



KENTUCKY STATE UNIVERSITY

Policies and Regulations

POLICY TITLE: Community Standards & Student Rights

APPLIES TO: All Students

ADMINISTRATIVE AUTHORITY: Vice President over Student Affairs

APPROVED BY: Board of Regents

EFFECTIVE DATE: June 12, 2026

NEXT REVIEW DATE: June 12, 2029

POLICY STATEMENT:

Preamble

This Community Standards & Student Rights document (Community Standards) is designed to ensure that Kentucky State University (the University) students shall enjoy intellectual freedom, fair and legal treatment, the freedom of speech both on and off campus, freedom of press, the right of peaceable assembly, the right to petition for redress of grievances, the right to a fair hearing of charges made against one, and the right to responsible participation in the university community. Rights imply responsibilities; therefore, members of the University community must show both initiative and restraint. Community Standards is designed neither to be exhaustive nor to encompass all possible relationships between students and the institution.

Community Standards is not rigid nor unchangeable. As the relationship between students and the University continues to grow, it may be necessary to modify Community Standards.

It is incumbent upon students to be aware of University regulations.

Ignorance of these regulations does not excuse students from adherence to them. University Officials should endeavor to inform students of University rules, regulations, and policies, whenever the circumstance is applicable. It is incumbent upon students to be aware of University regulations.

Freedom from Discrimination

Kentucky State University (KSU) does not discriminate.

University Conduct Action

Community Standards and these student conduct procedures, which emphasize the maintenance of the University as an institution dedicated to the education of its students. The authority for student conduct is delegated to the President and to others designated as indicated in this Community Standards to implement these procedures. Furthermore, the University reserves the right to amend these regulations or make rules as deemed necessary for the protection of property and/or the general welfare of the University community.

A. University Authority and Civil Power

The institution may impose student conduct sanctions for behavior on or off-campus where the University's interests as an academic community are seriously and distinctly threatened. Infringements of local, state, and federal law are also infringements of University policies. Where it is necessary for members of the KSU University Police, in their capacity as police officers to investigate the conduct of students, detain, or arrest Students, all of the legal safeguards of personal rights guaranteed to citizens will be observed in accordance with the law.

B. Administrative Search and Seizures

The overriding standard by which the law tests searches of students is one of "reasonableness" under the circumstances, and University officials must use their good judgment to determine what is reasonable. University property remains the property of the University even when used by students. Apartments, suites, residence halls, lockers, etc. are subject to administrative search only in the interest of school safety, sanitation, enforcement of Community Standards and other University regulations. A student's person and possessions (including vehicle) may be searched by a University official provided the official has reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law, Community Standards, or the rules and regulations of the University. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the infraction.

C. Violations of Law and this Community Standards

Students may be accountable to both civil and criminal authorities and to the University for acts that constitute violation of law and of this Community Standards. Those charged with violations are subject to University student conduct proceedings even if criminal proceedings are pending and may not challenge University proceedings on the grounds that criminal charges for the same incident have been dismissed, reduced, or are not yet adjudicated.

Students and recognized student organizations are cautioned that any material posted on the Internet, including social networking sites and Internet blogs, is not private or protected information. Students may be held accountable for content posted in this manner and information obtained from this source may be considered in cases of misconduct.

University Officials shall have the right to investigate or seek out information about conduct of suspected persons in any case involving an alleged violation of the law or University regulations. However, students are required to comply with the directives of University officials in the performance of their duties. Failure to do so may result in student conduct action. If a student does not participate in a meeting or hearing, the adjudication process will continue without their participation.

Pending action on charges, the status of students should not be altered, nor their rights to be present on campus and to attend classes suspended, except for reasons relating to their physical or emotional safety, interim actions, and/or the well-being of the University community or University property. Student status in KSU academic programs should not be altered for non-academic reasons without providing the student the right to appropriate due process.

D. Academic Integrity Violations

The behavioral expectations and procedures described below are used to address alleged violations of Community Standards, except for alleged academic integrity violations, which are resolved through the conduct process outlined in the Graduate and Undergraduate Honor Community Standards and any other

applicable campus policies and procedures, such as those enforced by the Division of Academic Affairs. Nothing in this Community Standards shall be construed to violate the Kentucky Due Process Act.

DEFINITIONS:

Administrative Hearing – an adjudication meeting by a Hearing Body that can decide/sanction Conduct Violations. Typically, an Administrative Hearing will include a Hearing Body made up of a trained University Official or designee.

Advisor – unless otherwise explicitly permitted by Community Standards, a Student-identified individual that acts a support person at any KSU student conduct process meeting or hearing. An Advisor may only consult and interact privately with their Student and will not be allowed to address University Officials, the opposing Student (Complainant, Complaining Witness, or Respondent), the University Conduct Board, Hearing Officer, Hearing Body, nor any witnesses during the meeting or hearing.

Community Standards – term used when making reference to the on-line version of the Kentucky State University Community Standards & Student Rights document.

Complainant – means a student who has formally filed a complaint alleging that the student is the victim of a violation of Community Standards. Complainant also means the University when an alleged victim does not wish to proceed with filing a complaint or in the processes outlined in Community Standards or where an alleged victim cannot be identified.

Complaining Witness – whether or not they are affiliated with the University in some capacity, a person, group, or organization who reports information which leads to a formal charge that someone has done something that is in violation of Community Standards, if a University Official is the Complainant.

Conduct Violation – a violation of this Community Standards for which the possible sanctions are other than suspension or expulsion from the University or termination of residence in campus housing for a conduct issue.

Consent – Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Verbal consent is not a requirement; however, consent may be given by words as long as those words create mutually understandable clear permission regarding willingness to engage in sexual activity. Consent to any one form of sexual activity cannot alone imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. An individual who is unable to give Consent as defined by Kentucky state law (KRS §510.020) cannot give Consent.

Day – every Monday-Friday on the calendar, unless the University is closed for a holiday.

Fine – a monetary penalty imposed on a student. At no time shall a fine be waived if it is on the mandatory fine list. Fines may not be appealed, only a determination of responsibility may be appeal. If an appeal overturns the finding, the fine may be removed.

Hearing Body – any person(s) designated and/or appointed by the President or designee to determine whether a Student, Student Group, or Registered Student Organization is responsible for a Conduct Violation and assign and/or recommend sanctions. A Hearing Body may include KSU Student, faculty members, and/or staff.

Hearing Officer – any person designated and/or appointed by the President or designee to conduct a disciplinary hearing and decide evidentiary issues in cases involving allegations of a serious misconduct violation(s). A Hearing Officer may be an KSU employee or legal counsel not affiliated with or employed by KSU. A hearing officer may not make findings of responsibility or recommend sanctions. Hearing Officers shall make up a Hearing Body or University Conduct Board.

Incapacitation – a state in which a person cannot make rational or reasonable decisions because they lack the capacity to give knowing Consent (e.g., to understand the "who, what, when, where, why or how" of their interaction). Incapacitation can be due to the use of alcohol and/or other drugs, when a person is asleep or

unconscious, or because of an Intellectual (or other) Disability that prevents an individual from having the capacity to give Consent.

Intellectual Disability – this means a person with significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period (KRS §510.010).

Interim Action – the temporary application of any sanction consistent with Community Standards. An Interim Action may be imposed by the Vice President over Student Affairs or designee when there is substantial evidence that the student(s) poses a risk to the physical safety of a member of the campus community. An Interim Action may be imposed at any time prior to the final resolution of either student conduct proceedings under Community Standards or any criminal, civil or administrative proceeding. During the Interim Action, Students may be denied access to the University Premises (“trespassed”), including but not limited to classrooms, University Housing residence halls, other non-academic areas, as well as any and all University programs and/or activities.

Intimidation – implied, or actual, threats or actions that cause an unreasonable fear of harm in another.

Intoxication – a condition resulting from the use of alcohol, other drugs, and/or misuse of consumer products where a person exhibits behaviors including, but not limited to: slurred speech, slowed reflexes, loss of balance, inability to concentrate or track conversations, vomiting, memory loss, and/or disorientation. Signs may also include unusual behavior, or when specific concerns are expressed by others about the individual.

