residential student waiting for COVID-19 test results must self-isolate in McCullin Hall and must remain in isolation while awaiting results. If McCullin Hall is at capacity, student will quarantine in an off-campus University-approved facility.

Do you have
a temperature 99.9°F or higher?
a cough? shortness of breath?
sore throat? muscle aches?
headache? new loss of taste or smell?



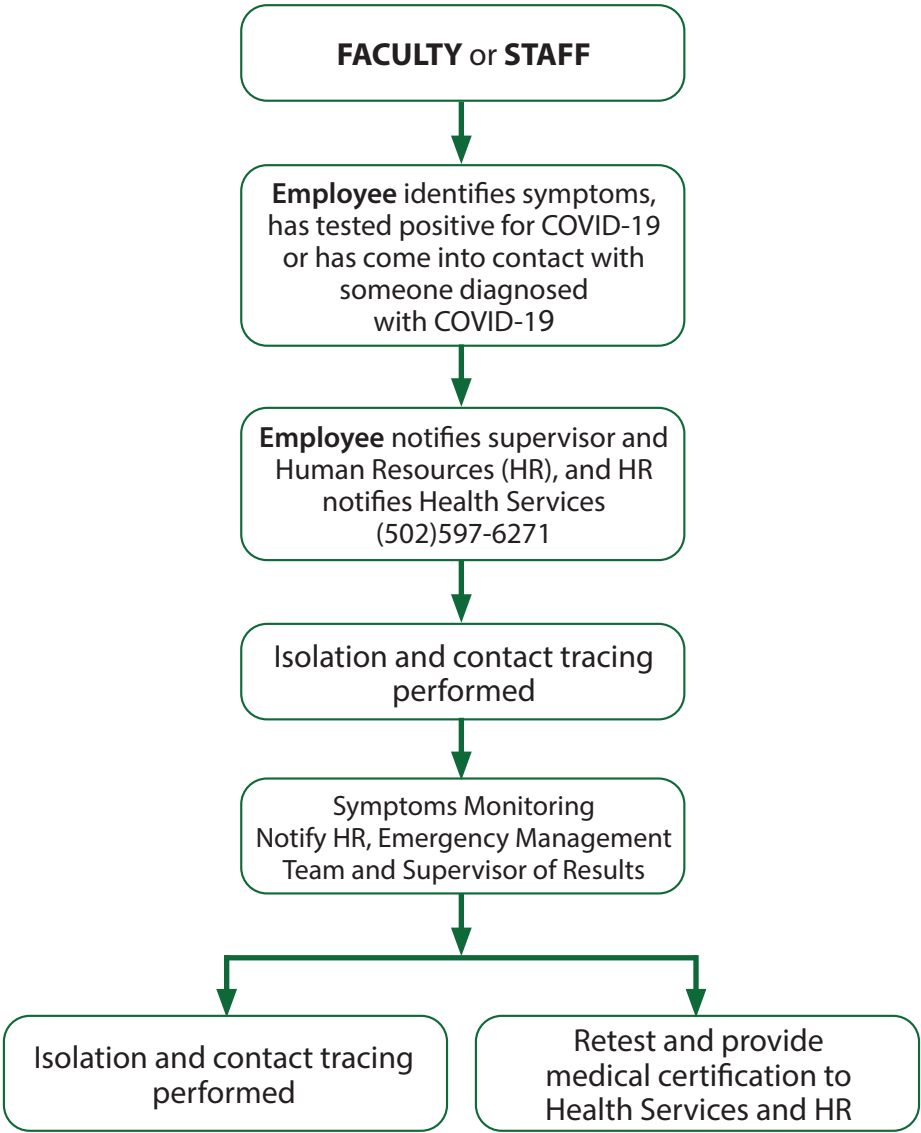
GUIDANCE FOR STAFF

To promote a healthy and safe environment, staff must adhere to guidance, training, and rules regarding COVID-19.

TRAINING

Each staff member is required to complete return-to-campus training to have a better understanding of the steps taken by Kentucky State to promote health and safety, as well as an understanding of their expected contributions to the health, safety and success of the campus community. Health and safety protocols, shared accountability for health and safety, physical/social distancing, correct usage of facial coverings, additional guidelines for meetings and class sizes, accommodation process, self-care and well-being. The staff member will sign an attestation indicating completion of EduRisk training, and personal compliance with safety protocols.

MANAGING CASES OF COVID-19 EXHIBITED BY FACULTY AND STAFF



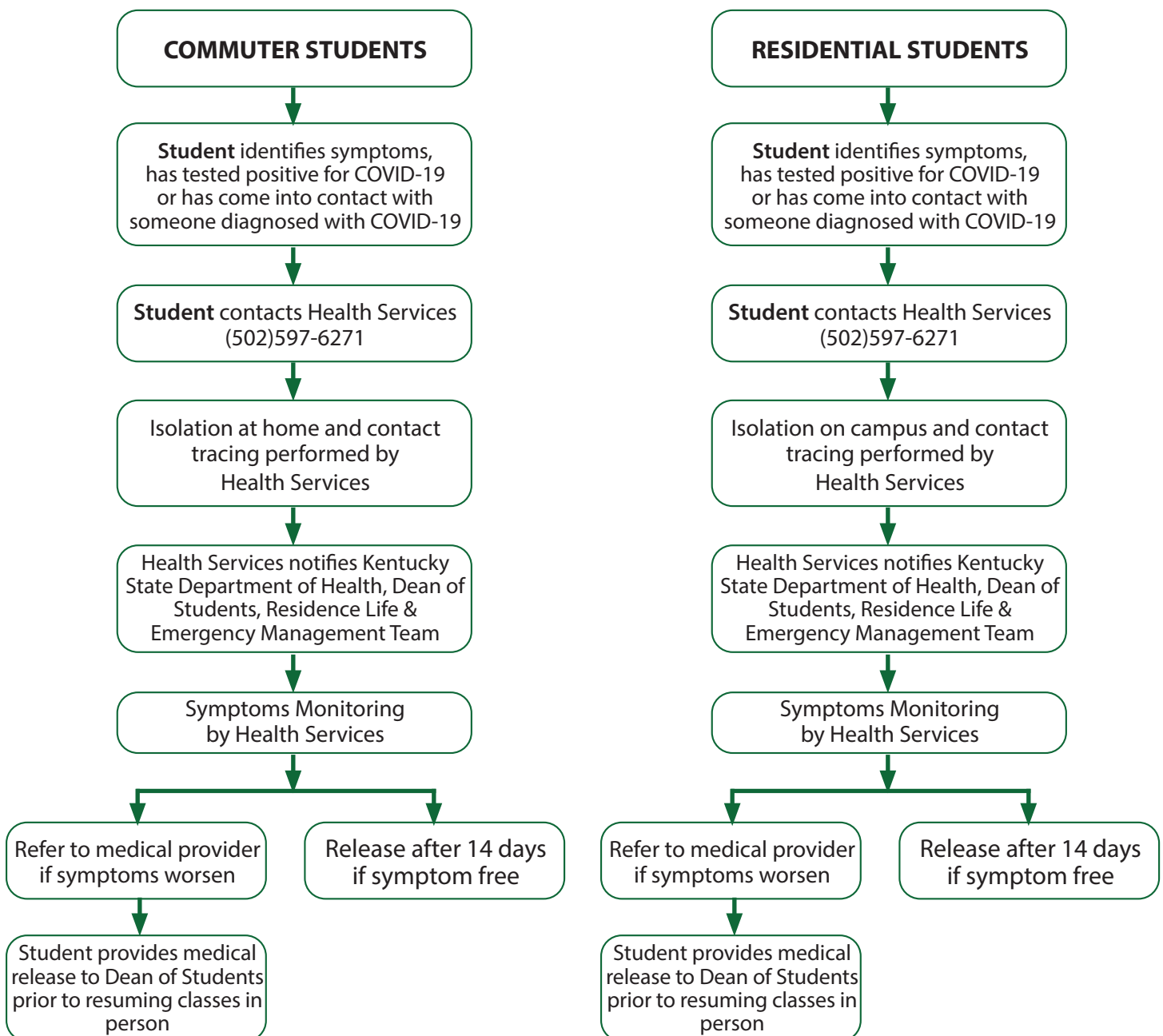
GUIDANCE FOR STUDENTS

To promote a healthy and safe environment, students must adhere to guidance, training, and rules regarding COVID-19.

TRAINING

Each student is required to complete return-to-campus training to have a better understanding of the steps taken by Kentucky State to promote health and safety, as well as an understanding of their expected contributions to the health, safety and success of the campus community. Health and safety protocols, shared accountability for health and safety, physical/social distancing, correct usage of facial coverings, additional guidelines for meetings and class sizes, accommodation process, self-care and well-being. The student will sign an attestation indicating completion of EduRisk training, and personal compliance with safety protocols.

MANAGING CASES OF COVID-19 EXHIBITED BY STUDENTS



STUDENT HEALTH

- All students shall sign a residential agreement with updated guidelines that address safety, personal protection, stay-at-home orders, quarantine, isolation and revisions to the Student Handbook and Code of Conduct agreement.
- Contact Health Services for your annual flu vaccinations.
- Kentucky State shall provide one face covering or mask (based on CDC guidelines) to each residential student. The Director of Residence Life shall ensure distribution to each residential student.
- A student shall wear a face covering over his or her nose and mouth while on campus. A student who needs an exemption from this requirement shall follow up with the Office of Disability Resources to request an accommodation.
- A student who is in quarantine or isolation shall receive a paper mask or shall wear a cloth covering and change at a daily minimum.
- A student shall regularly clean and maintain his or her face covering or face mask.
- A student must screen using the self-screening process. Any student who has symptoms must call the Health Services and be referred to a designated COVID-19 testing site.
- A residential student must be in quarantine for a minimum of 14 days upon return to the residence hall.
- A student who has been tested for COVID-19 and awaiting results or who has tested positive for COVID-19 shall immediately notify the Health Services staff and the Director of Residence Life.
- A residential student waiting for COVID-19 test results must self-quarantine in his or her room (if single occupancy) and must remain on isolation precautions while awaiting the results.
- A residential student who has received a positive COVID-19 result must be required to be in isolation for a minimum of 14 days.
- A residential student must be in quarantine for a minimum of 14 days upon return to the residence hall.
- A student who has been tested for COVID-19 and awaiting results or who has tested positive for COVID-19, shall immediately notify the Community Health Center staff and the Director of Residential Services.
- A residential student waiting for COVID-19 test results must self-quarantine in his or her room (if single occupancy) and must remain on isolation precautions while awaiting the results.
- A residential student who has received a positive COVID-19 result may be required to be in isolation for a minimum of 14 days.
- Students shall limit out of state travel or travel to COVID-19 hot spots.

CAMPUS FACILITIES

- Kentucky State Facilities and Maintenance shall verify that handwashing signage is present in each bathroom area.
- Kentucky State Facilities and Maintenance shall post Be Thoro logos on the stall within each bathroom area to adhere to physical distancing (may be one person in a bathroom at a time or no more than two, depending on the square footage).
- Kentucky State Facilities and Maintenance shall post in each bathroom the designated campus phone numbers to call when the need arises to request environmental services (for example, need more paper towels, soap, or tissue).
- All building entrances shall have signage posted regarding the Governor's executive order to wear mask/ facial clothing and maintain social/physical distance.
- A physical barrier (sneeze shield) shall be installed in any work area wherein an employee shall be in contact with the public.
- High-use buildings must be cleaned at a frequency that is in compliance with local health guidelines. A space or building must receive deep cleaning using EPA-disinfectants wherein there has been a positive COVID-19 event.
- Airflow quality shall be monitored regularly within the residential halls. In consultation with the local health department, a determination shall be made to close part of or the entire building in the event of a COVID-19 exposure.

CONTROLLING ENVIRONMENTAL FACTORS

- Each building shall remain in badge access only.
- In each building, hand sanitizers shall be available by each entrance and each elevator.
- Effective EPA-approved disinfectants shall be made available. Each cleaning crew shall be trained on how to effectively use these EPA-disinfectants.
- Bathroom use must adhere to social and physical distancing guidelines. There may be no more than two people in the space at a time.
- Space chairs in all waiting areas to maintain physical distancing and remove any paper products such as magazines or other items.
- Kentucky State shall provide revised or updated space occupancy numbers for classrooms, conference, and research spaces.
- Adhere to posted building specific elevator limitations (capacity must be updated as is generally by weight, needs to be by square footage or by number who can occupy).
- Adhere to posted building specific signs including walk flow patterns and stairway flow patterns to decrease physical contact.
- In collaboration with the local health department, Kentucky State shall update space occupancy requirements based on low-community spread, moderate, or substantial community spread.

FITNESS CENTER

- Must maintain social and physical distance.
- When community transmission is substantial, the fitness center shall remain closed.
- The University's pool access/usage is restricted.

TRANSPORTATION

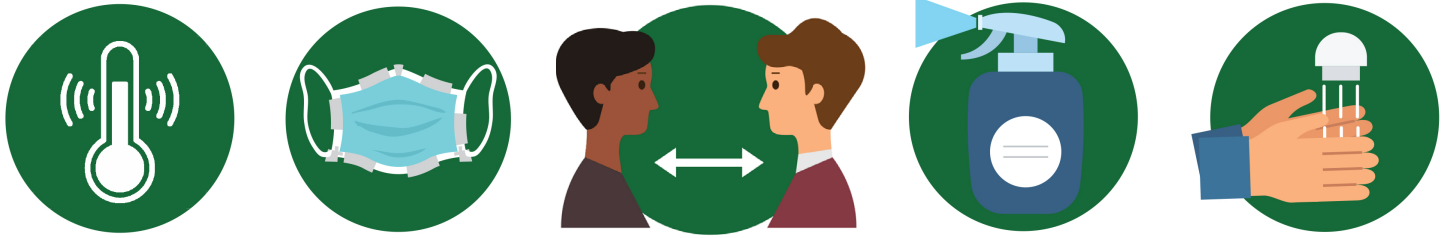
- Bus or van services must adhere to the physical and social distancing guidelines.
- Cleaning frequency must adhere to local health guidelines.

PUBLIC SAFETY

- University Police shall remind individuals about wearing a face covering and maintaining physical distancing. A ticket or fine shall not be provided. An individual who is found to be in violation of the Kentucky State face covering and/or physical distancing protocols shall be asked to leave the premises.