Kentucky Revised Statutes (KRS) – the name given to the duly adopted body of laws which govern the Commonwealth of Kentucky.

Mental Illness – a diagnostic term that covers many clinical categories, typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition) and any subsequent revision thereto, of the American Psychiatric Association (KRS §510.10).

Mutual Resolution – an agreement on finding(s) of responsibility and sanction(s) between a Respondent and an appropriately trained University Official that is not subject to further appeal under this Community Standards. Students have 72 hours (without regard to University closures) to submit a written request for modification of the Mutual Resolution to which they’ve agreed.

Participant – means a Respondent or Complainant.

Preponderance – a standard of information in which a reasonable person has sufficient information to show that it is more likely than not that a Respondent has violated Community Standards.

Reasonable Suspicion – a standard of information in which facts, taken together with rational inferences from those facts, cause a reasonable person to suspect a possible violation of Community Standards has occurred.

Recognized Student Organization (RSO) – a collection of persons who have complied with the requirements for formal University recognition.

Record of the Hearing – includes the letter containing formal charges, the audio recording of the hearing, any written transcript of the hearing, and all documents offered as information at the hearing; the written opinion of the Hearing Body; and any documentation related to any appeal.

Retaliation – intimidating, threatening, coercing or in any way discriminating against an individual because that person has opposed any behavior prohibited under this policy or because that person has made a complaint or participated in an inquiry or investigation.

Repeated Violations – following the first notice, if a student does not comply, shall constitute separate violations that shall be taken into consideration in determination of sanctions. Repeated violations of health and safety

procedures shall constitute forfeiture of campus housing and or removal from campus to ensure the community is safe.

Respondent – means a student who has been formally accused of a violation of Community Standards adopted by the Board of Regents of Kentucky State University.

Sanctions Table – the standard sanctions for a campus violation if a student accepts responsibility or if they are found responsible during the conduct process.

Serious Misconduct Violation – a violation of this Community Standards for which the possible sanctions include suspension or expulsion from the University or termination of residence in campus housing.

Student – means an individual currently financially enrolled in at least one (1) credit hour at KSU or a student organization registered pursuant to the policies of KSU.

Student Conduct Hold – an administrative action to limit activity on a Student's University records and prevents the Student from completing University processes such as pre-registration, registration, drop/add, withdrawal, graduation, receiving official transcripts, etc. These holds may be applied to a Student's account to facilitate completion of sanctions; when Interim Action has been taken; and/or when a Student is suspended/expelled; etc.

Student Group – a number of Students associated with each other for a common purpose and who are not classified as a RSO by the University.

Title IX – means Title IX of the Education Amendments of 1972, 20 U.S.C. sec. 1681 et seq., applicable federal regulations, and binding federal judicial precedent.

University Conduct Board (UCB) – a UCB is a Hearing Body comprised of members appointed by the President or designee that decides findings and recommends sanctions in accordance with appropriate Kentucky law, Community Standards and any additional University Policy. An ex-officio presiding/recording officer will be a non-voting member appointed by the Vice President over Student Affairs or designee. Temporary board members may also be appointed with the approval of the President or designee in the absence of permanent members to ensure due process takes place.

University Premises – all buildings, facilities or grounds owned, leased, operated, controlled or supervised by KSU, including adjacent streets and sidewalks.

University Official – any person employed by the University and authorized to perform administrative or professional duties, including but are not limited to: faculty members, staff members, University Police, Student employees, or other University officer(s).

Zero-Tolerance - Health and Safety Violations - The University has a zero-tolerance policy for health and safety violations. These violations pose a direct threat to the safety, security, and well-being of the campus community and will result in recommendation for removal from campus housing and/or a ban from campus, up to and including suspension or expulsion if a student is found responsible.

Health and safety violations include, but are not limited to, the following:

- Repeated propping or unauthorized opening of interior or exterior residence hall doors
- Smoking or use of prohibited substances within residence halls or university facilities
- Cooking in residence hall rooms where prohibited
- Covering, disabling, or tampering with a smoke detector or other fire safety equipment
- Repeated violations involving candles, open flames, flammable materials, or prohibited appliances
- Repeated violations of the University's visitor or guest policy
- Failure to comply with lawful directives issued by University officials, including housing and public safety personnel
- Possession or presence of weapons on campus in violation of University policy
- Physical misconduct, including but not limited to assault, battery, or unwanted physical contact

Repeated or egregious violations will be considered aggravating factors in determining sanctions. Willful ignoring of written university directives shall constitute a forfeiture of University Housing if a student is found responsible.

The University reserves the right to take any action necessary to protect the campus community, consistent with applicable policies and procedures.

PROCESS:

Investigation and Standards of Information

The focus of inquiry in Community Standards proceedings shall be to determine whether the Respondent is or is not responsible for violating Community Standards. Respondents are afforded a presumption that the Respondent is innocent until KSU has established every element of the alleged violation. A presumption also exists that neither Complainant nor any witness has presented false testimony or evidence. Any Student charged with a violation of Community Standards is entitled to a hearing before an appointed University Official, Hearing Body or University Conduct Board as specified in this Community Standards. The Respondent and the University may agree to mutually resolve the charge(s) without an Administrative or UCB hearing. All mutual agreements are subject to the approval by the Vice President over Student Affairs or their designee.

KSU investigates all complaints filed with the Office of Community Standards and Care. An investigation begins when a complaint is received by the Office of Community Standards and Care. The purpose of an investigation is to determine if there is merit to charge a Student, Student Group, or RSO with a violation of Community Standards.

If a preliminary investigation indicates that Reasonable Suspicion of a violation exists, notice of any charge(s) will be provided to the Respondent as outlined (with appropriate differences for Conduct Violations or Serious Misconduct Violations). Those charged shall still be afforded a presumption of innocence until KSU has established every element of the alleged violation.

KSU reserves the right to investigate/adjudicate reports without an identified Complainant, and such action shall not necessarily invalidate a decision or proceeding, unless significant prejudice to the Respondent or the University may result. During investigative and hearing phases of a proceeding involving allegation of a Conduct Violation, formal rules of evidence shall not be applicable. Similarly, deviation from prescribed procedures shall not necessarily invalidate a decision or proceeding, unless significant prejudice to the Respondent or the University may result.

When decisions about a Student's responsibility for any violation of Community Standards are made, the University Official, Hearing Body, or UCB will use the Preponderance standard to evaluate the relevant information.

Community Standards for Students

Student(s) engaging in the following behaviors may be out of alignment with KSU's Core Values. If a Student, faculty member, or staff member has knowledge about a possible violation of these Community Standards, they should submit knowledge of this allegation in writing by completing an incident report form, which is available online or by visiting the Office of Community Standards and Care (KSU Student Center).

Note: Students who act in concert to violate University regulations share the responsibility for any resulting policy violation. Additionally, Students are responsible for the conduct of their guests on University property or at any University function including those sponsored or organized by Student Groups or RSOs.

KSU's Core Values guide this document's approach to community and student development. As such, behavior that may violate these Community Standards are organized in a way that reflects the most closely associated KSU Core Value:

- **Violations of Law** – violations of federal, state, or local law on or off-campus by Students, Student Groups, or RSOs may result in Community Standards action. Action may be taken if a Student, Student Group, or RSO acted in a manner that substantially interferes with or endangers the University community, or behavior with significant potential to disrupt the educational environment.

COMPASSION, COMMUNICATION, COMMITMENT, AND COLLABORATION

- **Act(s) of Dishonesty**, including but not limited to:
 - Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency on University Premises or at University sponsored activities.
 - Forgery, alteration, or misuse of any University document or instrument of identification.
 - Knowingly passing a worthless check, money order or fraudulent use of credit card against the University or a member of the University community.
 - Misrepresenting information or furnishing false information to any University Official(s).
 - Unauthorized access to and/or use of information contained in University records and/or computer files. For more information, review the Acceptable Use Policy on the KSU website.
- **Complicity** – being present and actively engaged in; being responsible for hosting or encouraging a violation; or assisting with a violation with Community Standards, but not being responsible for the violation.
- **Fire Safety Equipment** – damaging or misusing, whether intentionally or recklessly, fire safety equipment.
- **Possession of Stolen Property** – possessing stolen property or using stolen services on University Premises, at University sponsored activities, from University organizations and/or groups, or from other members of the University community.
- **Theft** – taking or misusing property/services on University Premises, at University sponsored activities, from University organizations and/or groups, or from other members of the University community.
- **Unauthorized Use/Entry** – unauthorized presence on University Premises or unauthorized use of University property. This includes, but is not limited to, violation of a restriction of access or criminal trespass order.

ETHICAL AND MORAL RESPONSIBILITY

- **Bullying** – any pattern of written, electronic, or verbal communication, behavior, gesture, or any physical act(s) that is threatening or intimidating which places a person in actual and/or reasonable fear of harm and/or damage to their property, and/or creates a hostile living and/or learning environment by interfering with or impairing a Student's educational performance, opportunities or benefits, or a University Student employee's ability to perform the essential functions of their job.
- **Disruptive Conduct** -- An act that deliberately interferes with the freedom of speech of any member or guest of the University community on University Premises or at University sponsored activities.
- **Harassment** – unwelcome conduct based upon another's actual or perceived sex, gender, race, color, age, creed, national or ethnic origin, religion, disability, sexual orientation, gender identity or expression, veteran status, pregnancy status, or other protected status that creates a hostile living and/or learning environment by interfering with or impairing a Student's educational performance, opportunities or benefits, or a University Student employee's ability to perform the essential functions of their job.
- **Hazing** – acting in a manner or creating a situation, whether physical, mental, emotional or psychological, which subjects another, voluntarily or involuntarily, to behavior(s) which may, as a component of becoming a member of and/or continuing membership in a Student Group or RSO, (a) abuse, mistreat, degrade, humiliate, harm, threaten, and/or intimidate, (b) endanger the mental or physical health or safety of another; (c) induce or coerce another to endanger his or her mental or physical health or safety; (d) impede the academic success of a Student; and/or (e) violate Community Standards, University policies, and/or local, state, and/or federal laws. The expressed or implied Consent of involved parties will not be a defense.

- **Sexual Misconduct** – engaging in sexual harassment, as defined and outlined in the Sexual Harassment Policy

INTENTIONAL ACTIONS

- **Assaultive Conduct** – Behavior, in certain circumstances, that incites retaliatory conduct or causes harm without the time or opportunity for dialogue or response.
- **Harm to Person** – Intentionally or recklessly causing physical harm or endangering the health or safety of any person (including self).
- **Threatening Behavior** – behavior(s) including:
 - Threat(s): written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - Intimidation: implied threats or acts that cause a reasonable fear of harm in another.
- **Failure to Comply** – non-compliance with the directions of University Officials acting in the performance of their duties.
- **KSU Policy Violation** – any violation of published University regulations or policies as approved and compiled by University (See the KSU website for more information). Such regulations or policies shall include, but are not limited to: University Housing Contract/Guidelines, Tobacco Free policy, Student Organization Manual, Campus Recreation rules/regulations, University Tailgate Guidelines, Student Union/University Center Policies, as well as those regulations relating to entry onto and use of the University Premises, traffic regulations and parking, and misuse of Student identification cards.
- **Damage to Property** – damaging or destroying, whether intentionally or recklessly, University property or the property of others on University premises or at University-sponsored activities. This includes, but is not limited to, creating a fire or other disturbance that creates damage to University property.
- **Abusing, delaying, or interfering with the orderly operation of Community Standards process(es), including but not limited to:**
 - Failure to Appear – when a Student does not appear before a member of the Community Standards and Care staff and/or a Hearing Body when directed to do so.
 - Misinformation – falsifying information related to Community Standards process(es).
 - Undue Influence – influencing others to abuse Community Standards process(es) and/or provide misinformation to University Officials.
 - Sanction Noncompliance – failure to comply with Community Standards sanction(s) or violating the terms of any Community Standards sanction(s).
- **Alcohol** – the use, possession, or distribution of alcoholic beverages on University Premises, except as modified by University policy.
- **Controlled Substances/Other Drugs** – unauthorized distribution, possession, or use of any controlled substance, illegal drug, or paraphernalia on University Premises or at University-sponsored activities. Controlled substances are defined by the Kentucky Revised Statutes, chapter 218A.
- **Misuse of Consumer Products** – Misuse of consumer products, prescriptions, or other substances (e.g., medications, spices, bath salts, synthetics) intended to simulate the effects of a controlled substance or other drugs.
- **Disorderly Intoxication** – interfering, whether intentionally or recklessly, with University functions on University Premises or University-sponsored activities while Intoxicated including, but not limited to: studying, teaching, research, University Housing community expectations, University administration, or fire, police, or emergency services.
- **Disruptive Intoxication** – appearing in a public place on University Premises or at University sponsored activities manifestly under the influence of a controlled or other intoxicating substance to the degree that there is danger to self, others, or property, or there is reasonable apprehension of such danger to persons in the vicinity.
- **Disorderly Conduct** – interfering, whether intentionally or recklessly, with University functions or University-sponsored activities including, but not limited to, studying, teaching, research, University Housing community expectations, University administration, or fire, police, or emergency services.

- **Lewd Conduct** – behavior that a reasonable person would consider lewd, indecent, or obscene that occurs on University Premises or at University or sponsored functions. This responsibility also applies to events sponsored and supervised by Student Groups or RSOs.
- **Hazardous Materials** – unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials on University Premises or at University-sponsored activities.
- **Obstructive Conduct** – obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular, on University Premises or at University sponsored activities.
- **Weapons** – unauthorized use, possession, or storage of any weapon on University Premises or at University-sponsored activities.

The following applies to Student Groups and RSOs:

- Student Groups and RSOs may be charged with violations of this Community Standards without regard to whether members of such groups or organizations are individually charged with violations arising from the same occurrences.
- A Student Group or RSO and its officers, leaders, or any identifiable spokespersons may be held collectively or individually responsible when violations of this Community Standards by those associated with the Student Group or RSO have received the tacit or overt consent or encouragement of the Student Group or RSO or of the Student Group's or RSO's leaders, officers, or identifiable spokespersons.
- Student Groups and RSOs may be held accountable collectively if any of these situations apply: An alleged violation was committed by one or more members of a Student Group or RSO; an alleged violation was committed by one or more members of a Student Group or RSO or an RSO's funds were used to finance the activity; an alleged violation occurred as a result of a Student Group or RSO sponsored function.
- When a Student Group or RSO is the Respondent, the president or equivalent officer of the Student Group or RSO shall represent the Student Group or RSO unless the president or equivalent officer petitions and receives written approval from the Director of Community Standards and Care (or designee) to substitute another Student officer to represent the Student Group or RSO.

Complaints and Reporting

Any member of the University community, including Students, visitors, parents, or alumni may file a complaint alleging Student misconduct. Complaints are filed by completing an incident report form, which is available online or at the Office of Community Standards and Care. Reports of violations of the Sexual Misconduct Policy should be made to the KSU Office of Title IX, the KSU Police, or by filling out an incident report form on the Office of Community Standards and Care website. Complaints related to possible Student Sexual Misconduct/Harassment are addressed by the Offices for Title IX and/or Community Standards and Care.

Federal and state laws and University policy prohibit the taking of retaliatory measures against any individual who files a complaint in good faith. Retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Amnesty for Students Who Report Sexual Misconduct:

The University recognizes that a Student who is under the influence of alcohol and or drugs at the time of an incident may be hesitant to make a report because of a threat of student conduct sanctions for their own violation of Community Standards. A Student who reports Sexual Misconduct, either as a Complainant, Complaining Witness, or third party witness, will not face student conduct charges under Community Standards of Community Standards and Student Rights for drug or alcohol use. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is prohibited, and may be a violation of Community Standards

Interim Action

Except in cases where the Vice President over Student Affairs (or designee) gives an Interim Action, a Student's status should not be altered, nor their right to be present on campus and to attend classes suspended prior to a student conduct process decision. The Vice President over Student Affairs (or designee) may order that a Student be immediately excluded from classes, University Premises (including University Housing), or denied privileges and ability to participate in activities when the Student's continued presence may constitute a significant danger to the physical safety of members of the campus community during a timely investigation and adjudication of a student Community Standards violation.