EMPLOYEE EXPECTATIONS FOR ON-CAMPUS WORK



- Stay home if you are sick and notify your supervisor.
- Do not return to campus until you are free of fever (without the use of medication) for at least 72 hours (three full days) and symptoms have improved.
- If you have exhibited symptoms of COVID-19, contact your health care provider and request to be tested for COVID-19 or visit a COVID-19 testing center.
- Take your temperature before coming to work. If you have a temperature over 99.9, do not come to work. Report to your supervisor that you are sick. Complete daily health screening. WWW.KYSU.EDU/COVID19/SCREENING
- Stay six feet away from your co-workers and others — practice social distancing.
- Wear a cloth face mask on campus at all times (to the greatest extent practicable).
- Wash your hands frequently and avoid high-touch surfaces.
- Cough or sneeze into your elbow.
- Use sanitizing products to clean high-touch areas in your work area throughout the day. This includes your phone, computer equipment, desk, chair arms, and door handles.
- Do not congregate in common areas and spaces.
- Bring your own utensils and avoid use of kitchen areas wherever possible.
- Frequently use sanitizing products available in common areas.
- Use remote meeting options, such as Skype for Business or Zoom. Limit the number of in-person meeting participants. Conference rooms should generally remain closed.
- Reduce sharing of work materials to the extent possible.
- Employees should clean their workstations and remove trash to designated building location.
- Limit elevator occupancy — signage requirements will be posted.
- Respect your co-workers and help keep them safe by exhibiting personal responsibility.

If conditions during the semester change significantly or there is a resurgence of COVID-19 cases, the University will provide further guidance on institutional decisions and measures to be taken regarding the return of employees and students to campus.

Employees' expectations are clear guidelines and a frequent reminder that if you have symptoms of COVID-19, cold/flu-like symptoms or other illness, you are to stay home, contact your supervisor and seek medical attention as appropriate. Further, an appropriate respiratory (cloth face-coverings) and hand-hygiene program has been implemented and must be maintained with appropriate signage, supplies and support systems.

Report any violations to COVID19@kysu.edu

HEALTH AND SAFETY - Human Resources

WORKPLACE SAFETY

Employers must ensure their workplaces are as safe as they can be. Employees, students, and visitors may have fears of returning to business as usual. Preparing for and communicating how safety is a top priority will lessen fears and increase brand loyalty.

- The following employee health screening procedures will be implemented:
 - Employees will be required to complete health screening surveys online to self-report/disclose any symptoms they may be experiencing.
 - The survey results will be monitored and reviewed by a HIPAA-certified designee in the Office of Human Resources.
 - In consultation with the Coordinator of the Health Services, if an employee is determined to be exhibiting symptoms of COVID-19, the employee will be directed to leave the campus and contact a health care practitioner for enhanced screening.
- Develop an exposure-response plan that addresses:
 - Isolation, containment and contact tracing procedures.
 - Stay-at-home requirements.
 - Exposure communications to affected staff.
 - Providing personal protective equipment (PPE) such as masks, gloves, face shields, hand sanitizer, etc.
 - All employees, upon their return to campus, will be provided one cloth mask to wear while at work on campus, as required.
 - Hand sanitizer dispensers have been installed around the campus ensuring employees easy access of use.
 - Shields will be made available to employees in the health center only.
 - A repository of masks and gloves is available in the Office of Human Resources and PPE items will be available upon request for visitors to offices and employees who may have left their PPE at home.
- Detailing cleaning procedures and ensure contractor procure necessary supplies.
- By no later than July 1, 2020 facilities management will meet with custodial contractor to discuss and agree on increased frequency for cleaning of restrooms and offices.

ESTABLISHING PHYSICAL DISTANCING MEASURES WITHIN THE WORKPLACE

The University will implement the following measures to ensure social distancing within departments among employees:

- Staggered shifts and lunch/rest breaks.
- Rotating weeks in the office and working remotely.
- Moving workstations to increase separation distance.
- Implementing one-way traffic patterns throughout the workplace, if possible.

RESTRICTING BUSINESS TRAVEL

- The Executive Vice President will update University policies on travel, when government guidance eases restrictions over time.

STUDENT AND/OR VISITOR CONTACT PROTOCOLS

Signs will be posted at the entrances of each building to inform employees, students, and visitors of:

- Any/all one-way or alternative traffic patterns throughout each building.
- Any limits on the number of customers in any area at one time.
- Reminder to social distance (six feet apart) to the extent possible throughout the building.
- Contactless pick-up and delivery procedures for forms and other items.
- Employees will be informed of changes in traffic pattern throughout buildings by supervisors and posted signage.
- In every medium possible (i.e. newsletter, bulletins, social media, email, etc.), students, employees, visitors will be strongly encouraged to video or telephone conferencing instead of in-person meetings to conduct business affairs.

REMOTE WORK

- Employees who would like to request to work at some place other than the primary workplace on a temporary basis shall complete a Temporary Telecommuting Agreement for submission and approval by their respective supervisor.
- Telecommuting must not adversely affect customer service delivery, University operations, employee productivity, or progress of an individual or team assignment.
- Employees who are approved for telecommuting shall sign and abide by the Temporary Telecommuting Agreement. The agreement may require modification(s) to fit individual telecommuting site circumstances. A copy of the agreement shall be retained in the employee's personnel file.
- The telecommuter will have regularly scheduled work hours that ensure the continuity of service and fulfillment of University operations. Any changes to standard work hours must be agreed upon by the supervisor in advance of the modified work schedule.
- Employees should examine the full Temporary Telecommuting Policy and Agreement at www.kysu.edu/COVID19 prior to signing the agreement.
- Employees approved for telework must submit a weekly telecommuting deliverables form.

COMMUNICATIONS

- The University has developed a comprehensive COVID-19 communications strategy that should supplement this document. Employees are encouraged to read the COVID-19 communications strategy in full to better understand University policy and procedures during COVID-19.



CAMPUS OPENING - Student Affairs, Dining and Student Support Services

KEY FACTORS

- Meet all federal, state and local laws, regulations and guidance regarding COVID-19
- When necessary test regularly all students, staff and faculty
- Screen students, staff and faculty entering the residence halls
- Contact trace COVID-19 positive persons
- Possess necessary PPE and sanitation materials
- Maintain reduced density on campus
- Practice social distancing in residence halls, academic buildings, dining halls and offices

CAMPUS DINING

- Students will schedule GRAB & GO dining services via the University's GO K-STATE app available for download in the Apple store or Google store.

ADDENDUMS TO RESIDENCE HALL HANDBOOK

- Include clear language on expectations for universal masking, frequent cleaning and social distancing
- Include language that students must adhere to safety guidelines disseminated by the University in cooperation with federal, state and local regulations. The language should also be added to residence hall rules and regulations.



INSTRUCTIONAL DELIVERY

Kentucky State University will adhere to any directives issued by government officials. The health, safety, and wellness of every member of our community will guide our decisions.

- Modified in-person and remote instruction begins January 16 and goes through April 30.

COURSE DELIVERY

To promote social distancing and safety, courses will be delivered to students in the following formats:

- In-Class – students will attend class face-to-face pending class size.
- Hybrid (In-class/synchronous) instruction – Students will attend class, both face-to-face with reduced classroom size and attend class synchronously via the University learning platform – Blackboard – on alternating days.
- Online/Asynchronous Instruction – students will receive instruction via the University learning platform – Blackboard – by engaging with material provided and/or recorded by faculty.
- Synchronous – students and faculty will engage with each other during scheduled times through the University learning platform – Blackboard.



THE FLU AND YOU: GET VACCINATED

COLD

FLU OR

COVID-19

NEXT TESTING DATE: OCT. 13

KSU Tent at Clock Tower

The common cold, flu and COVID-19 are all caused by viruses that affect your respiratory system, and all three illnesses share some symptoms. This makes it difficult to know what you may be sick with when you are under the weather.

Learn more about the similarities and differences below.

Cold

Symptoms typically come on gradually.

- Common symptoms include: nasal congestion, sneezing and runny nose
 - Can also include cough, mild headache and minor body aches
- Symptoms tend to last a week (you're generally contagious for the first three days)
- Doctor visit is unnecessary – over-the-counter medications are generally effective

Flu

Symptoms usually come on suddenly and vigorously and are more severe than a cold.

- Common symptoms include: high-grade fever, headache, body aches and fatigue
 - Can also include dry sore throat and runny or stuffy nose
- Symptoms generally improve within two to five days, but can last a week or more
- You should stay home until 24 hours after fever is gone to avoid spreading the flu to others
- Prescription antiviral drugs can help decrease the severity and length of symptoms
- Complications can occur; call a doctor if you think your symptoms are worsening or if you have a condition such as asthma, diabetes or pregnancy

COVID-19

Symptoms can appear two to 14 days following exposure to COVID-19.

- Common symptoms include: fever or chills, cough, shortness of breath, fatigue, muscle or body aches, headache, congestion and sore throat
 - Can also include nausea, vomiting, diarrhea and new loss of taste or smell
- Some may experience little to no symptoms, while others may require hospitalization
- Even after recovering from COVID-19, you may experience lingering symptoms
- Prescription antiviral drugs can help decrease the severity and length of symptoms
- Complications can occur; call a doctor if you think your symptoms are worsening or if you are at a higher risk for severe illness (e.g., elderly or immunocompromised)

GET VACCINATED

Kentucky State University students can receive the vaccine for free at Health Services. Call (502) 597-6271 to schedule your flu shot today. Employees are covered under the University's insurance and may receive the vaccine for free at a local pharmacy or healthcare provider.

OPERATIONAL ALERT STATUS	STUDENTS	FACULTY AND STAFF
GUARDED RISK HEALTHY AT WORK Meets minimum standards of K-State Green Alert	<ul style="list-style-type: none"> • Most instruction is in person, except large lectures • Housing open with virus mitigation and isolation interventions in place • Shared spaces open • Gatherings capped at 100 people 	<ul style="list-style-type: none"> • Work from home encouraged whenever possible • Those who need to support permitted activities allowed on campus • Research staff on campus based on project leader determination
ELEVATED RISK ESSENTIAL PERSONNEL Meets minimum standards of K-State GOLD Alert	<ul style="list-style-type: none"> • Instruction primarily virtual; some in-person learning occurring • Housing open with virus mitigation and isolation interventions in place • Some shared spaces open • Gatherings capped at 50 people 	<ul style="list-style-type: none"> • Work from home encouraged whenever possible • Those who need to support permitted activities allowed on campus • Virtual work encouraged for research personnel; some permitted on campus for continuity
HIGH RISK SAFER AT HOME Meets minimum standards of K-State RED Alert	<ul style="list-style-type: none"> • Instruction nearly all virtual; except select clinicals and labs • Housing restricted, emergency and essential use only • Shared spaces open only to support on-campus students and staff • Campus life activities not permitted 	<ul style="list-style-type: none"> • Only essential staff report to work • Only those who support essential operations permitted on campus • Research restrictions in effect • Visitor access restricted



Face coverings required on campus. Physical distancing is necessary, with a minimum of six feet between you and others when possible.

"I'm doing my part to keep us safe - BREDS AGAINST THE SPREAD OF COVID-19."

KYSU.EDU/COVID19



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: Update on Fall 2020 Semester Grades
FROM: ACADEMIC AFFAIRS
ACTION ITEM: NO

BACKGROUND: As part of Academic Affairs' reporting on student learning outcomes, the Office of Institutional Research provides data at the end of the Fall and Spring semesters on grades earned by students enrolled in academic programs at Kentucky State University.

SUMMARY OF PROGRAMS/ACTIVITIES: The data is presented for all student levels, including dual credit.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: Application of the data will vary by academic program and letter grade distribution and may be used for program review with the departments and by Schools.

FISCAL IMPLICATIONS: Individual students may be impacted by the need to repeat courses for credit, which may in turn impact time to graduation and financial resources for persistence.

RECOMMENDATION: N/A

ATTACHMENTS: YES

Fall 2020 Semester Grades (as of 1/13/2020)

Percent Letter Grade of Grand Total (exclude NA):

Student Level	A	B	C	D	F	I	N	P	W
High School Student	60.38%	25.47%	9.43%		1.89%				2.83%
Freshman	32.53%	16.32%	10.60%	6.51%	29.47%	0.79%	0.03%	0.07%	3.68%
Sophomore	29.08%	22.13%	15.30%	6.95%	20.39%	0.81%	0.00%	0.52%	4.81%
Junior	35.73%	22.21%	14.73%	5.34%	13.44%	1.68%	0.00%	0.53%	6.34%
Senior	45.79%	23.86%	13.44%	3.62%	7.31%	1.48%	0.00%	0.52%	3.99%
Graduate	58.26%	16.81%	3.48%	1.16%	6.96%	6.96%	0.00%	2.90%	3.48%

Fall 2020 Courses with High Percentage of DFW Grades.

On 1/13/2021 the fall 2020 final grades were pulled out of the Banner system. Of those grades given to students, the percentage of DFW grades were calculated using the formula (count of D, F, and W grades) / (total enrollment – Non Attend).

A list of courses with total enrollment of 10 or more students and DFW percentage of 30% or higher were obtained, as shown below.