The Vice President over Student Affairs (or designee) may also impose interim restrictions on a student, including but not limited to: attendance at RSO meetings, attendance at KSU sponsored events, RSO activity limitation(s), or other reasonable restrictions as the discretion of the VPSA (or designee) necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a Community Standards violation.

If the Vice President over Student Affairs (or designee) imposes an Interim Action, the Student will receive written notice, within forty-eight (48) hours of the Interim Action, stating the reasons for the Interim Action and the right to an interim measure hearing to determine whether there is substantial evidence that the Student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate the risk. Unless waived by the Student, the Interim Hearing shall be held within five (5) business days of written notice of the interim measure hearing.

At the hearing, the Student shall have the right to participate meaningfully and be represented by legal counsel or an advisor, if required by Title IX or other law or provision of Community Standards, at the Student's own expense. A Student's waiver of an interim measure hearing shall not constitute admission of guilt or waiver of any rights afforded under the law.

The Vice President over Student Affairs (or designee) may take the following Interim Actions:

A. Place a Student Conduct Hold on the accused student's registration, transcripts, new awards of financial aid and/or other University records until the case is adjudicated when the following circumstances occur:

- i. The Student has failed to respond promptly to requests for information from the Office of Community Standards and Care;
- ii. The Student has failed to appear for, or participate in, a hearing; or
- iii. The alleged conduct is such that, if true, may pose a threat of harm to the University community or property.

B. When a Student has pre-registered for a term after the one in which the hold is placed, the Vice President over Student Affairs (or designee) may also revoke the registration of the Student.

C. If there are allegations of misconduct relating to the qualifications of a Student to graduate, such as allegations of Serious Misconduct Violations of Community Standards, the Vice President over Student Affairs (or designee) may delay graduation until the case has been adjudicated.

The decision to place a Student Conduct Hold on registration, to revoke registration, or to delay graduation may be appealed to the Vice President over Student Affairs or may impose reasonable conditions on release of the hold. If the Vice President over Student Affairs took the action, the Provost shall oversee the appeal.

Participation

Prior to the filing of Community Standards charges/dismissal of allegations against Students, Student Groups, or RSOs, designated University Officials will conduct an investigation and interview appropriate individuals. With the exception of students who are the Complainant/Complaining Witness in cases related to possible

sexual misconduct, Students/RSOs accused of violating Community Standards or are involved in an incident are expected to participate and engage with University Officials and do so in a timely manner.

Please Note: Student conduct meetings may be scheduled around a Student's academic schedule only. Investigation meetings and/or Hearings may be scheduled during academic breaks when the University is open for business. Failure to engage in the process and/or complete sanctions as a result of the adjudication of a case may result in additional Community Standards charges and/or sanctions up to, and including, suspension or expulsion from the University.

University Administrative File

The Office of Community Standards and Care will maintain an administrative file of all disciplinary proceedings. The file will include all documents and evidence in the University's possession or control relevant to the alleged violation and University's investigation. Relevant evidence includes exculpatory evidence, documents submitted by any participant, video recordings, audio recordings, or a transcript of a disciplinary hearing in the matter. Relevant evidence does not include privileged documents or internal memorandums that the University does not intend to introduce as evidence at any hearing in the matter.

Within 14 business days of a disciplinary hearing, or sooner if required by law, the University will provide participants reasonable continuing access to the administrative file and the ability to make copies of all evidence or documents contained in the file. Individual portions of the administrative file may be redacted if disclosure of the evidence is prohibited by law. The University will immediately notify participants when documents, evidence, and witness lists are added to the file. The only evidence which can be contained in the administrative file and considered in the determination of whether a Community Standards violation occurred is evidence determined by a hearing officer to be relevant and admissible. Such evidence includes, but is not limited to, audio recordings, video recordings, or transcripts of any disciplinary hearing held in the matter.

The University will maintain the administrative file permanently if a violation results in the expulsion of a student or, in all other matters, the later of either 3 years following Respondent's graduation or last date of attendance or 3 years after all sanctions have been met.

Mutual Resolution

The Director of Community Standards and Care (or designee), or a designated University Official, may offer or accept Mutual Resolutions (including applicable sanctions) for any Conduct Violation. Serious Misconduct Violation allegations will not be subject to Mutual Resolution(s) unless approved to in writing by the Vice President over Student Life and the student involved. The Mutual Resolution acceptance must be in writing and signed by the Respondent and the University Official and approved by the Vice President over Student Life. A mutual resolution may not be appealed, and waives the Student's right to participate in further hearings on the matter.

Students have 72 hours from the time an outcome letter is sent (without regard to University closures) to submit a written request for modification of their participation in a Mutual Resolution. Respondents that are not able to mutually resolve their case will have the option to choose an Administrative Hearing or a UCB hearing in order to fully adjudicate their case.

In response to possible Community Standards Violations, and mutually agreeable and appropriate circumstances, designated university officials may reach out to involved parties to discuss their willingness to participate in a restorative action(s). Restorative action(s) can serve as an opportunity to identify and take steps to repair harm, while involving those most directly involved and affected by the harm. Serious Misconduct Violation allegations will not be subject to Restorative Action(s).

Notification of Possible Violation(s) or Hearing(s) **Conduct Violations:**

If Conduct Violation Community Standards charges are initiated, and there is no Mutual Resolution the Director of Community Standards and Care (or designee) shall email, hand-deliver, mail, or share in-person/via telephone (with a follow-up email or letter) a notification of violation(s) to the Respondent. The date of any meeting, or hearing, will not be less than ten (10) Days after receipt of written notice, unless the Respondent waives the ten-day preparation period in writing. Any notice shall include the following information:

- A. Statement of the specific charges against the Respondent.
- B. Brief description of the information upon which the charges are based.
- C. Date, time, and place for the hearing.
- D. Notice of the right of reasonable access to the allegation information.
- E. Notification that the Student may resolve the case through Mutual Resolution.
- F. Statement indicating that the Respondent may seek assistance from the Office of Community Standards and Care staff in preparation for their hearing.
- G. The Respondent waives all claims of failure to receive adequate notice if the Respondent appears at the hearing and does not formally raise the issue of adequate notice at the first opportunity.
- H. It is the Student's responsibility to notify staff of any requests to change the scheduling of a hearing. Director of Community Standards and Care (or designee) will determine the validity of the request and determine if a scheduling change will occur. The scheduling of meetings/hearings may be delayed at the discretion of the Director of Community Standards and Care (or designee) during times of heavy caseloads, if the charge occurs close to the end of an academic semester or term, or in the event of the reasonable need of either party for additional time.

Serious Misconduct Violations of Community Standards:

If Serious Misconduct Violation charges are initiated, the Director of Community Standards and Care (or designee) shall email, hand-deliver, or mail a written notice, to participants, which includes the following:

- A. Statement that Respondent is afforded a presumption of innocence until the University has established every element of the alleged violation.
- B. Statement that the presumption of innocence shall not be construed to mean that the complainant or any witness has presented false testimony or evidence.
- C. Formal charge of the alleged violation and the specific details of the facts upon which the allegation is based.
- D. Rights of the participant, as set forth below, a copy of Community Standards, and any applicable laws.
- E. Right of the participant to receive notice of the date, time, and location of each phase of the disciplinary process at least 3 business days prior to any scheduled event at which the participant is expected to appear, including any meeting or interview that serves an investigative purpose, and 10 business days prior to any disciplinary hearing.
- F. Notice of the right of reasonable access to the University's administrative file and ability to make copies of all evidence or documents contained in the file.
- G. Statement that participant may seek assistance from legal counsel, at participant's expense, or an advisor in preparation and during each phase of the disciplinary process.
- H. Statement that participant bears the responsibility to notify Community Standards and Care or any requests to change the scheduling of a hearing. Director of Community Standards and Care (or designee) will determine the validity of the request and determine if a scheduling change will occur.