Course Subject	Course Number	Course Section	Course Title	Primary Instructor	Enrollment	Percent DFW
PSY	413	01	Social Cognition	Merlino, Mara	22	91%
KSU	186	02	Navigate. the Tech. World	Bebe, Frederick	16	88%
MAT	115A	02	Accelerated College Algebra	Scranton, Melissa	35	77%
MAT	115A	05	Accelerated College Algebra	Jones, Dynechia	25	76%
ASP	305	01	Africana Intellectual Thought	Ramon, Donovan	23	74%
ENG	101	02	English Comp I	Smith, Peter	22	73%
ENG	211	V1	Intro to Literature	Smith, Peter	18	72%
BSS	300	01	Statistics for BSS	Taylor, Tierra	25	72%
MAT	115A	04	Accelerated College Algebra	Khatiwada, Dharma	28	71%
BUA	101	90	Computer Applic Business	Amewudah, Charles	26	71%
MAT	115A	10	Accelerated College Algebra	Phanzu, Serge	17	69%
BSS	301	V1	Research Methods for BSS	Merlino, Mara	16	69%
SPE	103	07	Interpersonal Communication	Johnson, Rozina	30	67%
BUA	101	01	Computer Applic Business	Amewudah, Charles	21	67%
BSS	301	90	Research Methods for BSS	Merlino, Mara	18	67%
ENG	102	V5	English Comp II	Johnson, Rozina	18	67%
ENG	103	03	College Reading	Mustafa, Saleema	16	67%
BUA	120	V1	Business and Society	VanderPal, Geoffrey	38	66%
MAT	115A	06	Accelerated College Algebra	Jones, Dynechia	26	65%
ENG	101	04	English Comp I	Reffett, Delmar	23	65%
ENG	101	12	English Comp I	Beutel, Andrew	17	65%
ENG	102	V1	English Comp II	Halliday, Leah	17	65%
SPA	101	V2	Elementary Spanish I	Walker, Victoria	11	64%
SPA	101	V4	Elementary Spanish I	Downey, Beulah	11	64%

ENG	101	13	English Comp I	McGaughey-Summers, Deanna	21	62%
PHE	216	01	Individual Sports Concepts	Keeler, Jason	21	62%
AFE	217	01	Plant Sci. & Horti. Principles	Whittinghill, Leigh	13	62%
MAT	115A	01	Accelerated College Algebra	Scranton, Melissa	31	61%
SPE	103	06	Interpersonal Communication	Johnson, Rozina	35	60%
ALH	205	02	Dimen. Ana. for Pharm. Calcula	Witty, Barbara	27	59%
ENG	102	03	English Comp II	Elliott, John	27	59%
ACC	201	02	Principles of Accounting I	Goza, Rebecca	17	59%
ENG	101	19	English Comp I	McGaughey-Summers, Deanna	17	59%
MUS	113	01	Aural Skills I	Douthitt, Brandon	17	59%
BUA	120	V2	Business and Society	VanderPal, Geoffrey	38	58%
ACC	202	01	Principles of Accounting II	Goza, Rebecca	12	58%
ENG	101	08	English Comp I	Smith, Helen	19	58%
MAT	101	04	Algebraic Concepts	Kashan, Fariba	19	58%
MAT	115A	07	Accelerated College Algebra	Phanzu, Serge	23	57%
PSY	200	03	General Psychology	Sharp, Johnathon	32	56%
PHE	331	01	Kinesiology/Biomechanics	Keeler, Jason	29	55%
BIO	108	02	Anatomy & Physiology II	Shukla, Alok	20	55%
CHE	209	02	Survey Gen/Organic/Biochemi	Sharma, Rita	20	55%
ENG	101	07	English Comp I	McGaughey-Summers, Deanna	20	55%
COS	107	01	Prob Solving, Logic & Design	Unuakhalu, Michael	11	55%
SOW	201	01	Career Choice Human Serv Prof	Brooks-Eaves, Mindy	36	53%
ENG	102	V2	English Comp II	Moffett, Joe	19	53%
ENG	103	02	College Reading	Mustafa, Saleema	19	53%
MUP	375	01	Gospel Ensemble	Cofield, Kemba	19	53%
MAT	115A	03	Accelerated College Algebra	Bigdeli Jahed, Fariba	23	52%
MAT	101	08	Algebraic Concepts	Hadaidi, Sarah	28	50%
PHE	323	01	Principles of Physical Educ	Keeler, Jason	22	50%
MAT	101	09	Algebraic Concepts	Hadaidi, Sarah	20	50%

SPA	102	V1	Elementary Spanish II	Downey, Beulah	20	50%
ENG	101	11	English Comp I	Collum, Daniel	18	50%
EDU	310	V1	Intro Exceptional Edu	Obi, Stephanie	16	50%
SOC	423	01	Criminology	Glass, Cynthia	10	50%
ALH	205	01	Dimen. Ana. for Pharm. Calcula	Witty, Barbara	25	48%
ENG	101	14	English Comp I	Reffett, Delmar	25	48%
POS	101	01	American Government	Amadife, Emmanuel	23	48%
KSU	118	15	Intro. to University Learning	Glenn, Micah	21	47%
CJE	335	V1	Theories Crime & Delinquency	Gassoway, Tricia	19	47%
SOC	203	03	Principles of Sociology	Merlino, Mara	34	47%
ENG	101	V1	English Comp I	Moffett, Joe	17	47%
SPE	103	05	Interpersonal Communication	Brogan, Shannon	30	47%
EDU	304	01	Classroom & Learning Manage	Lyttle-Burns, Gussie	15	47%
CJE	101	01	Intro to Criminal Justice	Williams, Frederick	26	46%
JOU	204	01	Journalism	Glasscock, Laura	26	46%
SPE	103	01	Interpersonal Communication	Thomas, Traci	26	46%
COS	107	02	Prob Solving, Logic & Design	Shen, Chi	13	46%
PHE	301	V1	Human Anat for Phys Ed/Sport	Keeler, Jason	37	46%
PSY	223	01	Theor. & Met. in Dev. Psych.	Browning, Lana	24	46%
MAT	115	01	College Algebra	Bigdeli Jahed, Fariba	33	45%
IGS	201	01	Global Cultural Traditions	Smith, Helen	22	45%
MAT	115A	09	Accelerated College Algebra	Ruffin, Derrick	22	45%
KSU	186	V1	Navigate. the Tech. World	Mustafa, Saleema	11	45%
MUS	130	V1	Introduction to Music	Griffin, Robert	38	45%
ENG	103	01	College Reading	Mustafa, Saleema	19	44%
MAT	101	03	Algebraic Concepts	Hadaidi, Sarah	23	43%
MAT	120	01	Precalculus	Kashan, Fariba	30	43%
ENG	102	01	English Comp II	Halliday, Leah	14	43%
PHE	402	V1	Res. Methods. in Exercise Sci.	Washington, Gavin	14	43%
SPE	103	V1	Interpersonal Communication	Thomas, Traci	26	42%

BIO	101	03	Life Science	Grimes, Kristopher	19	42%
COS	281	V1	Introduction to Info. Sec. & A	Wise, Clifton	19	42%
ENG	102	V4	English Comp II	McGaughey-Summers, Deanna	19	42%
SOC	203	02	Principles of Sociology	Merlino, Mara	31	42%
BSS	300	V1	Statistics for BSS	Taylor, Tierra	36	42%
PHS	201	01	Physical Sciences I	Khatiwada, Dharma	12	42%
IGS	200	V2	Foundations of Culture	Elliott, John	29	41%
BIO	107	02	Anatomy & Physiology I	Milton, Whitney	17	41%
SOC	203	05	Principles of Sociology	Glass, Cynthia	22	41%
ENG	102	V3	English Comp II	Reffett, Delmar	20	40%
BSS	468	V1	Terrorism and Insurgency	Reilly, Wilfred	10	40%
COS	570	90	Adv Comp Architecture/Software	Hannemann, Jens	10	40%
EDU	203	V1	Intro to Tech. in Education	Halliday, Leah	28	39%
SOC	203	04	Principles of Sociology	Glass, Cynthia	23	39%
ALH	210	01	Term. for Health Care Profess.	Milton, Whitney	13	38%
PHE	324	01	Sports Injury:Prevention/Care	Nesbitt, Patrese	34	38%
ENG	101	15	English Comp I	Reffett, Delmar	21	38%
MAT	101	11	Algebraic Concepts	Kashan, Fariba	21	38%
MAT	115A	08	Accelerated College Algebra	Bryant, Jackie	29	38%
PSY	200	V1	General Psychology	Capriles, Nancy	32	38%
ENG	101	09	English Comp I	Beutel, Andrew	16	38%
SPA	102	V3	Elementary Spanish II	Rimolo de Rienzi, Mirta	16	38%
AFE	110	01	Agri., Food, & Envi. Lab	Andries, Kenneth	35	37%
AFE	116	01	Intro Agriculture/Food/Environ	Sedlacek, John	35	37%
KSU	118	10	Intro. to University Learning	Love, Krissalyn	27	37%
BIO	107	04	Anatomy & Physiology I	Milton, Whitney	19	37%
SOW	306	01	Human Behavior I	Buckley, Marlon	19	37%
THE	130	01	Introduction to Theatre	Trowel, Rush	41	37%
CHE	101	02	General Chemistry I	Sharma, Rita	22	36%
MIS	300	V1	Management Info Systems	Obielodan, James	22	36%
PHE	215	01	Team Sports Concepts	Keeler, Jason	22	36%
BSS	470	V1	Behavioral Profiling	Sharp, Johnathon	11	36%
NUR	205A	01	Pediatric Health	Witty, Barbara	11	36%
COS	108	01	Prin Computer Science I	Maiti, Richard	14	36%

COS	301	01	Computer Organization	Hannemann, Jens	14	36%
NUR	104A	01	Health Assessment	McCoy, Rebecca	14	36%
ECO	201	90	Prin of Economics I	Gjoci, Erjon	31	35%
ENG	102	02	English Comp II	Halliday, Leah	17	35%
IGS	303	V1	Studies Latin-Amer Cultures	Rimolo de Rienzi, Mirta	20	35%
NUR	105A	01	Intro to Nursing Practice	McCoy, Rebecca	20	35%
BUA	321	01	Legal Environment	Thomas, Reginald	23	35%
PHE	218	01	Teach Body Condition	Nesbitt, Patrese	23	35%
SPE	103	V3	Interpersonal Communication	Thomas, Traci	23	35%
ART	130	V1	Introduction to Art	Harmon, Julia	49	35%
CJE	215	01	Introduction to Criminal Law	Thomas, Reginald	26	35%
CJE	320	01	Law Enforcement	Williams, Frederick	26	35%
ACC	201	01	Principles of Accounting I	Goza, Rebecca	29	34%
HIS	108	05	Intro to African American Hist	Anthony, Takeia	34	34%
KSU	118	06	Intro. to University Learning	Love, Krissalyn	33	33%
PSY	402	01	Industrial Psychology	Sharp, Johnathon	30	33%
SPE	103	02	Interpersonal Communication	Brogan, Shannon	30	33%
SPE	103	04	Interpersonal Communication	Brogan, Shannon	30	33%
KSU	118	09	Intro. to University Learning	East, Tonika	27	33%
MAT	101	07	Algebraic Concepts	Rogers, Johnathan	27	33%
EDU	204	90	Cultural Responsiveness	Gray, Erica	22	33%
CHE	110	02	General Chem I Laboratory	Sharma, Rita	21	33%
CHE	110	24	General Chem I Laboratory	Polson, Suzette	18	33%
MAT	101	01	Algebraic Concepts	Karam, Jalal	18	33%
BIO	204	01	Fund of Microbiology	Lai, Alexander	12	33%
MSL	250	01	Basic Military Science Lab	Lepley, Zachary	12	33%
MUS	112	01	Music Theory I	Lee, Donald	12	33%
ECO	202	01	Prin of Economics II	Gjoci, Erjon	31	32%
ENG	101	06	English Comp I	Smith, Helen	25	32%
MAT	101	05	Algebraic Concepts	Kashan, Fariba	25	32%
ECO	201	02	Prin of Economics I	Banerjee, Swagata	35	31%
COS	275	01	Game Programming Foundation I	Unuakhlu, Michael	13	31%
JOU	302	01	Student Media Workshop I	Glasscock, Laura	13	31%
SOC	203	V1	Principles of Sociology	Glass, Cynthia	36	31%

PSY	200	V2	General Psychology	Capriles, Nancy	33	30%
PSY	215	V1	Orientation to Psychology	Smith, La'Quida	40	30%
CDF	101	01	Intro Early Child Edu	Walston, Herman	10	30%



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: Update on Fall to Spring Retention
FROM: ACADEMIC AFFAIRS
ACTION ITEM: NO

BACKGROUND: Semester-to-semester retention is a key persistence measure. Many campuses, due to the pandemic, have been closely monitoring and aggressively reaching out to students to encourage them to return from Fall to Spring in the 2020-21 academic year.

SUMMARY OF PROGRAMS/ACTIVITIES: The Kentucky State University retention rate for first-time full-time degree seeking students is at 90%.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 1: Enhance Student Enrollment, Improve Student Life and Engagement, and Improve Student Advising and Career Development.

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 3: Increase the University's Financial Strength and Operational Efficiency.

Goal 4: Enhance the Impact of External Relations and Development.

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: A stable, and a high retention rate, positively impacts all areas of institutional operations and is indicative of the quality of the living and learning experiences of the university' students.

FISCAL IMPLICATIONS: Stable, and higher retention rates, promote stability in operations and financing of university operations.

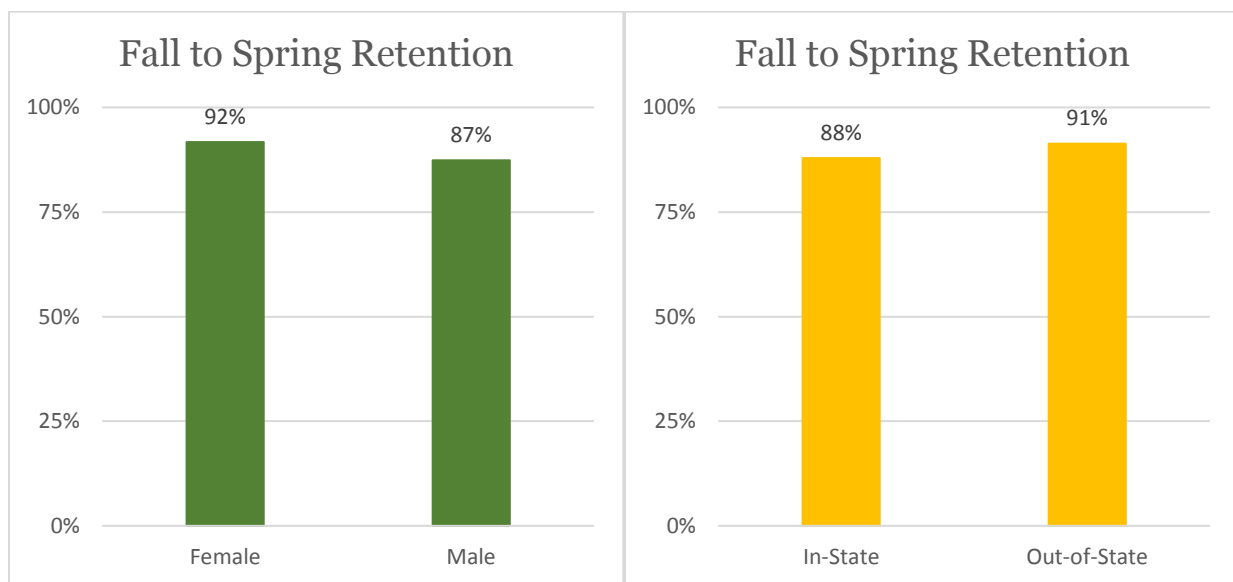
RECOMMENDATION: N/A

ATTACHMENTS: YES

Fall to Spring Retention

Fall 2020 to Spring 2021 retention was calculated as the percentage of the first-time, full-time bachelor's degree-seeking students (cohort) in fall 2020 who registered in spring 2021. Of 440 students in the cohort, 396 of them registered for spring 2021 (as of 1/12/2021). This makes the fall to spring retention rate of 90%.

When broken down by gender, female students had a higher retention rate than male students. 244 of 266 (92%) female students were retained, while 152 of 174 (87%) males were. Comparing residency status, the out-of-state students were retained at a higher rate than in-state students as 243 of 266 (91%) out-of-state students returned in spring 2021 while 153 of 174 (88%) in-state students did.





KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: Update on Spring 2021 Course Delivery Formats
FROM: ACADEMIC AFFAIRS
ACTION ITEM: YES

BACKGROUND: Due to the continuance of the global pandemic, Kentucky State University is again offering courses across the curriculum in three delivery methods- face-to-face, hybrid and fully online.