Hearing Processes and Procedures

Conduct Violation Allegations:

Administrative/UCB Hearings shall be conducted, as warranted, by the Office of Community Standards and Care to adjudicate cases that cannot come to a Mutual Resolution. Administrative/UCB Hearings will adhere to the following processes and procedures:

A. Students will:

- i. have their case resolved within a reasonable time frame (not to exceed 45 days unless extenuating circumstances apply including University breaks or summer sessions).
- ii. receive timely notification of the Administrative/UCB Hearing, no less than five (5) Days prior to the hearing (unless the five [5] day notice is waived);
- iii. have the opportunity to have a hearing in front of an impartial Hearing Body appointed by the President or designee;
- iv. have the opportunity to submit written, physical, and testimonial information;
- v. have the opportunity for reasonable questioning of all parties (Complainant, Complaining Witness, Respondent, etc.), and relevant witnesses by all parties and the Hearing Body members;
- vi. have the right to identify an individual to act as an Advisor in their hearing;
- vii. receive a written outcome letter stating (with reasonable specificity) the facts and rationale for the finding issued by the Director of Community Standards and Care (or designee) within ten (10) Days after the close of the proceedings. If the Student is found responsible, the resulting sanctions will be included in the written outcome letter. Guidelines for Appeal will also be included in the written outcome letter.

B. KSU will:

- i. make all rules reasonable and necessary for the orderly and efficient resolution of complaints.
- ii. ensure that Administrative/UCB Hearings are closed to the public and that only those directly involved with the hearing may attend. Witnesses and others impacted by the decision (excluding the Complainant, the Complaining Witness, and/or the Respondent) may not be present in the proceedings, except to share information when called upon.
- iii. ensure that the Respondent, Complainant, and Complaining Witness receive a fair and reasonable opportunity to be heard.
- iv. in the case of allegations of sexual misconduct, allow that the Complainant, Complaining Witness, and/or Respondent may choose to participate in the hearing while located in separate rooms and ensure that either party not question the other directly.
- v. create and retain a written summary or audio recording of the hearing (at University expense) to remain the property of the University;

***Note: For hearings involving allegations of Sexual Misconduct, the Complainant/Complaining Witness will be afforded the same rights and opportunities afforded to the Respondent.*

The following procedural guidelines shall be applicable in Administrative/UCB Hearings:

- A. Unless the Student specifically waives this right, a Student who is scheduled to appear before an Administrative/UCB Hearing will be given a minimum of five (5) Days notice of the specific charges being presented to the board and details of the hearing (date, location, and time).
- B. The Director of Community Standards and Care (or designee) will have a list of potential Administrative/UCB Hearing Body members in their office and or posted online at all times so that the Respondent may challenge any Administrative/UCB Hearing Body member on grounds that they have a specific conflict with, bias about, or an interest in the case. The Respondent must submit the challenge in writing to the Director of Community Standards and Care (or designee) a minimum of three (3) Days prior to the scheduled hearing. The Dean of Students (or designee) must make a decision on the challenge within one (1) Day. If possible bias is determined, the Administrative/UCB Hearing Body member shall be excused and Dean of Students (or designee) will appoint a replacement from the approved members appointed by the President or designee.
- C. The Respondent will be given the opportunity to review any written information that will be used at the hearing, including a list of witnesses, no less than two (2) Days prior to the Administrative/UCB Hearing.
- D. With the exception of matters involving alleged Sexual Misconduct, charges against multiple parties

involved in the same incident may be heard in a single case only with the approval of the Director of Community Standards and Care (or designee) and written Consent from each Respondent.

E. If the Respondent fails to appear after proper notice, the Administrative/UCB Hearing will proceed with the hearing in absentia and make determinations with the available information.

Information Sharing and Witnesses:

A. The Director of Community Standards and Care, designee, or other University Officials, may serve as witnesses, present witnesses, and submit information as part of the Administrative/UCB Hearing process.

B. The Respondent, Complainant, and/or Complaining Witness shall be given the opportunity to present witnesses and/or share documentary information. The Administrative/UCB Hearing Chair has the discretion to determine if the information is relevant to the charge and does not otherwise infringe the rights of other Students.

C. Even if present during the hearing process, no witness shall be forced or required to share information.

D. Witnesses and/or information shall be subject to questioning and/or examination by the University Official(s), Complainant, Complaining Witness(es), victim(s), Administrative/UCB Hearing Body members, and/or the Respondent(s).

E. All parties involved in the hearing process are expected to give truthful information. Furnishing untruthful information may subject individuals to further action under Community Standards.

Administrative/UCB Hearing Procedures:

A. The Administrative/UCB Hearing chair shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. The Administrative/UCB Hearing Chair may exclude any person who disrupts a hearing, including the Respondent(s), Complainant(s), Complaining Witness(es), victim(s), witness(es) and/or Advisor(s).

B. Formal rules of evidence shall not apply. The Administrative/UCB Hearing Chair shall determine the admissibility of all matters of information.

C. Admission of any person to the hearing shall be at the discretion of the Administrative/UCB Hearing Chair.

D. Each hearing, at the general discretion of the Administrative/UCB Hearing Chair, shall proceed as follows:

i. Presentation of Community Standards charges.

ii. Opening statements by the Complainant (if applicable) and Respondent (if present).

iii. Complainant's (or University's) presentation of documents, information, and witnesses, and questions by the Respondent, Complaining Witness (if applicable), and/or Administrative/UCB Hearing Body members.

iv. Respondent's (if present) presentation of documents, information, and witnesses, and questions by the Complainant, Complaining Witness (if applicable) and/or Administrative/UCB Hearing Body members.

v. Closing statements by the Complainant and Respondent, including verbal description of the desired outcome of the Administrative/UCB Hearing from the involved student(s).

vi. Confidential deliberations by the Administrative/UCB Hearing Body on finding(s).

vii. If there is a finding of responsibility, the Director of Community Standards and Care or designee, will present the Administrative/UCB Hearing Body with all submitted sanctioning information for consideration.

viii. Confidential deliberations by the Administrative/UCB Hearing Body on the sanction recommendation(s).

***Note: All parties are required to remain in close proximity (unless a party is excused by the UCB Chair) in the event the UCB needs to recall any person.*

E. Administrative/UCB Hearing decisions will proceed as follows:

- i. A decision by the Administrative/UCB Hearing Body on responsibility or non-responsibility for Community Standards charges shall be made in private, based solely on the information presented at the hearing, using Preponderance. The decision must be made prior to any consideration of possible sanctions. Except where prior Academic Dishonesty violations are an element of the charges, the student conduct record of the Respondent shall not be considered in the hearing until responsibility has been established.
- ii. A finding of responsibility on any Community Standards charge shall be followed by the recommendation of appropriate sanction(s). The conduct record of the Respondent, victim/community impact statements, and/or character witness statements on behalf of the Respondent, Complainant, or the Complaining Witness (if applicable) may be considered in determining the appropriate sanction recommendation(s). Information and statements to be considered during the sanctioning process must be submitted in writing by all parties two (2) Days prior to the Administrative/UCB Hearing.
- iii. The Administrative/UCB Hearing Body will provide appropriate parties a written finding, stating with reasonable specificity, the facts and rationale for the finding. This finding shall be issued to the Director of Community Standards and Care (or designee) within five (5) Days after the close of the Administrative/UCB Hearing proceedings. Findings of responsibility will include a recommendation of any appropriate sanction(s). The Director of Community Standards and Care (or designee) will submit the finding, rationale, and any associated sanctions for review to the Vice President over Student Affairs or designee to issue a final decision. The Director of Community Standards and Care (or designee) will submit the final decision of the Vice President over Student Affairs or designee in writing to the Student, Student Group, or RSO within five (5) Days of the date of the Administrative/UCB Hearing finding. This written decision will include any appropriate sanction(s) in the case, if there was a finding of responsibility.