SUMMARY OF PROGRAMS/ACTIVITIES: The University is offering 597 sections of classes in Spring 2021 of which 296 are designated as fully online; 154 as hybrid; and 147 as face-to-face.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 1: Enhance Student Enrollment, Improve Student Life and Engagement, and Improve Student Advising and Career Development.

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: Delivery methods are aligned to maximize the health and safety of the campus community.

FISCAL IMPLICATIONS: N/A

RECOMMENDATION: N/A

ATTACHMENTS: YES

Spring 2021 Active Courses by Delivery Method

As of 1/13/2021

New College	New School	Face2Face	Hybrid	Online	Grand Total
College of Agriculture, Community, and the Sciences	School of Agriculture, Communities and Environment	7	6	14	27
	School of Aquaculture and Aquatic Sciences	6		9	15
	School of Education and Consumer Sciences	4	14	36	54
	School of Nursing	3	24	18	45
	School of Science, Technology, Engineering, & Mathematics	36	18	49	103
College of Agriculture, Community, and the Sciences Total		56	62	126	244
College of the Humanities, Business, and Society	School of Business	4	2	60	66
	School of Criminal Justice and Political Science	2		14	16
	School of Public Administration			15	15
	School of Social Work			10	10
	School of the Behavioral and Social Sciences	9	34	16	59
	School of the Humanities and Performing Arts	56	53	42	151
College of the Humanities, Business, and Society Total		71	89	157	317
Whitney Young Honors Collegium	Whitney Young Honors Collegium	1		4	5
Whitney Young Honors Collegium Total		1		4	5
Other	KSU118			2	2
	KSU186	8		7	15
	Work Experience and Military Courses	11	3		14
Other Total		19	3	9	31
Grand Total		147	154	296	597



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

DATE: January 28, 2021
SUBJECT: Title IX New Federal Regulations Training
FROM: FINANCE AND ADMINISTRATION
ACTION ITEM: NO

BACKGROUND: Title IX is a federal civil rights law that protects individuals from discrimination based on sex in educational programs and/or activities. On May 6, 2020, the US Department of Education (DOE) released new Title IX regulations consisting of over 2000 pages. In response, Kentucky State University's (KSU) Title IX Office worked diligently to revise KSU's policy and procedures to bring KSU in full compliance with the DOE's new regulations.

SUMMARY OF PROGRAMS/ACTIVITIES:

At the regularly scheduled quarterly meeting on September 3, 2020, the Office of Title IX sought and received approval of the new (Interim) Kentucky State University Policy and Procedures on Sexual Harassment as Defined Under Title IX and Other Sexual Misconduct from the KSU's Board of Regents (Board).

After Board approval, and to adequately address some areas of concern from the Board, the Title IX Office developed a flowchart of the Title IX process and procedures (a copy of which has been attached) and began training relevant parties on the Title IX procedures.

The Office of Title IX is now seeking to train to the Kentucky State University Board of Regents as part of its ongoing process.

ALIGNMENT WITH STRATEGIC GOALS:

Goal 1: Enhance Student Enrollment, Improve Student Life and Engagement, and Improve Student Advising and Career Development.

Goal 2: Achieve Academic Excellence Across all Programs and Colleges, Increase Student General Education Skills, Degree Persistence, Career Readiness and Graduation Rates.

Goal 3: Increase the University's Financial Strength and Operational Efficiency.



KENTUCKY STATE UNIVERSITY BOARD OF REGENTS

Goal 5: Obtain Maximum Institutional Effectiveness through the Implementation of a Continuous Quality Improvement Process framed within the seven Baldrige Performance Excellence in Education criteria.

PROGRAM IMPLICATIONS: N/A

FISCAL IMPLICATIONS: N/A

RECOMMENDATION: N/A

ATTACHMENTS: YES



(INTERIM) KENTUCKY STATE UNIVERSITY POLICY AND PROCEDURES ON SEXUAL HARASSMENT AS DEFINED UNDER TITLE IX AND OTHER SEXUAL MISCONDUCT

Part 1: Introduction

This Policy establishes Kentucky State University's ("KSU") policy and procedures for addressing and resolving allegations of Sexual Harassment as defined under Title IX of the Education Amendments of 1972 and other forms of Sexual Misconduct. This policy also applies to acts of retaliation as defined in the Title IX implementing regulations and types of Sexual Misconduct not contemplated by the Title IX implementing regulations. This regulation does not include Sexual Harassment or other forms of sex or gender-based discrimination covered by Title VII, or that fall within Kentucky State University Policy and Procedures on Sexual Harassment as defined under the Equal Opportunity Employment and Nondiscrimination Policy.

The definition of Sexual Harassment under Title IX is codified in the U.S. Department of Education's Regulations implementing Title IX, 34 C.F.R. § 106.1, et seq. Conduct that is Sexual Harassment under Title IX is not necessarily Sexual Harassment under Title VII or Kentucky law and vice versa.

KSU's Title IX Coordinator and the Office of Human Resources ("OHR") administer this regulation. The Title IX Coordinator and Human Resources administer two (2) separate policies that address Sexual Misconduct and other forms of discrimination and harassment:

- Equal Opportunity Employment and Nondiscrimination Policy
- Kentucky State University Policy and Procedures on Sexual Harassment as defined under Title IX and other Sexual Misconduct.

Sexual Harassment and other forms of sex or gender based discrimination that fall outside of Title IX are prohibited by the Equal Opportunity Employment and Nondiscrimination Policy. Sexual Misconduct that falls outside of the definition of Title IX is prohibited by this policy. The University's Title IX Coordinator has discretion to determine appropriate charge for reported behavior, including which policy applies to the reported behavior. Questions about which policy applies in a specific instance should be directed to the University's Title IX Coordinator at (502) 597-6138.

Part 2: Policy

Kentucky State University adheres to all federal, state, and local laws and regulations prohibiting discrimination in education and employment. KSU prohibits all forms of discrimination on the basis of sex, including Sexual Harassment and Sexual Misconduct as described in this policy. KSU is committed to providing a safe learning, living, and working environment for all members of the University community. Consistent with this commitment, KSU prohibits Sexual Harassment under Title IX which includes quid pro quo sexual harassment, hostile environment sexual harassment, domestic violence, dating violence, sexual assault, stalking, and retaliation against any person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Sexual Harassment"). Complicity in the commission of any act prohibited by this Policy or Retaliating against someone for the good faith reporting or other participation in this Policy is strictly prohibited. Additionally, KSU is committed to raising awareness of issues relating to Sexual Harassment and Sexual Misconduct and its prevention, providing training and continuing education for students, faculty, and staff.

Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion. The University will take prompt and equitable action to prevent prohibited conduct, discipline anyone who violates this policy, stop further prohibited behavior, and remedy the effect of any such conduct.

Every member of the University community is responsible for fostering an environment free from prohibited conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop any acts of prohibited conduct. The University will support and assist community members who take such actions.

Questions regarding Title IX or this policy should be directed to the Title IX Coordinator.

Part 3: Scope of Policy

This policy applies to all of KSU's students, faculty, staff (part-time and full-time), vendors, contractors, campus visitors, authorized volunteers, registered student organizations, and members of the Board of Regents. This Policy applies on all University Property, and on all property at which KSU holds educational programs or activities.

- A. This policy applies to any acts of Sexual Harassment or Sexual Misconduct that occur in KSU's educational programs or activities. Educational program or activities is defined under this policy as any on campus or any other University owned, leased, controlled, or operated location, event, or circumstance over which the University exercised substantial control over both Respondent and the context in which the alleged violation occurred. This includes any activity or location off KSU premises if the activity is authorized, initiated, sponsored, aided, or supervised by the University or a registered student organization.
- B. This policy applies to any acts of Sexual Misconduct that occur on campus or any other University owned, leased, controlled, or operated location, event, or circumstance over which the University exercised substantial control over both Respondent and the context in which the alleged violation occurred. This includes any activity or location off University premises if the activity is authorized, initiated, sponsored, aided, or supervised by the University or a registered student organization.
- C. This policy applies to any acts of Sexual Misconduct that occur outside the context of University employment or a University education program or sponsored activity whenever the conduct has continuing adverse effects on or creates a hostile environment for students, employees, or third parties while on property owned, leased, or controlled by the University, or in any University employment or education program or activity.

Part 4: Title IX Coordinator

The Title IX Coordinator is charged with coordinating KSU's response to reports of Sexual Harassment and Sexual Misconduct under this Policy.

KSU's Title IX Coordinator can be located at the following:

Hannah Satram-Hale, J.D.
Academic Services Building (ASB) – Room 537
400 East Main Street
Frankfort, KY 40601
(502) 597-6138
hannah.hale@kysu.edu

Part 5: Prohibited Acts

- A. Every member of the University community is prohibited from:
 - (1) Engaging in Sexual Harassment or Sexual Misconduct;
 - (2) Being complicit in the commission of Sexual Harassment or Sexual Misconduct;
 - (3) Retaliating in any manner against an individual who makes a complaint or participates in the investigation of a complaint of Sexual Harassment or Sexual Misconduct;
 - (4) Interfering with procedures to investigate or redress a complaint of Sexual Harassment or Sexual Misconduct;
 - (5) Making a false statement during the investigation or hearing of a complaint of Sexual Harassment or Sexual Misconduct; and
 - (6) Making an intentionally false accusation of Sexual Harassment or Sexual Misconduct through the University's procedures.
- B. Any member of the University community who engages in one of these prohibited acts against any other member of the University community may be subject to corrective action and appropriate sanctions.

Part 6: Filing a Report

Any member of the University community, including guests and visitors, may file a report at any time. Any person who believes this policy has been violated should contact the Title IX Office or the Title IX Coordinator. A report may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. Employees may also notify their supervisor. Students may also notify a staff member or faculty member. Any person may contact KSU Police at (502) 597-6878.

In all cases, the Office of Title IX will give consideration to the Complainant with respect to how the report will be pursued. However, the University reserves the right to investigate and pursue a resolution even when the affected person chooses not to initiate or participate in a formal process when such investigation and resolution are necessary to protect the community.

A. False Complaints/Reports/Statements

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

B. Mandatory Reporting by University Employees

All KSU employees (with the exception of the Confidential Resources identified below) are considered "Responsible Employees." Any Responsible Employee who witnesses or is made aware of an incident of Sexual Harassment or Sexual Misconduct must report it to the Title IX Coordinator within 72 hours. Reports of behavior that constitute an immediate threat to the safety or security of the person experiencing the behavior or the campus community should be made to the Kentucky State University Police Department. University employees who are not employed by one of the offices identified in section C, below, are Responsible Employees who are not confidential resources and thus not permitted to hold a report in confidence. Failure of Responsible Employees to report an incident of Sexual Harassment or Sexual Misconduct in a timely manner may result in corrective action, up to and including termination of employment.

C. Confidential Resources

If a Complainant would like the details of an incident kept confidential and not shared with the Title IX office, the Complainant may speak with the following individuals:

For Students:

- KSU's Mental Health Counselor(s);
- Student Health Services;
- Campus Baptist Ministries or the Wesley Foundation; and
- Practicing physicians, whether independent contractors or employed by the University.

Campus counselors are available to help students free of charge and can be seen on an emergency basis during normal business hours. The University's Counseling Center and Student Health Services staff will submit anonymous statistical information for reporting purposes pursuant to the Clery Act unless they believe disclosing information to appropriate officials is necessary to protect their client or patient from harm, or if there is a report of a threat of violence to a minor. In such instances, they will provide non-confidential reports.

For Employees and Students:

- Off-campus local rape crisis counselors;
- Off-campus mental health provider;
- Domestic violence resources;
- Off-campus local or state assistance agencies; and
- Off-campus members of the clergy.
-

If the Complainant is an employee, and he or she would like details of an incident or conduct to be kept confidential, he or she may seek assistance through the Employee Assistance Program or any off-campus local rape crisis counselor, mental health provider, domestic violence resources, local or state assistance agencies, or members of the clergy who will maintain confidentiality. Confidentiality may not be honored in cases of an immediate threat of danger or abuse of a minor.

D. Supportive Measures

Upon receipt of a report or having actual knowledge of a potential violation of this policy, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures and the steps to file a formal complaint if one was not already filed. Supportive measures are intended to restore and or preserve a parties' equal access to the University's educational program or activities. The Title IX Coordinator will consider the Complainant's decision of whether to implement supportive measures. However, even if the Complainant does not want to implement supportive measures, the Title IX Coordinator may deem supportive or other measures necessary if the safety or well-being of any member(s) of the University Community may be jeopardized by the on-campus presence of the Respondent. The Title IX Coordinator may also contact the Respondent to discuss the availability of supportive measures.

Supportive measures may include, but are not limited to:

- a. Referral to counseling and health services;
- b. Referral to the Employee Assistance Program;
- c. Education to the community;
- d. Alteration of the housing situation of Respondent (resident student or resident employee);

- e. Alteration of the housing situation of the Complainant (resident student or resident employee), if desired;
- f. Limitations of contact between the parties, up to and including issuance of a no contact order;
- g. Adjustments to academic deadlines and course schedules;
- h. Altering work arrangements for employees; and
- i. Other remedies appropriate to each individual situation.

The Office of Title IX will keep confidential any supportive measure provided to parties to the extent confidentiality does not impede the implementation of the supportive measures.

E. Formal Complaint

A report of alleged misconduct is not the same as a Formal Complaint. A Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment or Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Harassment or Sexual Misconduct. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an educational program or activity of the University.

A signed written complaint to the Title IX Coordinator is required to initiate the investigative process. A Complainant, or parent or guardian if a Complainant is a minor, may file a Formal Complaint to initiate the investigative process. A Complainant may receive supportive measures whether or not he or she files a Formal Complaint. The Office of Title IX will give consideration to the Complainant's decision with respect to filing a Formal Complaint. However, The Title IX Coordinator may sign a formal written complaint to initiate the investigative process if it is necessary to protect the University community. The University may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

The following are recommended, not required, elements of a Formal Complaint:

- Clear and concise description of the alleged incident(s) (e.g.: when, where, and what occurred);
- Any supporting documentation and evidence;
- The desired remedy sought;
- Name and known contact information for Respondent;
- Name and all contact information of the Complainant/reporting party.

F. Dismissal of a Formal Complaint - Mandatory and Discretionary

Following receipt of a signed Formal Complaint, a preliminary determination will be made by the Title IX Coordinator determining whether the alleged violation falls within the purview of the Policy. Dismissal of a Formal Complaint for Sexual Harassment pursuant to Title IX does not preclude the University from bringing charges and taking disciplinary action against Respondent pursuant to Sexual Misconduct under this policy or pursuant to Equal Opportunity Employment and Nondiscrimination Policy or any other applicable University policy.

The Title IX Coordinator or designee must dismiss a Formal Complaint of Sexual Harassment (in part or in full) if the conduct alleged in the Formal Complaint:

- Would not constitute Sexual Harassment even if proved;
- Did not occur in the University's education program or activity;
- or
- Did not occur against a person in the United States.

The Title IX Coordinator or designee, may dismiss the Formal Complaint (in part or in full) or any allegations in the Formal Complaint if:

- Complainant notifies the Title IX Coordinator, in writing, that he/she wishes to withdraw the Formal Complaint or any allegation in the Formal Complaint;
- Respondent is no longer enrolled in the University's educational program or activity or no longer employed by the University;
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination about the allegations; or
- Did not occur on campus or any other University owned, leased, controlled, or operated location, event, or circumstance over which the University exercised substantial control over both parties and the context in which the alleged violation occurred.

If any allegations of the Formal Complaint are dismissed for any of the above reasons, The Office of Title IX will send prompt notice to both parties stating the reason the complaint was dismissed. The Complainant may appeal the dismissal of the Formal Complaint by submitting the written appeal to the Title IX Coordinator by close of business on the second business day following the date of the letter of dismissal. The appeal must state the reason the dismissal should be overturned. The other party will then be notified of the appeal and has two (2) business days to respond in writing to the Title IX Coordinator.

The Title IX Coordinator will forward the appeal to the Appellate Officer who will review the appeal and notify the parties of the determination.

G. Emergency Suspension of Students or Employees:

Following a Formal Complaint, the University may remove a Respondent from the University on an emergency basis if the Title IX Coordinator believes the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment (as defined in this policy), the Title IX Coordinator will: (1) Undertake an individualized safety and risk analysis, (2) determine that an immediate threat to the physical health or safety of any individual arising from the allegations of Sexual Harassment or Sexual misconduct justifies removal, and (3) provide Respondent with notice of the emergency suspension and opportunity to challenge the emergency suspension.

Emergency Suspension of Students:

During an emergency suspension, a student may be denied access to University Housing and/or to the KSU campus, facilities, or events. As determined by the Title IX Coordinator in consultation with the Dean of Student Leadership, Conduct, and Health, this restriction includes classes and/or all other KSU activities or privileges for which the student might otherwise be eligible. At the discretion of the University, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent. Emergency suspension is enforced only until final disposition of the grievance process.

To appeal an emergency suspension, the student must provide a written appeal to the Vice President for Student Engagement and Campus Life within two (2) business days of the emergency removal. Upon receipt of the appeal, the Vice President for Student Engagement and Campus Life shall schedule an appeal meeting with the student. The student may present supporting evidence and reply to evidence provided by others. The student has the right to be accompanied by an advisor or advocate. The Vice President for Student Engagement and Campus Life will review all information and inform the student of the final decision in writing within three (3) business days of meeting.

Emergency Suspension of Employees:

For faculty and staff Respondents, any Emergency Suspension will be administrative leave with pay. During administrative leave, an employee may be denied access to KSU's campus, facilities, or events. As determined by the Director of Human Resources, this restriction includes classes and/or all other University activities or privileges for which the employee might otherwise be eligible.

At the discretion of the Title IX Coordinator, or designee, and in cooperation with Human Resources, alternative work options may be implemented to minimize any negative impact on the responding employee and Complainant in lieu of administrative leave during the process.

Part 7: Rights of the Complainant and Respondent:

- A. The Complainant has the right to choose whether to file a Formal Complaint with the University.
- B. Complainant has the right to access supportive measures regardless of whether they file a Formal Complaint.
- C. In addition to pursuing administrative penalties and remedies, the Complainant maintains the right to pursue criminal or other legal action.
- D. Respondent has the right to be presumed innocent. It is the University's responsibility to prove that Respondent engaged in Sexual Harassment or Sexual Misconduct.
- E. Both the Complainant and Respondent have the right:
 - (1) To have the University respect their rights provided by the United States and Kentucky Constitutions;
 - (2) To be treated with respect by University officials;
 - (3) To take advantage of campus support resources;
 - (4) To experience a safe living, educational, and work environment;
 - (5) To have an Advisor, who may be an attorney, present during any investigation, pre-hearing meeting, or hearing;
 - (6) To have an attorney represent them at any hearing;
 - (7) To refuse to have an allegation resolved through conflict resolution procedures;
 - (8) To receive amnesty for certain student misconduct, such as alcohol or drug violations, that occurred ancillary to the incident;
 - (9) To be free from retaliation for reporting violations of this regulation or cooperating with an investigation;
 - (10) To have complaints heard in accordance with University procedures;
 - (11) To be informed in writing of the outcome/resolution of the complaint, any sanctions where permissible, and the rationale for the outcome where permissible;
 - (12) To have minimal interaction or contact with Respondent or Complainant; and
 - (13) To request supportive measures from the University to ensure minimal interaction or contact with Respondent or Complainant.

Part 8: Retaliation

Retaliation for Sexual Harassment under Title IX is defined at 34 CFR 106.7. Under that definition, neither the University nor any faculty member, employee, student, or authorized volunteer may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the implementing regulations or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations of university regulations

and policies that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Individuals who have made a complaint of Sexual Harassment or Sexual Misconduct under this policy are protected from behavior that infringes upon their ability to participate in any education program or activity regardless of the outcome of any investigation or hearing. Individuals who encourage others to retaliate on their behalf may also be found responsible for Retaliation. Any allegations of Retaliation should be reported to the Title IX Coordinator.

Students found responsible for Retaliation may be subject to suspension or expulsion from KSU. Employees found responsible for Retaliation may be subject to suspension or termination from KSU.

Part 9: Standard of Proof

Kentucky State University uses the Preponderance of the Evidence (also known as “more likely than not”) standard to decide if a violation occurred. Preponderance of the evidence means superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. This is the burden of proof in a civil trial, in which the jury is instructed to find for the party that, on the whole, has the stronger evidence, however slight the edge may be.

Part 10: Investigation

A. Following Receipt of a Complaint

If the Title IX Coordinator determines that the complaint falls within the purview of this Policy, then the process as outlined in this policy will begin. Investigations may be reasonably delayed only for good cause. Regardless of the status or outcome of any criminal or civil proceeding, KSU, in its discretion or at the request of a Complainant, may proceed with an investigation under this Policy. KSU’s process is separate from and independent of the criminal justice process.

There is no fixed time frame under which a school must complete an investigation under this Policy. However, KSU will make every effort to resolve the complaint in a reasonably timely manner. Reasons for a delay in investigating and resolving a complaint will be detailed in the investigative report.

The Respondent is presumed not responsible of any alleged violation of this policy until a determination is made at the conclusion of the process outlined in this policy.

The University will promptly notify the Respondent that a formal complaint has been made against him/her. The University’s notice will contain:

- Notice of the grievance process, including the availability of informal and formal resolution options;
- Notice of the allegations against Respondent with details of the alleged policy violation(s), including, if known: (1) the identity of the parties involved in the incident, (2) the alleged conduct, and (3) the date and location;
- A statement that the Respondent is presumed not responsible for the alleged conduct
- A statement that a determination regarding responsibility is made at the conclusion of the process;
- A statement of the parties’ right to an advisor of their choice (who may be an attorney);
- A statement that the Respondent may inspect and review evidence prior to a determination of responsibility being made;

- A warning that knowingly providing false statements or submitting false information during the grievance process constitutes a violation of this policy and is subject to disciplinary action; and
- A proposed interview date, time, and location that allows the parties enough time to prepare a response prior to the interview.

B. Federal Timely Warning Obligations

Parties reporting Sexual Harassment should be aware that pursuant to the Clery Act, KSU personnel must issue crime alerts for incidents reported to them that represent a serious or continuing threat to students or employees. Should KSU personnel determine that a crime alert is warranted, KSU will withhold a victim's name and other identifying information and maintain confidentiality to the extent allowed by law, while providing enough information for University Community Members to make safety decisions in light of the potential danger.

C. Drug and Alcohol Amnesty

KSU will not pursue disciplinary action for improper use of alcohol or other drugs against a party reporting Sexual Harassment or against another student who shares information as either a Witness to or as a reporter of Sexual Harassment as long as the report is made in good faith. KSU may, however, refer the student to counseling services.

D. Resolution Options – Informal and Formal Processes

a. Informal Resolution Process

Informal Resolution is a process overseen by the Title IX Coordinator or designee in which the primary goal is to end Sexual Harassment, prevent its reoccurrence, and remedy any known impact on the KSU 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. The University does not allow for Informal Resolution of certain alleged conduct or Sexual Harassment of a student or minor by an employee.

Sanctions are generally not pursued as a result of Informal Resolution, 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, KSU reserves the right to change an Informal Resolution process to a Formal Resolution process if Informal Resolution efforts are not feasible or productive, or if sufficient information is available that suggests the need to do so.

b. Formal Resolution Process

If the Informal Resolution process is either unsuccessful or inappropriate, or one or both parties declines resolution through an Informal Resolution process, the matter will proceed with an investigation through the Formal Resolution process.

All investigations will be thorough, reliable, and impartial. Investigations will include all applicable investigation techniques, including but not limited to interviewing all relevant parties and witnesses, obtaining and reviewing available information, and identifying sources of expert information, if necessary. During investigations, regular communication will occur between the Title IX Coordinator or designee and the Complainant and Respondent.

Both parties are:

- Permitted an equal opportunity to provide witnesses and other inculpatory or exculpatory evidence;
- Permitted to bring an advisor of their choice, who may be an attorney, during any stage of the investigatory and grievance process;

- Given equal opportunity to inspect and review any information obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the University does not intend to rely in reaching a decision;
- Given equal opportunity to respond to such evidence; and
- Given equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

c. Role of the Investigator and Investigative Report

After receipt of a Formal Complaint, the Title IX Coordinator will assign a Title IX Investigator to investigate the complaint. While parties are free to communicate with the Title IX Coordinator, the Title IX Coordinator does not and cannot investigate the Formal Complaint. The Title IX Investigator serves as the primary point of contact for the parties and functions as an impartial evidence gatherer.

Both parties shall have equal opportunity to present witnesses and evidence, both inculpatory and exculpatory.

During the investigative process, the burden of proof and the burden of gathering evidence regarding responsibility of an alleged violation rests with the University. Following an investigation, the Title IX Investigator will draft an investigative report that documents information gathered during the process, which will be made available to both parties. The draft investigative report will include:

- The details of the alleged conduct;
- A list of persons interviewed for the investigation and a summary of their interviews;
- A list and summary of all evidence, inculpatory and exculpatory, gathered;
- Assessments of the evidence (e.g., indications of where evidence from the parties conflicted, where a witness statement corroborated a party's claims, etc.);
- A synthesized list summarizing all the undisputed evidence upon which the parties/witnesses are in agreement and a synthesized list summarizing all the evidence that remains contested between the parties/witnesses; and
- The University or the Investigator may not request any records or information protected by a legal privilege (attorney/client, doctor/patient) without the voluntary written consent of the party holding the privilege.

The Title IX Investigator's report will not make any findings of fact, determinations as to whether a violation of this policy occurred, or any recommendations for resolutions of the grievance process.

The University will prove either an electronic or hard copy of the draft report to the parties and their advisors, if any. The parties will have ten (10) days to review the draft report and evidence in order to provide a written response to the Title IX Investigator. After ten (10) days, responses to the draft investigative report will no longer be accepted. The Title IX Investigator will include all written responses in the final investigative report. The University will send either electronic or hard copies of the final investigative report to the parties, their advisors, and Decision Maker. The parties will receive a copy of the investigative report at least ten (10) days before the hearing.

Part 11: Determination of Probable Cause:

- A. After reviewing the final investigative report, the Title IX Coordinator, or their designee, will determine whether there is probable cause to believe Respondent committed Sexual Harassment or Sexual Misconduct.
- B. If the Title IX Coordinator, or designee, concludes there is not probable cause to believe Respondent committed Sexual Harassment or Sexual Misconduct, the Title IX Coordinator will state this conclusion in writing and notify both the Complainant and Respondent. The Complainant may appeal this decision to the Appellate Officer. If the Formal Complaint is not dismissed in its entirety, the dismissal is not subject to appeal until the adjudication process is complete
- C. Alternatively, if the Title IX Coordinator, or designee, concludes there is Probable Cause, then the Title IX Coordinator will prepare a written statement of charges and present this written statement of charges to both the Complainant and Respondent.
- D. The written statement of charges will include a summary of the complaint, the alleged policy violation(s), the date and time of the pre-hearing meeting, and, if applicable, interim restrictions or supportive measures.

For allegations involving individuals, the statement of charges will be sent to Respondent's and Complainant's official University email addresses no less than five (5) calendar days prior to a scheduled pre-hearing meeting. Failure to read and comply with the statement of charges is not suitable grounds for an appeal.

For registered student organizations, the statement of charges will be mailed to the organization's representative, typically the organization's president, on file with the University. Failure to read and comply with the statement of charges is not suitable grounds for an appeal.

In scheduling a pre-hearing meeting, the Title IX Coordinator, or designee, considers the availability of Respondent, Complainant, and their respective Advisors, based on Complainant and Respondent's class schedules, if students, and work schedules, if employees.

- E. Pre-Hearing Meetings: The Title IX Coordinator, or designee, will meet with Respondent and Complainant separately to: (1) discuss the hearing process; and (2) attempt to resolve the matter without conducting a live hearing. These meetings will occur separately. With the exception of Advisors, pre-hearing meetings are closed meetings. If Respondent chooses to resolve the allegation during the meeting, the case will be closed, and the appropriate unit administrator(s) will be notified. If the allegation is not resolved during the meeting, the case will be referred to the Decision Maker for a live hearing consistent with the procedures herein.

Part 12: General Hearing Procedures before the Decision Maker:

Both parties will receive sufficient written notice of the date, time, location, participants, and purpose of any hearings, interviews, or meetings.

The hearing convenes following the investigation of a Formal Complaint. The Decision Maker will (1) objectively evaluate relevant evidence and determine if a violation of the Policy occurred and (2) administer sanctions and remedies as appropriate. For cases brought before the Decision Maker, the following procedures outline the process:

Both the parties and their advisors shall have at least ten (10) calendar days to review the investigative report and have access to inspect or review any evidence referenced in the report before the hearing convenes.

- Both the parties may choose to participate in a manner that does not require their presence in the same room as the other party(ies).
- No individual, including the Complainant, Respondent, or any witness, is required to attend or participate in the hearing. However, parties should be aware that the Decision Maker cannot consider any statements or evidence

(physical, documentary, or verbal) previously provided by a party/individual during the investigation who then chooses not to participate in the hearing and submit to cross-examination. Therefore, if a party participates in direct examination and then refuses to participate in cross examination the Decision Maker cannot rely on any statement of that individual in reaching a determination regarding responsibility. The Decision Maker will make a decision based only upon the information provided to them during the hearing. The Decision maker may not make inferences about determination because a party or witness did not participate in the hearing or cross-examination.