Serious Misconduct Violation Allegations:

Disciplinary proceedings shall be conducted, as warranted, by the Office of Student Conduct to adjudicate alleged violations punishable by suspension or expulsion from KSU or termination of a Respondent's residence in campus housing due to conduct violations (noncontract violations). Disciplinary meetings and hearings will adhere to the following processes and procedures:

A. Students will:

- i. have their case resolved within a reasonable time frame (not to exceed 45 days, unless extenuating circumstances apply);
- ii. receive fair and impartial treatment at each phase of the disciplinary process, which shall exclude any individual that investigates or presides over an alternative dispute resolution process related to the matter from participating as a hearing adjudicator or on a hearing tribunal;
- iii. be provided a limited waiver of confidentiality of any phase of the disciplinary process to permit the attendance of up to 1 support person so long as the support person would not violate the privacy rights of another student or substantially delay the disciplinary process. A support person shall have no right to participate unless the support person is attending as an advisor in accordance with Title IX.
- iv. have the right to legal counsel, at participant's expense, or an advisor at each material phase of the disciplinary process, including meetings, hearing, and appeal of the matter. If represented by legal counsel, KSU shall direct all correspondence related to the disciplinary proceeding to participant's counsel and/or advisor and participant.
- v. have the opportunity to be present and participate meaningfully at the disciplinary hearing or other scheduled event where the rights of Respondent are to be determined, except as restricted by Title IX.
- vi. have the opportunity to submit documentary and tangible evidence that participant plans to introduce at a disciplinary hearing to the University's administrative file within 3 business days

prior to the disciplinary hearing, or sooner if required by federal law. Documentary or tangible evidence submitted to the file less than 3 business days prior to the disciplinary hearing shall only be admissible upon the discretion of the hearing officer.

vii. have the opportunity to submit a list of all witnesses a participant plans to call at the disciplinary hearing to the University's administrative file within 3 business days prior to the disciplinary hearing, or sooner if required by federal law. Any witness name submitted less than 3 business days prior to the disciplinary hearing shall only be admissible upon the discretion of the hearing officer.

viii. at a disciplinary hearing, students will:

1. receive timely notification of the disciplinary hearing, no less than 10 business days prior to the hearing;
2. have the hearing in front of an impartial Hearing Body appointed by KSU;
3. make opening and closing statements;
4. present relevant evidence;
5. cross-examine any testimony personally or through legal counsel.

a. if Respondent cross-examines a Student who is the alleged victim or Complainant, Respondent shall submit cross-examination questions to a neutral hearing officer during the hearing and prior to cross-examination. The hearing officer shall ask all relevant questions to the witness during the live hearing, state the specific rationale for excluding any question, grant the right to amend a question that has been excluded in order to cure any objection sustained by the hearing officer, and to submit follow-up questions to the witness.

b. cross examination shall be restricted as required by Title IX or other applicable federal law.

ix. receive a written outcome letter stating (with reasonable specificity) the facts and rationale for the finding issued by the Director of Student Conduct (or designee) within 10 business days after the close of the proceedings. If the Respondent is found responsible, the resulting sanctions will be included in the written outcome letter. Guidelines for Appeal will also be included in the written outcome letter.

B. KSU will:

i. make all rules reasonable and necessary for the orderly and efficient resolution of complaints;

ii. ensure that disciplinary proceedings are closed to the public and that only those directly involved with the meeting or hearing may attend. Witnesses and others impacted by the decision (excluding Complainant, the Complaining Witness, and/or the Respondent) may not be present in the proceedings, except to share information when called upon.

iii. ensure that the Respondent, Complainant, and Complaining Witness receive a fair and reasonable opportunity to be heard if they so desire;

iv. in the case of allegations of sexual misconduct, allow that the Complainant, Complaining Witness, and/or Respondent may choose to participate in the hearing while located in separate rooms and ensure that either party not question the other directly;

v. create and retain a written summary or audio recording of the hearing (at University expense) to remain the property of the University.

vi. permit Complainant or Respondent the opportunity to receive a transcript of the hearing upon request and at the sole cost of the requesting party.

vii. will have the opportunity to submit documentary or tangible evidence that KSU plans to introduce at a disciplinary hearing to the University's administrative file within 3 business days prior to the disciplinary hearing, or sooner if required by federal law. Documentary or tangible evidence submitted to the file less than 3 business days prior to the disciplinary hearing shall only be admissible upon the discretion of the hearing officer.

viii. will have the opportunity to submit a list of witnesses KSU plans to call at the administrative hearing to the University's administrative file, within 3 business days prior to the disciplinary hearing, or sooner if required by federal law. Any witness names submitted less than 3 business days prior to the hearing shall only be permitted upon the discretion of the hearing officer.

***Note: For hearings involving allegations of Sexual Misconduct, the Complainant/Complaining Witness will be afforded the same rights and opportunities afforded to the Respondent.*

The following procedural guidelines shall be applicable in disciplinary proceedings and hearings:

- A. A Student who is scheduled to appear in any disciplinary proceedings, including but not limited to any meeting or interview that serves an investigative purpose for that conduct charge, will be given a minimum of three (3) business days' notice of details of the proceeding (date, location, and time).
- B. Unless the Student specifically waives this right, a Student who is scheduled to appear in a disciplinary hearing will be given a minimum of ten (10) business days' notice of the specific charges being presented and the details of the hearing (date, location, and time).
- C. The Respondent may challenge any University Conduct Board member on grounds that they have a specific conflict with, bias about, or an interest in the case. The Respondent must submit the challenge in writing to the Director of Student Conduct (or designee) a minimum of three (3) Days prior to the scheduled hearing. The Vice President over Student Life or designee must make a decision on the challenge within one (1) Day. If possible bias is determined, the disciplinary hearing member shall be excused and the Dean of Students (or designee) will appoint a replacement from the approved list or the President may make a temporary appointment to ensure due process.
- D. The Respondent will be given the opportunity to review the administrative file and any written information that will be used at the hearing, including a list of witnesses, no less than seven (7) business days prior to the disciplinary hearing.
- E. With the exception of matters involving alleged Sexual Misconduct, charges against multiple parties involved in the same incident may be heard in a single case only with the approval of the Director of Student Conduct (or designee) and written Consent from each Respondent.
- F. If the Respondent fails to appear after proper notice, the disciplinary hearing will proceed with the hearing in absentia and determinations may be made with the available information.

Information Sharing and Witnesses:

- A. The Director of Student Conduct, designee, or other University Officials, may serve as witnesses, present witnesses, and submit information as part of the disciplinary hearing.
- B. The Respondent, Complainant, and/or Complaining Witness shall be given the opportunity to present witnesses and/or share documentary information. The disciplinary hearing officer has the discretion to determine if the information is relevant to the charge and does not otherwise infringe the rights of other Students.
- C. Even if present during the hearing process, no witness shall be forced or required to share information.
- D. Witnesses and/or information shall be subject to questioning and/or examination by the University Official(s), Complainant, Complaining Witness(es), victim(s), hearing members, legal counsel (as required by law), and/or the Respondent(s).
- E. All parties involved in the hearing process are expected to give truthful information, as witnesses will be sworn in and all testimony will be under oath or affirmation. Furnishing untruthful information may subject individuals to further action under Community Standards.

Disciplinary Hearing Procedures:

- A. The disciplinary hearing officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. The hearing officer may exclude any person who disrupts a hearing, including the Respondent(s), Complainant(s), Complaining Witness(es), victim(s), witness(es), Advisor(s), and/or other parties.