- Questions and evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant unless (1) such questions and evidence about Complainant's prior sexual behavior are offered to prove that someone other than Respondent committed the conduct alleged by Complainant, or (2) if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with Respondent and offered to prove consent. This standard is mandated by federal regulations and preempts any contrary Kentucky law.
- Both the parties are entitled to have present one advisor, and an attorney, present to .
- The Decision Maker is responsible for maintaining order and will direct any person who fails to comply with procedures during the hearing or who disrupts or obstructs the hearing to leave the hearing. The Decision Maker does not have the authority to dismiss allegations made pursuant to this policy.
- The hearing will be closed to the public. Complainant, Respondent, their respective Advisors are allowed to attend the entire porting of the hearing, excluding the Decision Maker's deliberations. Witnesses will be excluded from hearings except for the period of their own testimony.
- The Title IX Investigator assigned to the case will be called as the first witness and will present the Investigative Report.
- Both the parties' advisors may hear and question adverse parties and witnesses through cross-examination. Only advisors are permitted to ask cross-examination questions. At no point will the Complainant or Respondent be permitted to cross examine one another.
- If a party does not have an advisor, the University will provide that party an advisor of the University's choice to conduct cross-examination. Both the Complainant and the Respondent may rebut unfavorable inferences through cross-examination.
- Either party may request that the parties be placed in separate rooms during cross-examination while observing the questioning via live technological means.
- During cross-examination, the Decision Maker will determine relevancy and permissibility of a question prior to the individual answering.
- Credibility determinations will not be made based on a parties' designation (Respondent, Complainant, Witness), although challenging a party's credibility based upon information used during the hearing is permitted.
- Both the Complainant and the Respondent have the right to present information relevant to sanctioning on their own behalf by providing an impact statement.
- Within five (5) days of the hearing, the Decision Maker will issue a written determination regarding responsibility. The written determination will include:
 - o Identification of the allegations constituting Sexual Harassment or Sexual Misconduct;
 - o A description of the procedural steps taken from the receipt of the formal complaint through the Decision Maker's determination, including any notification to parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - o Findings of fact supporting the determination;
 - o Conclusions regarding the application of the facts to this policy;
 - o A statement of rationale for the result as to each allegation, including a determination regarding responsibility.

- o A statement of rationale for any disciplinary sanctions the University imposes on the Respondent, and whether any further remedies will be provided to the Complainant's continuing education or work at the University;
- o The right for either party to appeal in accordance with this policy; and
- o The procedures and bases for the parties to appeal the Decision Maker's determinations.
- Both the Complainant and the Respondent shall receive concurrent notification of the determination and any sanctions/remedies imposed by the Decision Maker.
- A record shall be made of the hearing and maintained for seven (7) years for the initial report of the matter.

A. Conflicts of Interest

In addition to compliance with the Policy, a decision maker should disqualify himself or herself in a proceeding in which the decision maker's impartiality might reasonably be questioned, including but not limited to instances where:

- The Decision Maker has a personal bias or prejudice concerning either party, or has personal knowledge of facts concerning the hearing;
- The Decision Maker was directly involved in the matter in controversy;
- The Decision Maker previously supervised the Complainant or Respondent;
- The Decision Maker was a witness to the matter;
- The Decision Maker or a person in his/her family is related to either party; or
- The Decision Maker is in the same Department as the Complainant or Respondent.
- Failure of the Decision Maker to disqualify himself or herself or notify the Title IX Coordinator of potential conflicts of interest is considered a violation of this Policy.

B. Restricted Communication

The Decision Maker shall not initiate, permit, or consider communication made outside the hearing process concerning a pending matter, except as follows:

- Any communication necessary to perform their responsibilities and duties; or
- Any communication for scheduling, administrative, or emergency purposes, which does not address substantive matters.

If a Decision Maker receives an unauthorized communication bearing upon the substance of a complaint, the Decision Maker shall promptly notify the Title IX Coordinator of the substance of the communication. Both parties will be made aware of the communication and given an opportunity to respond. A Decision Maker shall not investigate facts in a complaint and shall consider only the information presented during the hearing process.

C. Disciplinary Sanctions

Factors considered when determining a sanction may include but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous grievances or allegations involving similar conduct. Second or subsequent offenses will receive more severe sanctioning.
- Class standing (hours earned) where necessary to determine the impact of the sanction on the Complainant, Respondent, or University Community.

- The academic records of the parties;
- The need for sanctions to bring an end to the Sexual Harassment, Sexual Misconduct, and/or Retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of Sexual Harassment, Sexual Misconduct, and/or Retaliation; and
- The need to remedy the effects of the Sexual Harassment, Sexual Misconduct, and/or Retaliation on the Complainant and the community.

D. Recommended Sanctions

Sanctions or remedies for a student who has violated this Policy may include, but are not limited to: verbal or written warning, required educational program, probation, loss of visitation privileges, counseling, no contact order, relocation of residence halls, eviction from the residence halls, limited access to campus, community service hours, alcohol and drug assessment/counseling, suspension, and/or expulsion.

The chart below outlines the recommended sanctions for specific acts of Sexual Harassment. Additional sanctions not specifically listed below may also be imposed when appropriate.

	Recommended Range of Sanctions (STUDENTS)	Recommended Range of Sanctions (EMPLOYEES)
Sexual Harrassment: Quid Pro Quo	Disciplinary Probation, Counseling Assessment, Social Restrictions, Social Suspension, Suspension, Expulsion	Probation, Written Warning, Counseling Assessment, Suspension, Termination
Sexual Harrassment: Hostile Environment	Disciplinary Probation, Counseling Assessment, Social Restrictions, Social Suspension, Suspension, Expulsion	Probation, Written Warning, Counseling Assessment, Suspension, Termination
Sexual Harrassment: Sexual Assault	Suspension, Expulsion	Suspension, Termination
Sexual Harrassment: Dating Violence or Domestic Violence	Disciplinary Probation, Counseling Assessment, Social Restrictions, Social Suspension, Suspension, Expulsion	Probation, Written Warning, Counseling Assessment, Suspension, Termination
Sexual Harrassment: Stalking	Disciplinary Probation, Counseling Assessment, Social Restrictions, Social Suspension, Suspension, Expulsion	Probation, Written Warning, Counseling Assessment, Suspension, Termination

The chart below outlines the recommended sanctions for specific acts of Sexual Misconduct. Additional sanctions not specifically listed below may also be imposed when appropriate.

	Recommended Range of Sanctions (STUDENTS)	Recommended Range of Sanctions (EMPLOYEES)
Sexual Harrassment: Sexual Assault	Suspension, Expulsion	Suspension, Termination
Sexual Harrassment: Dating Violence or Domestic Violence	Disciplinary Probation, Counseling Assessment, Social Restrictions, Social Suspension, Suspension, Expulsion	Probation, Written Warning, Counseling Assessment, Suspension, Termination
Sexual Harrassment: Stalking	Suspension, Expulsion	Suspension, Termination
Sexual Harrassment: Sexual Exploitation	Disciplinary Probation, Counseling Assessment, Social Restrictions, Social Suspension, Suspension, Expulsion	Probation, Counseling Assessment, Suspension, Termination

E. Student Participation and Student Withdrawal

The University may place an administrative hold on the records of any student who is the subject of an alleged Policy violation. The administrative hold will not permit the student to withdraw from and/or register for classes, and/or return to the University, and/or receive a copy of his or her transcript. At its discretion, during the course of an investigation, the University will temporarily remove the hold so as to not hinder the responding student's educational progress. Should a student attempt to withdraw and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to the conclusion of the process.

F. Employee Resignation

Should an employee resign while an investigation is pending, the records of the investigation will reflect that status. Should an employee resign, the process will nonetheless proceed in the employee's absence to the conclusion of the process. The University will only render final findings but will not have jurisdiction to sanction the former employee.

Part 13: Process to Appeal the Decision Maker's Determinations

Any of the Decision Maker's findings or sanctions may be appealed according to the grounds below.

A. Appeal of Findings

The Complainant or Respondent may appeal: (1) the findings of the Decision Maker, (2) sanctions imposed by the Decision Maker, and (3) dismissal of a Formal Complaint.

Either party may appeal the Decision Maker's finding of responsibility. The appeal must be submitted, in writing, to the Title IX Coordinator or designee by close of business on the second business day following receipt of the closing letter. The other party is notified of the appeal and has two business days to respond in writing to the Title IX Coordinator or designee.

The Title IX Coordinator will forward the appeal to the Appellate Officer who will review the appeal and notify the parties of the determination. The appeal of findings process is the same for students and employees.

**The Title IX Coordinator will gather all applicable and relevant documents and forward the appeal and any response received to the Appeals Officer.

Appeals of Findings May Be Submitted Only on the Following Bases

- Procedural irregularity that affected the outcome of the matter. A description of the error and its impact on the outcome of the case must be included in the written appeal;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents or the individual Complainant or Respondent that affected the outcome of the matter. A description of the conflict and its impact on the outcome of the case must be included in the written appeal; or
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new information. A summary of this new information and its potential impact on the investigation findings must be included in the written appeal.

The Appeals Officer or designee will review the appeal and the appeal response to determine if one of the ground(s) for appeal have been met. Appeals are confined to a review of the written record on appeal.

Principles Governing Appeals of Findings

- Appeals granted based upon procedural irregularity shall be remanded to the Decision Maker who will reopen the hearing and correct the procedural irregularity.
 - If the appeal is that the procedural irregularity occurred during the investigation, the Appeals Officer will remand the investigation back to the Title IX office to correct the error. In rare cases where the procedural irregularity cannot be fixed, such as conflict of interest, the Appeals Officer may remand the case back to the Title IX Office for a new investigation with a new investigator.
- For appeals granted based on bias or conflict of interest, the Appeals Officer shall review the entire record of the grievance process to determine whether or not there was any conflict or bias on part of the Title IX Coordinator, Title IX Investigator, or Decision Maker, and whether or not bias or conflict affected the outcome.
 - If it is determined there was no bias or conflict, the Appeals Officer will issue a written determination affirming the determination of the Decision Maker.

- o If it is determined there was bias or conflict, the Appeals Officer will remand the matter back to the stage where the conflict was present and the matter will restart with a new investigator or Decision Maker, as appropriate.
- Appeals granted based on new information shall be remanded to the investigative stage to determine if sufficient information exists to suggest there may be a violation of the policy. If so then the matter will be reheard, including the new information, by the Decision Maker.
- All parties shall be informed of the results to grant or deny the appeal in writing with a rationale for the results.
- If no bases for appeal are met, the appeal will be denied and the findings will be final.

A. Student Appeal of Sanctions

Either party may appeal the sanction(s) imposed by the Decision Maker. The appeal must be submitted, in writing, to the Title IX Coordinator or designee by close of business on the second business day following receipt of the closing letter. The other party is notified of the appeal and has two business days to respond in writing to the Title IX Coordinator or designee.

The Title IX Coordinator will forward the appeal to the Appellate Officer who will review the appeal and notify the parties of the determination. The appeal of findings process is the same for students and employees.

**The Title IX Coordinator will gather all applicable and relevant documents and forward the appeal and any response received to the Appeals Officer.

Sanction Appeals May Be Submitted Only On The Following Bases

- Procedural irregularity that affected the outcome of the matter. A description of the error and its impact on the outcome of the case must be included in the written appeal;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents or the individual Complainant or Respondent that affected the outcome of the matter. A description of the conflict and its impact on the outcome of the case must be included in the written appeal; or
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new information. A summary of this new information and its potential impact on the investigation findings must be included in the written appeal.

Principles Governing Appeals Involving Sanctions Other Than Suspension Or Expulsion

- The Appeals Officer or designee will review the appeal and written record to determine if one of the grounds for appeal have been met.
- If no grounds for appeal exists based on the written record, the appeal will be denied and the sanction will be final.
- If the Appeals Officer or designee determines that grounds for appeal exist, the appeal shall be heard by the Dean of Students. The Dean of Students shall review the appeal based only on the grounds identified by the Appeals Officer or designee. The Dean of Students may modify the sanction imposed by the Decision Maker.
- The Dean of Students' decision shall be final.

Principles Governing Appeals Involving Sanctions Of Suspension Or Expulsion

- The Appeals Officer or designee will evaluate the appeal, and prepare a recommendation for the Vice-President for Student Engagement and Campus Life as to whether or not the grounds for appeal have been met.
- The Appeals Officer or designee will submit his/her recommendation as to whether there are valid grounds for appeal, along with the appeal submitted by the student(s) and any response filed, to the Vice-President for Student Engagement and Campus Life.
- The Vice-President for Student Engagement and Campus Life shall review the materials submitted by the Appeals Officer or designee.
- The student may appeal the Vice-President's decision to the Board of Regents. The student must appeal on one of the three grounds listed above. The appeal must be submitted, in writing, within two business days of receiving the Vice-President's decision. The student must submit the appeal to the Appeals Officer.
- The Appeals Officer or designee shall provide the original recommendation as to whether there are valid grounds for appeal, the student's original appeal and the Vice-President's response, along with the new appeal to the Board of Regents.
- The Board of Regents may modify the sanction imposed by the Decision Maker. The Board of Regents' decision shall be final.

Principles Governing Appeals of Sanctions

- Appeals are confined to a review of the written record on appeal, including but not limited to evidence presented at the hearing and documentation pertinent to the grounds for appeal. The person(s) hearing the appeal shall not consider matters outside of the hearing record in making a determination.
- All parties will be informed of the results of the appeal in writing. The decision of the Vice President for Student Life and Campus Engagement, or the Board of Regents in cases involving suspension or expulsion, is final and may not be appealed.

B. Employee Appeal of Sanctions

Either party may appeal the sanctions imposed by the Decision Maker for violating the Policy. The appeal must be submitted, in writing, to the Title IX Coordinator or designee by close of business on the second business day following receipt of the closing letter. The other party is notified of the appeal and has two business days to respond in writing to the Title IX Coordinator or designee.

The Title IX Coordinator will forward the appeal to the Appellate Officer who will review the appeal and notify the parties of the determination. The appeal of findings process is the same for students and employees.

******The Title IX Coordinator will gather all applicable and relevant documents and forward the appeal and any response received to the Appeals Officer.

Appeals May Be Submitted Only On The Following Bases

- Procedural irregularity that affected the outcome of the matter. A description of the error and its impact on the outcome of the case must be included in the written appeal;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents or the individual Complainant or Respondent that affected the outcome of the matter. A description of the conflict and its impact on the outcome of the case must be included in the written appeal; or

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new information. A summary of this new information and its potential impact on the investigation findings must be included in the written appeal.

Appeal of Sanctions for Non-Tenured Faculty Respondent, Staff Respondent, or Tenured Faculty Respondent (receiving disciplinary action other than termination)

- The appeal must be submitted, in writing, to the Appeals Officer or designee by close of business on the second business day following notice of the disciplinary action.
- The other party is notified of the appeal and has two business days to respond in writing to the Appeals Officer or designee.
- The Appeals Officer or designee will review the appeal and the appeal response to determine if one of the ground(s) for appeal have been met. Appeals are confined to a review of the written record on appeal.
- If no ground(s) for appeal exists, the appeal will be denied and the sanction will be final.
- If one or more of the bases for appeal exist(s), the appeal shall be heard by the Director of Human Resources. The Director of Human Resources shall review the appeal based only on the grounds identified by the Appeals Officer or designee.
- The Director of HR may modify the sanction imposed by the Decision Maker. The decision of the Director of HR shall be final.

Principles Governing Appeals of Sanctions

- Appeals are confined to a review of the written record on appeal, including but not limited to information presented at the hearing and documentation pertinent to the grounds for appeal. The Director of HR shall not consider matters outside of the hearing record in making a determination.
- All parties will be informed of the results of the appeal in writing. The decision of the Director of Human Resources is final and may not be appealed.

Appeal of Disciplinary Action for a Tenured Faculty Respondent Subject to Termination

- The tenured faculty member has a right to appeal the discipline of termination to the Board of Regents, pursuant to KRS 164.360.
- Complainants may appeal based on the claim that termination should have been the discipline.
- The appeal must be submitted, in writing, to the Appeals Officer, or designee within two business days of the notice of disciplinary action.
- The other party is notified of the appeal and has two business days to respond in writing to the Appeals Officer or designee.
- The Appeals Officer or designee will review the appeal and offer a recommendation as to whether or not the grounds for an appeal have been met.
- The Appeals Officer or designee will submit his/her recommendation as to whether or not there are valid grounds for appeal, along with the written materials submitted by the Complainant and/or Respondent, to the Board of Regents.
- All documents to be used in the hearing before the Board of Regents must be fully disclosed to the Appeals Officer or designee no less than five (5) days in advance of the hearing.

Principles Governing Appeals Involving Termination for Tenured Faculty

- The Board of Regents will hear the discipline appeal as soon as is practicable, but no later than the next regularly scheduled Board meeting.
- Appeals granted based upon procedural irregularity shall be remanded to the Decision Maker to correct the procedural irregularity.
- For appeals granted based on bias or conflict of interest, the Board shall review the entire record of the grievance process to determine whether or not there was any bias or conflict by the Title IX Coordinator, Title IX Investigator, or Decision Maker, and whether bias or conflict affected the outcome.
 - o If it is determined there was no bias or conflict, the Board will issue a written determination affirming the determination of the Decision Maker.
 - o If it is determined there was bias or conflict, the Board will remand the matter back to the stage where bias or conflict was present and the matter will restart with a new investigator or Decision Maker, as necessary.
- Appeals based on new information will be remanded to the Decision Maker who will then review the original factual finding to determine if the new information changes the original factual finding. If the Decision Maker determines that the original factual finding has changed, the new factual finding, if appropriate, will be sanctioned.
- A faculty member shall not be removed until after ten (10) days-notice, in writing, stating the nature of the charges preferred, and after an opportunity has been given him/her to make a defense before the Board of Regents by counsel or otherwise and to introduce testimony which shall be heard and determined by the Board of Regents (KRS 164.360). In cases involving Sexual Misconduct or Sexual Harassment only, the Complainant shall have the same rights as the Tenured-Faculty Respondent.

All parties will be informed of whether the disciplinary action appeal is accepted and the results of the disciplinary action appeal decision. The decision of the Board of Regents is final and may not be appealed.

Part 14: Definitions

Actual Knowledge

Notice of Sexual Harassment or allegations of Sexual Harassment to KSU's Title IX Coordinator or any official of KSU who has authority to institute corrective measures on behalf of the University.

Advisor

An advocate or other individual who may attend both an investigative meeting or live hearing to provide advice, support, or guidance to either Respondent or Complainant. An advisor may not interfere with the purpose of or create a disturbance in any investigative meeting. If an advisor does interfere with the purpose of or create a disturbance in any investigative meeting, they will be asked to leave the meeting.

An advisor may be an attorney. Non-attorney Advisors may not directly participate in a live hearing because participating in a live hearing may be regarded as the practice of law in Kentucky. An Advisor may not be a witness at the hearing of the matter for which they are serving as an Advisor.

Appeals Officer

A person who reviews appeals to determine if the appeal meets any of the grounds as set forth in this Policy.

Business Day

A business day is a day during which KSU offices are open.

Complainant

An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment or Sexual Misconduct. If Complainant is a minor or legally incompetent, the parents or guardians of Complainant may act on Complainant's behalf. However, the individual who experienced the behavior, not the parents or guardians, is the Complainant.

Consent

Consent means words or actions demonstrating a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is determined based on the totality of the circumstances. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Consent cannot be obtained by: Force or Coercion; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another.

A person cannot consent if he or she is under the age of 16 (KRS 510.020), is unable to understand what is happening, or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who knowingly acts sexually upon another person who is physically or mentally incapacitated has violated this Policy.

Dating Violence

A form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition in 34 U.S.C. 12291(a)(10), which defines Dating Violence as 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. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Decision Maker

Person at the hearing who is responsible for determining if a violation occurred and issuing sanctions.

Domestic Violence

A form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition in 34 U.S.C. 12291(a)(8), which defines Dating Violence as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kentucky, or 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 Kentucky.

False Statement

Providing a statement or information that the person providing such statement or information knows to be false at the time it is provided.

Force or Coercion

Means: (a) threats of serious physical, emotional, or psychological harm to or physical restraint against any person, (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person, or (c) threats of employment or academic repercussions for failing to engage in the requested behavior.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator, or their designee, alleging Sexual Harassment or Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Harassment or Sexual Misconduct. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University.

Incapacitation

A person is impaired to such a level that they lack the physical and/or mental ability to make informed, rational judgments and/or cannot appraise or control their own conduct or make decisions with the degree of understanding they typically possess. A person may be impaired by an intoxicant, by mental illness or deficiency, or by physical illness or disability to the extent that personal decision-making is impossible. A person can be intoxicated without being incapacitated. A person who is below the statutory age of consent is incapacitated.

Physical Assault

Means threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical assault will be addressed under this policy if it involves sexual or gender-based harassment, dating or domestic violence, or is part of a course of conduct under the stalking definition.

Preponderance of the Evidence

Means superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. This is the burden of proof in a civil trial, in which the jury is instructed to find for the party that, on the whole, has the stronger evidence, however slight the edge may be.

Probable Cause

A reasonable basis for believing that a violation of this policy may have occurred.

Protected Activity

A protected activity includes making a report of a potential violation of the Policy or otherwise participating in an investigation of such a report.

Respondent

Means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment or Sexual Misconduct. A Respondent is a party to any live hearing that occurs because of an investigation pursuant to this regulation. If Respondent is a minor or legally incompetent, the parents or guardians of Respondent may act on Respondent's behalf. However, the individual accused, not the parent or guardian, is the Respondent.

Responsible Employee

An employee who:

- Has the authority to take action to redress Sexual Harassment or Sexual Misconduct; or
- Has the duty to report incidents of Sexual Harassment or Sexual Misconduct to appropriate school officials, or
- Is an individual reasonably believed to have this authority or duty.

Retaliation

“Retaliation” for Sexual Harassment under Title IX is defined at 34 CFR 106.7. Under that definition, neither the University nor any faculty member, employee, student, or authorized volunteer may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the implementing regulations or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations of university regulations and policies that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Individuals who have made a complaint of Sexual Harassment or Sexual Misconduct under this policy are protected from behavior that infringes upon their ability to participate in any education program or activity regardless of the outcome of any investigation or hearing. Individuals who encourage others to retaliate on their behalf may also be found responsible for Retaliation.

Any allegations of Retaliation should be reported to the Title IX Coordinator.

Sexual Assault

A form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition 20 U.S.C. 1092(f)(6)(A)(v), which defines Sexual Assault as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A sex offense is any act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.

- A. Sexual Assault: Rape is defined as 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 a second person, without the consent of the person being violated.
- B. Sexual Assault: Fondling is defined as the touching of the private parts of another person without the consent of the second person, including instances where the second person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- C. Sexual Assault: Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. Sexual Assault: Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

Sexual assault also includes all sex offenses as stated in Kentucky Revised Statutes 510.010 through 510.140.

Sexual Exploitation

Taking non-consensual or sexual advantage of another person. This includes situations in which the conduct does not fall within the definitions of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence or Stalking. Examples of Sexual Exploitation include, but are not limited to:

1. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give affirmative consent to sexual activity;
2. Allowing third parties to observe private sexual activity from a hidden location (e.g., a closet) or through electronic means (e.g., via Skype or live streaming of images);
3. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
4. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
5. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
6. Human Trafficking; and
7. Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.

Sexual Harassment

Means conduct on the basis of sex that occurs in the University's education program or education activity and satisfies one or more of the following:

- A. An employee of the University conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct. This type of sexual harassment is also referred to as Quid Pro Quo.;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. This type of sexual harassment is also referred to as Hostile Environment.;
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Misconduct

Includes Sexual Assault, Dating Violence, domestic Violence, Stalking, and Sexual Exploitation when that behavior does not meet the jurisdictional requirements to constitute Sexual Harassment under Title IX.

Stalking

A form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition in 34 USC § 12291(a)(30), which is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for his or her safety or the safety of others; or
- B. Suffer substantial emotional distress.

Course of conduct means two (2) or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the person who alleges stalking.

Student

Means any person who is enrolled in courses at KSU. Student status continues whether or not KSU's academic programs are in session. Student status includes those taking courses for credit or non-credit at KSU, either full-time or part-time, while pursuing undergraduate or graduate studies.

Persons who are not enrolled at KSU but who are participating in or attempting to participate in the education program or activity of the University are not students. However, such persons may serve as a Complainant or a Respondent.

Persons who withdraw after allegedly violating this Policy or who graduated after allegedly violating this Policy are not students but are still subject to discipline under this policy.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter Sexual Harassment and/or Sexual Misconduct.

Supportive measures may include but are not limited to the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus safety or security escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus; and
- Other similar appropriate measures.

The University must maintain as confidential any supportive measures provided to Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator, or their designee, is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator

The University official responsible for the investigation of complaints of Sexual Harassment, resolving potential violations informally or formally, and facilitating the hearing process.

University Community

All faculty, staff, students, Board of Regents members, and anyone doing business for or with the University.

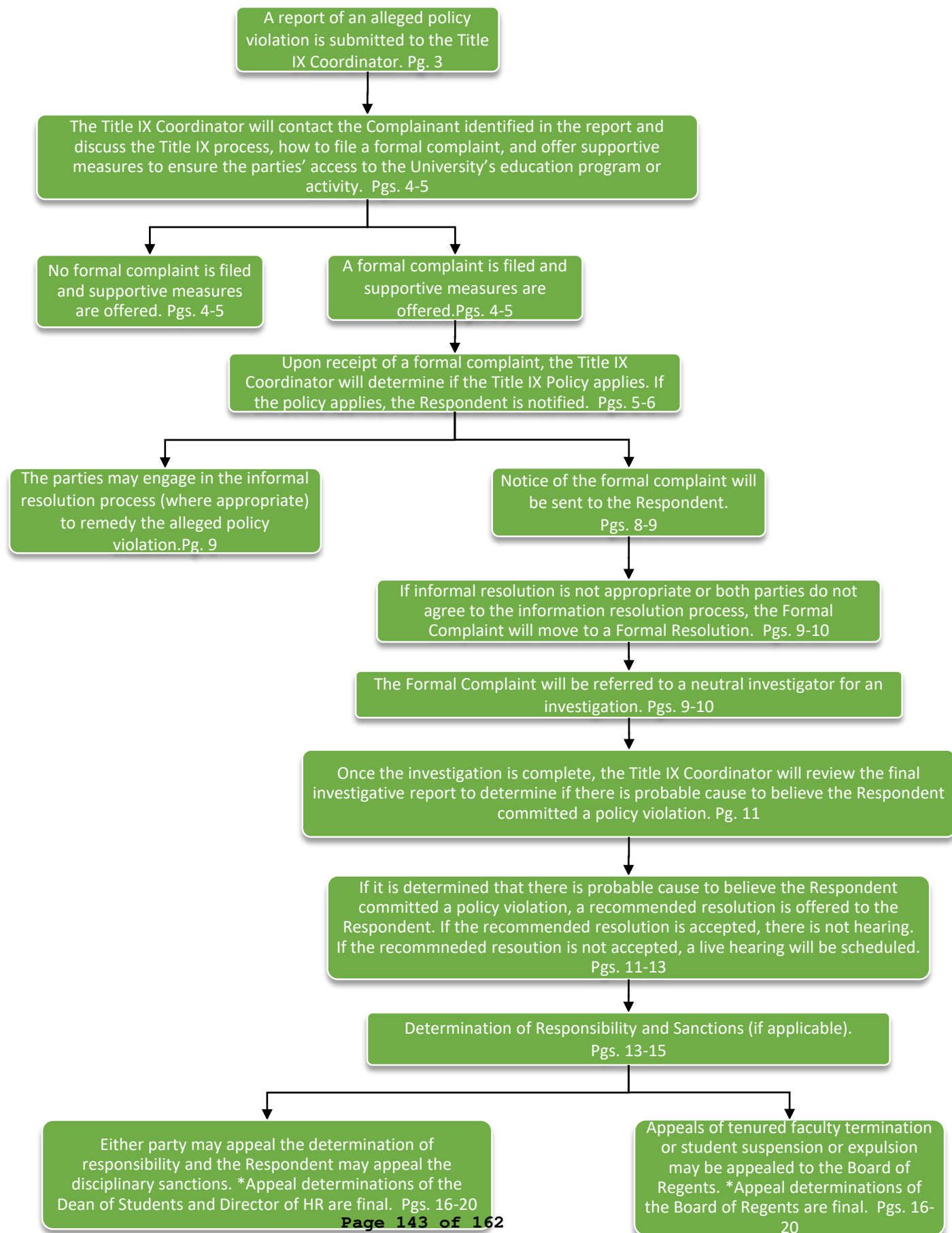
University Property

All buildings, land, facilities, and any other property owned, leased, rented, controlled, kept, or supervised by the University.

Witness

Any person who has knowledge of an alleged incident.

Title IX Procedural Flowchart





Title IX Training Board of Regents

Presented By:

Hannah S. Hale, JD

Brandon D. Williams, MPA

January 28, 2021

- ❖ Any public posting of the material included in this PowerPoint is for the sole purpose of complying with 34 CFR § 106.45(b)(10)(i)(D).
- ❖ This is proprietary training that should not be utilized by others to conduct training on this content without explicit permission.
- ❖ Anyone seeking permission may contact Hannah Hale or Brandon Williams.



TRAINING AGENDA

1. Overview of Title IX;
2. Major Revisions to KSU's Title IX Policy;
3. KSU's Process and Role of Title IX;
4. Officials with Authorities;
5. How to Conduct a Sensitive Intake; and
6. Appeal Process.