- B. The admissibility of evidence shall be consistent with KRS 13B.090, KRE 412, and Title IX. The hearing officer shall determine the admissibility of all matters of information.
- C. Admission of any person to the hearing shall be at the discretion of the hearing officer.
- D. Each hearing, at the general discretion of the hearing officer, shall proceed as follows:
 - i. Presentation of Community Standards charges.
 - ii. Opening statements by the Complainant and Respondent.
 - iii. Complainant's presentation of documents, information, and witnesses, and questions by the Respondent, Complaining Witness (if applicable), and/or University Conduct Board.
 - iv. Respondent's presentation of documents, information, and witnesses, and questions by the Complainant, Complaining Witness (if applicable) and/or University Conduct Board.
 - v. Closing statements by the Complainant and Respondent, including verbal description of the desired outcome of the disciplinary hearing from the involved student(s).
 - vi. Confidential deliberations by the hearing officer on findings.
 - vii. If there is a finding of responsibility, the Director of Student Conduct, or designee, will present the hearing officer with all submitted sanctioning information for consideration.
 - viii. Confidential deliberations by the hearing officer on the sanction recommendation(s).

***Note: All parties are required to remain in close proximity (unless a party is excused by the hearing officer) in the event the hearing officer needs to recall any person.*

- E. University Conduct Board decisions will proceed as follows:
 - i. A decision on responsibility or non- responsibility for Community Standards charges shall be made in private, based solely on the information presented at the hearing, using a Preponderance standard. The decision must be made prior to any consideration of possible sanctions.
 - ii. A finding of responsibility on any Community Standards charge shall be followed by the recommendation of appropriate sanction(s). The conduct record of the Respondent, victim/community impact statements, and/or character witness statements on behalf of the Respondent, Complainant, or the Complaining Witness (if applicable) may be considered in determining the appropriate sanction recommendation(s). Information and statements to be considered during the sanctioning process must be submitted in writing by all parties two (2) Days prior to the disciplinary hearing. The University Conduct Board will provide appropriate parties a written finding, stating with reasonable specificity, the facts and rationale for the finding. This finding shall be issued to the Director of Student Conduct (or designee) within five (5) Days after the close of the disciplinary hearing. Findings of responsibility will include a recommendation of any appropriate sanction(s). The Director of Student Conduct (or designee) will submit the finding, rationale, and any associated sanctions for review to the Vice President over Student Affairs to issue a final decision. The Director of Student Conduct (or designee) will submit the final decision in writing to the Student, Student Group, or RSO within five (5) Days of the date of the Disciplinary hearing finding. This written decision will include any appropriate sanction(s) in the case, if there was a finding of responsibility.

Sanction Guidelines

If a Student, Student Group, or RSO is found responsible for a violation of Community Standards, the Hearing Body, Administrative Hearing Body, University Conduct Board, Hearing Officer, the Director of Community Standards and Care (or designee), and/or the Director of Student Conduct (or designee) will determine and/or recommend the sanction(s) to be imposed or recommended based on the appropriate decision pathway. The Respondent is responsible for any related expenses.

Sanctions associated with Conduct Violations:

- A. Written Warning – An official written notification that the Student, Student Group, or RSO's behavior is in violation of University regulations or standards, and clarifies expected behavior for the future.

Further misconduct may result in additional sanctions.

B. University Probation – written notice that the violation(s) of this Community Standards are serious and that any subsequent violation(s) of this Community Standards during the defined probationary period may result in University Suspension/Expulsion.

C. University Probation with Restrictions – written notice that the violation(s) of this Community Standards are serious and that any subsequent violation(s) of this Community Standards during the defined probationary period may result in University Suspension/Expulsion. In addition, this sanction prevents the student from holding university elective office, student employment, participating in any intercollegiate activity or sport, participating in any university sponsored program/organization, or representing the university in any other manner during the defined probationary period.

D. Educational Sanctions – participating in a specific activity, course, event, or program, receive specific instruction, complete a research/reflective assignment, referral to medical resources or counseling personnel, etc.

E. Restrictions – denial of specified privileges for a designated period of time including, but not limited to, attendance at events, access to facilities, participation in non-academic activities, and interpersonal contact restrictions.

F. Restitution – compensation for personal or property loss, damage, and/or injury. Restitution may take the form of appropriate monetary or material replacement.

G. Community Restitution – an opportunity to provide a work-related experience for Students to assist in restoring an affected community.

H. Administrative Restitution – restorative financial restitution for personnel resources lost.

I. Other Sanctions – other appropriate sanctions may be imposed singularly or in combination with any of the above-listed sanctions.

Sanctions associated with Serious Misconduct Violations:

***Note: Serious Violations may result in the imposition of sanctions typically associated with Conduct Violations. The Respondent is responsible for any related expenses.*

A. Suspension in Abeyance – Although the behavior may warrant suspension or expulsion from the University, due to extenuating circumstances, the Director of Community Standards and Care (or designee) may choose to hold the student's suspension in abeyance for a specified period of time. When a suspension is held in abeyance, the student or organization may remain at the University provided they observe the conduct regulations at all times and complies with all educational sanctions. Any further finding of responsibility for a violation of Community Standards would result in Suspension or Expulsion sanctions being imposed.

B. University Suspension – termination of a Student's enrollment at the University for a specified period of time. Satisfactory completion of specified stipulations may be required for re-enrollment/re-admission at the end of the suspension period. Students' returning to the University after a University Suspension will be on University Probation for at least two semesters after their return to KSU.

C. University Expulsion – permanent separation a Student from the University without opportunity to re-enroll in the future.

D. Temporary University Housing Separation – separation of the Respondent from University Housing residence halls for a definite period of time, after which the Respondent is eligible to return. Conditions for re-admission may be specified.

E. Permanent University Housing Separation – permanent separation of the Respondent from University Housing residence halls.

Student Group and RSOs Sanctions:

One or more of the following sanctions may be imposed on a Student Group or RSO responsible for violation of this Community Standards. All sanctions require review and approval of the Dean of Students (or a designee), and may be altered, deferred, or eliminated.

Sanctions Associated with Conduct Violations:

- A. Reprimand - is an official written notice of misconduct. Repetition of any formal charges that result in reprimand of the Student, Student Group or RSO within a period of two years shall automatically carry Probation/Recognition Probation as a minimum sanction.
- B. Recognition Probation - is given for a specific period of time. Further violations of Community Standards during the probationary period may result in Recognition Suspension or Recognition Revocation. During the period of Recognition Probation, the RSO is not considered in good conduct standing with the University. The RSO may seek and add members during this probationary period and may host other activities unless otherwise specified.
- C. Additional Sanctions – which may be imposed, include, but are not limited to:
 - i. Restitution for expenses incurred by individuals or the University as a result of providing educational programs or other educational experiences related to the violation(s).
 - ii. Restitution of loss to University or person or organization/group.
 - iii. Group educational opportunity/assignment.
 - iv. Any other appropriate RSO sanction as recommended by the Hearing Body or determined by the Director of Student Conduct, Director of Community Standards and Care, and/or the Dean of Students (or a designee).

Sanctions Associated with Serious Misconduct Violations:

- D. Suspension of Activities - suspension of activities of the RSO, including but not limited to: exclusion from intramural competition, denial of use of University facilities for meetings or activities, suspension for new member education, recruiting, and/or intake process, or loss of social privileges for no less than one month. The RSO may not sponsor any activity, party, or function that is social in nature during the time parameters established.
- E. Recognition Suspension - separation of an organization from the University for a specified period of time: The organization will lose its privileges as a RSO and can no longer be an active participant in the University for the duration of suspension.
- F. Recognition Revocation - separation of an organization from the University. The organization will lose its privileges as a RSO and can no longer be an active participant in the University for a period of time at the University's sole discretion.

Appeals

A. Student Conduct Appeals

If the Student, Student Group, or RSO is found to be responsible, the stated sanctions will be imposed unless appealed. If the Student, Student Group, or RSO is found not responsible, the case will be closed and no action will be taken, except in cases of alleged Sexual Misconduct.