TITLE IX REVIEW

- ❖ Signed into law by President Nixon in 1972. *“No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”*
- ❖ 1997 – OCR released *“Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties.”* **All future guidance builds on this one.**
- ❖ April 4, 2011 – Dear Colleague Letter (DCL) released by the Obama and Biden administration.
- ❖ September 22, 2017 – Dear Colleague Letter (DCL) released by the Trump and Pence administration rescinded the 2011 DCL and the 2014 Q&A.
- ❖ May 6, 2020 – Final Title IX regulations with explanations totaling over 2000 pages released by the Trump and Pence administration.

(https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)



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MAJOR REVISIONS TO POLICY AND PROCEDURES

FORMER POLICY

- Notice: Constructive Notice
- Scope: “In connection with educational programs...”
- Hearings: No live hearing.
- Cross Examination: Not required.
- Advisors: Not required but permitted.

CURRENT POLICY

- Notice: Actual Notice
- Scope: “Within the actual educational programs...”
- Hearings: Requires live hearing (if disputed).
- Cross Examination: Required.
- Advisors: Required at hearing; must be an attorney? (Advisory opinion requested from CPE from KBA).



(<https://www2.ed.gov/about/offices/list/ocr/newsroom.html>)

STANDARD OF PROOF

Kentucky State University uses
Preponderance of the Evidence (also known
as “more likely than not”) as the standard to
decide if a violation occurred.



CONSENT

- ❖ Consent means words or actions demonstrating a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is determined based on the totality of the circumstances. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Consent cannot be obtained by: Force or Coercion; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another.
- ❖ A person cannot consent if: he or she is under the age of 16 (KRS 510.020), is unable to understand what is happening, or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who knowingly acts sexually upon another person who is physically or mentally incapacitated has violated Policy.



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(Page 21 of KSU Policy)

PROHIBITED BEHAVIORS

Sexual Assault

Rape

Fondling

Incest

Statutory Rape

Stalking

Following

Harassing phone calls

Written or online messages

Dating Violence

Romantic or intimate relationship

Abuse or threat of abuse

Domestic Violence

Current or former spouse

Child in common

Cohabitation

Sexual Exploitation

Non-consensual or abusive sexual advantage of another

Voyeurism

Recording sexual activity

Revenge Porn/Not disclosing a STI



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ROLE OF TITLE IX COORDINATOR

1. Ensure the University is compliant with Title IX of the Education Amendments of 1972;
2. Determine whether the allegations fall within the purview of the KSU's Policy and Procedures on Sexual Harassment as Defined Under Title IX and Other Sexual Misconduct;
3. Appoint an investigator to conduct a formal investigation;
4. Ensure reports and complaints are handled properly in a prompt and timely manner;
5. Inform students, employees, and witnesses of their rights during a formal investigation and what campus and community support resources are available to them;
6. Confirm that all parties have been notified of the outcome of the investigation, the right to, and procedures for an appeal if applicable;
7. Maintain information and documentation related to the investigation in a secure manner, consistent with the University's obligations to disclose information as required by law.
8. The Title IX Office is not a first responder to emergencies, rather it serves the Campus Community as a resource and to ensure compliance with the federal regulations.



OFFICIALS WITH AUTHORITIES

- ❖ The new 2020 Title IX Regulations allow post-secondary institutions, such as KSU, to decide which of its employees are Officials with Authority (OWA's). An OWA is a KSU employee explicitly vested with the responsibility to implement corrective measures on behalf of KSU. Notice to any OWA conveys actual knowledge to KSU.
- ❖ OWA's are required to report any witnessed sexual harassment/sexual misconduct, any incidents reported to him/her of sexual harassment/sexual misconduct or sexual harassment/sexual misconduct allegations from a Complainant or third party (e.g., Complainant's parent, friend, or peer); or any written or verbal complaint or allegation about sexual harassment/sexual misconduct to the Title IX Coordinator.



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(<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>)

OFFICIALS WITH AUTHORITIES

❖ KSU has designated the following employees as OWA's to implement corrective measures for sexual harassment or discrimination:

1. President M. Christopher Brown II
2. Executive Vice-President Douglas R. Allen II
3. Senior Vice-President Clara Ross Stamps
4. Interim Provost Lucian Yates
5. Interim Vice-President Pernella Deams
6. Human Resources Director Candace Raglin
7. Title IX Coordinator Hannah Hale

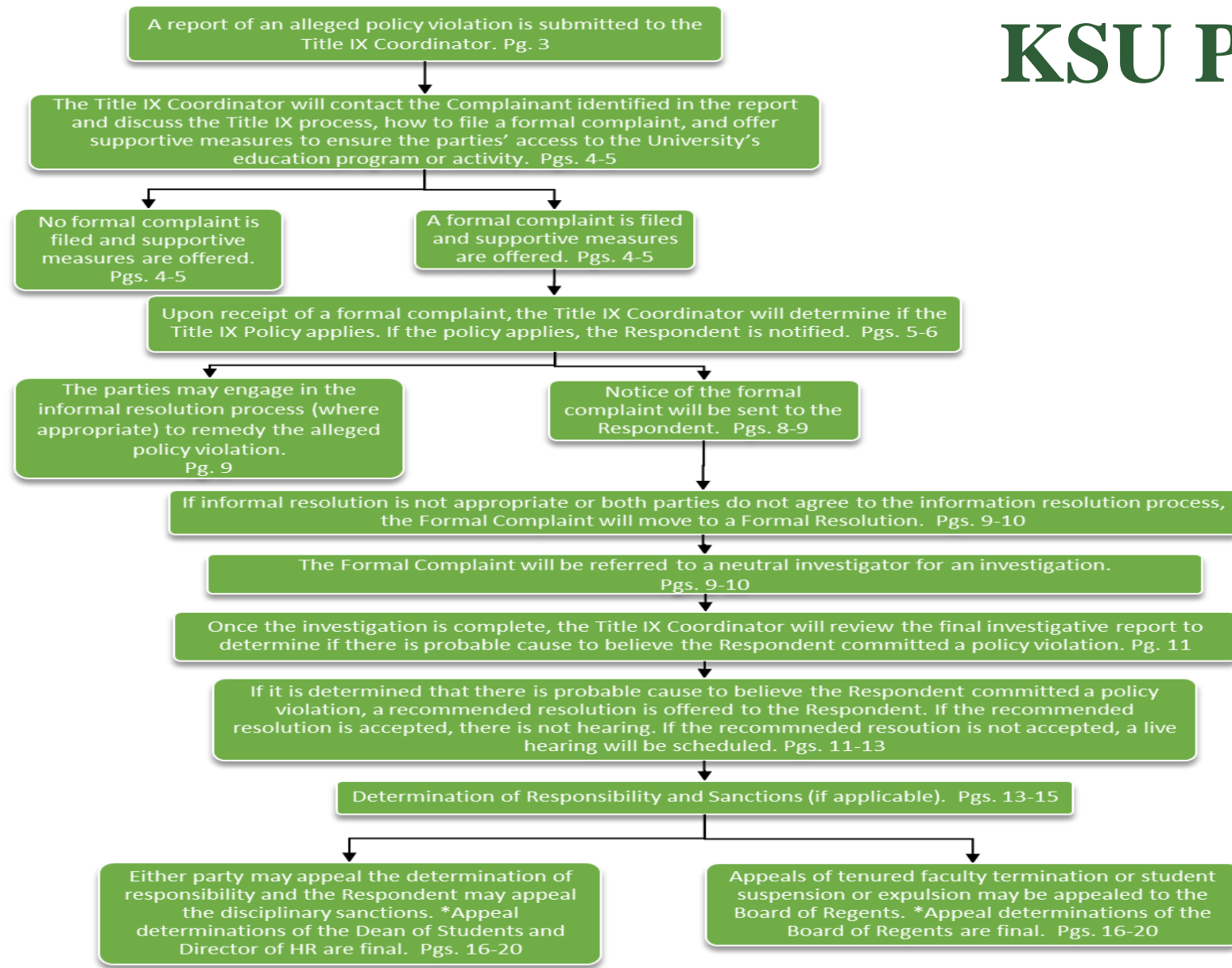


CONDUCTING A SENSITIVE INTAKE:

- ❖ Thoroughly review and be familiar with the policy.
- ❖ Remain calm during the situation.
- ❖ Ensure that the individual and others around are safe from immediate danger. Contact the police if the individual is in immediate danger. But it is always the Complainant's choice to report the incident to the police.
- ❖ Maintain a neutral but empathetic tone when speaking with the individual and ensure that you're in a private or confidential space to talk.
- ❖ Disclose your duty to notify the Title IX Coordinator early in the conversation. Assure complainants of their privacy but explain you cannot guarantee confidentiality. We have confidential resources if an individual does not want to report the matter, but OWAs are not confidential.
- ❖ Allow the individual to speak but refrain from asking questions other than those to assess personal safety. Avoid using victim-blaming language, like questions that begin with "why?" Gather the critical, demographic information and notify the person that you will send the information to the appropriate University personnel immediately. Individual's name, contact information, status at the University, alleged Respondent's name, and a brief description of the alleged conduct
- ❖ You may also contact the Title IX Coordinator immediately.
- ❖ Know your boundaries: do not offer advice or counsel the individual if you are unsure of the next steps and immediately report the information to the Title IX Office but no later than 72 hours from receipt of the information.
- ❖ Offer your contact information and the Title IX Coordinator's contact information.



KSU PROCESS



APPEALS AND APPEAL OFFICER

The Complainant or Respondent may appeal: (1) the findings of the Decision Maker, (2) sanctions imposed by the Decision Maker, and (3) dismissal of a Formal Complaint.

The Appeals Officer or designee will review the appeal and the appeal response to determine if one of the ground(s) for appeal have been met. In student matters not involving suspension or appeal, or employee matters not involving the termination of tenured faculty, the appeals officer decision is final. In student matters involving suspension or appeals, or employee matters involving termination of tenured faculty due to KRS 164.370 and 164.360, the Appeals Officer will only make a recommendation regarding whether grounds for appeal have been met.

Appeals are confined to a review of the written record on appeal.



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TYPES OF APPEAL

Appeal of the Decision Maker's Finding:

“Either party may appeal the Decision Maker’s finding of responsibility. The appeal must be submitted, in writing, to the Title IX Coordinator or designee by close of business on the second business day following receipt of the closing letter. The other party is notified of the appeal and has two business days to respond in writing to the Title IX Coordinator or designee.”

Appeal of Sanctions:

“Either party may appeal the sanction(s) imposed by the Decision Maker. The appeal must be submitted, in writing, to the Title IX Coordinator or designee by close of business on the second business day following receipt of the closing letter. The other party is notified of the appeal and has two business days to respond in writing to the Title IX Coordinator or designee.”

Appeal of the Dismissal of a Formal Complaint:

“The Complainant may appeal the dismissal of the Formal Complaint by submitting the written appeal to the Title IX Coordinator by close of business on the second business day following the date of the letter of dismissal. The appeal must state the reason the dismissal should be overturned. The other party will then be notified of the appeal and has two (2) business days to respond in writing to the Title IX Coordinator.”



(Pages 5 and 16-17 of KSU Policy)

GROUNDS FOR APPEAL

1. Procedural irregularity that affected the outcome of the matter. A description of the error and its impact on the outcome of the case must be included in the written appeal;
2. The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents or the individual Complainant or Respondent that affected the outcome of the matter. A description of the conflict and its impact on the outcome of the case must be included in the written appeal; or
3. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new information. A summary of this new information and its potential impact on the investigation findings must be included in the written appeal.

Note: Grounds for appeal are the same for students and employees.



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(Pages 16-19 of KSU Policy)

APPEAL OUTCOMES

Appeal of Findings:

1. Appeals granted based upon procedural irregularity shall be remanded to the Decision Maker who will reopen the hearing and correct the procedural irregularity. If the appeal is that the procedural irregularity occurred during the investigation, the Appeals Officer will remand the investigation back to the Title IX office to correct the error. In rare cases where the procedural irregularity cannot be fixed, such as conflict of interest, the Appeals Officer may remand the case back to the Title IX Office for a new investigation with a new investigator.

2. For appeals granted based on bias or conflict of interest, the Appeals Officer shall review the entire record of the grievance process to determine whether or not there was any conflict or bias on part of the Title IX Coordinator, Title IX Investigator, or Decision Maker, and whether or not bias or conflict affected the outcome. If it is determined there was no bias or conflict, the Appeals Officer will issue a written determination affirming the determination of the Decision Maker. If it is determined there was bias or conflict, the Appeals Officer will remand the matter back to the stage where the conflict was present and the matter will restart with a new investigator or Decision Maker, as appropriate.

3. Appeals granted based on new information shall be remanded to the investigative stage to determine if sufficient information exists to suggest there may be a violation of the policy. If so then the matter will be reheard, including the new information, by the Decision Maker. All parties shall be informed of the results to grant or deny the appeal in writing with a rationale for the results. If no bases for appeal are met, the appeal will be denied, and the findings will be final.

(Pages 16-17 of KSU Policy)



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APPEAL OUTCOMES

Appeal of Student Sanctions:

1. Students not suspended or expelled: If the Appeals Officer or designee determines that grounds for appeal exist, the appeal shall be heard by the Dean of Students. The Dean of Students shall review the appeal based only on the grounds identified by the Appeals Officer or designee. The Dean of Students may modify the sanction imposed by the Decision Maker. The Dean of Students' decision shall be final.

2. Students suspended or expelled: The Vice-President for Student Engagement and Campus Life shall review the materials submitted by the Appeals Officer or designee. The student may appeal the Vice-President's decision to the Board of Regents. The Board of Regent's may modify the sanction imposed by the Decision Maker. The Board of Regent's decision shall be final.



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(Pages 17-18 of KSU Policy)

APPEAL OUTCOMES

Appeal of Employee Sanctions:

1. Appeal of Sanctions for Non-Tenured Faculty Respondent, Staff Respondent, or Tenured Faculty Respondent (receiving disciplinary action other than termination): The Director of HR may modify the sanction imposed by the Decision Maker. The decision of the Director of HR shall be final.

2. Appeal of Disciplinary Action for a Tenured Faculty Respondent Subject to Termination: A faculty member shall not be removed until after ten (10) days-notice, in writing, stating the nature of the charges preferred, and after an opportunity has been given him/her to make a defense before the Board of Regents by counsel or otherwise and to introduce testimony which shall be heard and determined by the Board of Regents (KRS 164.360). In cases involving Sexual Misconduct or Sexual Harassment only, the Complainant shall have the same rights as the Tenured-Faculty Respondent. All parties will be informed of whether the disciplinary action appeal is accepted and the results of the disciplinary action appeal decision. The decision of the Board of Regents is final and may not be appealed.



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(Pages 19-20 of KSU Policy)