Students, Student Groups, and RSOs have a right to appeal sanctions pursuant to the procedures set forth below. In order for any appeal to be considered, the Student, Student Group, or RSO must submit all necessary documentation, including a written statement of appeal citing the grounds of appeal, to the Dean of Students within five (5) Days of the date of the decision letter. An appeal is not a rehearing of the original case, but a review of the Record of the Hearing and the written statement of appeal provided by the Student or RSO. An appeal must meet one or more of the following grounds to be considered:

- i. A significant procedural error was made during the student conduct process, including but not limited to failure to hold an administrative meeting or hearing, lack of notice of the alleged violation, and/or no opportunity to present information;
- ii. A sanction was not appropriate to the violation, and/or the sanctions were grossly disproportionate.
- iii. A finding was not supported by information, and/or significant information is presented on appeal that was not available at the time of the hearing or could not have been obtained despite the Student's

exercise of reasonable diligence, which materially affects the finding or sanction(s).

iv. A sanction resulting in a final order of suspension for 3 or more days, expulsion from the University, or termination of residence in campus housing.

Appeal procedures:

For an appeal of a decision not including a sanction of University Suspension, Expulsion, or termination of University residence the following procedures shall be used:

1. The written statement of appeal will be forwarded to the Dean of Students. The Dean of Students shall gather the record of the hearing and findings. The Dean of Students shall present the appeal and items to the Provost to make their appeal decision and notify the Student, Student Group, or RSO in writing within five (5) Days unless extenuating circumstances apply (not limited to University Closure or break periods). The Dean of Students may reconvene an Administrative Hearing to hear new or different information received on appeal.

For an appeal of a decision that includes a sanction of University Suspension, Expulsion, or termination of University residence, the following procedures shall be used:

1. First Appeal – Provost and Vice President of Academic Affairs
 - a. The Provost and Vice President of Academic Affairs shall review the case, and will determine whether to approve, reject, or modify an earlier decision or the sanctions recommended or imposed. The decision will be made in writing within five (5) Days of receipt of the appeal unless extenuating circumstances apply.
2. Final Appeal – President
 - a. If the Student, Student Group, or RSO disagrees with the decision of the Provost, the Student, Student Group, or RSO may appeal to the President by submitting a written statement of appeal to the Dean of Students within five (5) Days after the date of the Provost letter. The President will review the record and determine whether to approve, reject, or modify an earlier decision or the sanctions recommended or imposed. The decision of the President will be final and the sanction(s) decided upon will be imposed. The President will inform the Vice President over Student Affairs of their decision in writing, and the Vice President over Student Affairs will provide these findings and sanctions to the Student, Student Group, or RSO in writing within five (5) Days following President's decision.

B. Sexual Discrimination Appeals

- i. If the Respondent is found not responsible for an allegation of sexual discrimination, as defined by Title IX, the Complainant shall have a right to appeal the determination following the Title IX Policy.

Student Record Privacy and Parental Notification Procedures

The Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, passed by Congress in 1974, was designed both to protect the privacy of Students' educational records and to establish the right of Students to inspect and review their non-privileged educational records.

"Educational records" are all records, in any medium, that are maintained by the college and are directly related to a Student, including, but not limited to: academic, student conduct, and career planning records. Other statutes protect Students' rights to privacy over their medical and counseling records. FERPA protects Students' privacy rights by defining to whom and under what conditions a college may disclose Students' educational records. FERPA has been tested in the courts and modified by Congress in the almost thirty years since its passage, but its essential principles of Student rights to access and privacy for their educational records remain intact.

A. FERPA allows a college or university to disclose information to "appropriate parties," which may include parents, without written consent from the Student. KSU does reserve the right to make such notifications in the following situations:

- i. The Student is over the age of 18 at the time of the alleged violation; or
- ii. The Student is involved in a violation of any federal state or local law, or
- iii. The Student has violated any rule or policy of the institution governing the use or possession of alcohol or a controlled substance, or
- iv. The Student is involved in any emergency situations when notification is determined to be necessary to protect the health or safety of the Student or others. This notification may occur due to a medical emergency, or incident of imminent danger.

B. The Dean of Students or designee, has the authority to contact parents when the violation is severe enough to warrant an immediate need for parental notification.

Records and Retention

Student Conduct files are retained in the office of Community Standards and Care for seven (7) years after the Student graduates or is no longer financially enrolled at Kentucky State University. Student Conduct records involving Student Groups or RSOs will be retained permanently if the case results in an outcome of Recognition Suspension/Revocation. Student conduct decisions resulting in sanctions of University Suspension/Expulsion will be retained permanently. Student records that are not related to Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act reporting and/or are not related to suspension/expulsion from the University may be destroyed after a Student's degree is conferred if a written request is received from the Student. Academic records are maintained in the offices of admissions, Registrar, Academic Deans, chairpersons of departments, and directors of graduate and interdisciplinary programs. The Office of Health, Counseling and Student Wellness keeps health records. University policy, FERPA, and Section 164.283 of the Kentucky Revised Statutes strictly control the information that may be given out about Students. Unless Students specifically waive their rights under these statutes or the University receives a properly served subpoena, only the following directory information may be released:

- Name, address, and telephone listing
- E-mail address
- Photograph
- Date and place of birth
- Major field of study
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- The most recent previous educational agency or institution attended
- Enrollment status (e.g., undergraduate, graduate, full-time, part-time, etc.)

Forms are available to waive a Student's FERPA rights for non-student conduct records in the Registrar's office, and forms are available to waive student conduct FERPA records in the office of Community Standards and Care. Absent a written waiver or properly served subpoena, educational information may be released to school officials who have a legitimate educational interest in the information. Certain records may be released to appropriate officials in situations which are life threatening. Under FERPA, parents of Students over 18 years old have no automatic right to access the Student's records without the Student's consent, even if the Student is an economic dependent.

A. Right to Inspect Records

Under FERPA, Students have the right to inspect and review any and all official records, files, and data pertaining to them (with specific exceptions, a list of which may be obtained from the Registrar's Office). Students have the opportunity for a hearing to challenge the contents of these records to ensure that the records are accurate and are not in violation of any rights of Students. Students have the right to an explanation and interpretation of these records. In the event that any student believes that the records are inaccurate, misleading, or in violation of his/her privacy, the Student may request the University to amend these records at that time. If the holder of the records decides at that time or within a ten (10) day period not to amend the file, the student may do either or both of the following:

- i. Cite in writing the information believed to be inaccurate, misleading or in violation of privacy and submit amended data; this material will be added to the Student's file.
- ii. Request a hearing before the Educational Rights and Privacy hearing committee. The hearing request should be submitted in writing to the Vice President over Student Affairs. Within a reasonable time, not to exceed thirty (30) calendar days, a hearing will take place. The Student will have a fair opportunity to present information. A written decision, based upon the information taken at the hearing, will include a summary of the information and the reasons for the decision. The President of the University will appoint to the three-member Educational Rights and Privacy hearing committee. The Student has the right to appeal to the Office of the Review Board of the Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Revision and Communication

This Community Standards may be reviewed and amended by the Vice President over Student Affairs (or designee). Revisions of this Community Standards shall be communicated to the University community through official email as well as other means of mass communication.

Additional Items:

A. Medical Amnesty

Kentucky State University encourages a living and learning environment that promotes the health and safety of all members of our community. Alcohol (or other drug) consumption - including excessive consumption, rapid consumption, or consumption by someone with sensitivity - can cause serious physical and neurological harm or be life-threatening. Both Students who are under the influence and students accompanying Students under the influence may encounter alcohol (or other drug) emergencies during their time at college. Students are encouraged to make responsible decisions and to seek medical attention in serious or life-threatening situations that result from alcohol (or other drug) consumption. Sometimes Students are afraid to seek emergency medical care when alcohol (or other drug) poisoning (or overdose) is suspected because they do not want to get themselves or others in trouble. The University has instituted a limited Medical Amnesty Protocol in an effort to address this concern in the first instance where a Student over-consumes alcohol (or other drugs) and seeks medical attention and does not otherwise potentially violate University policies.

If medical attention is required, Students should immediately contact professional medical personnel by calling 911. A (1) Student who seeks emergency assistance for themselves, another Student, or a friend experiencing an alcohol (or other drug) related emergency, as well as (2) the individual in distress will not be subject to formal student conduct action under the KSU Community Standards.

The following procedures pertain to the two (2) different types of Students covered by the Amnesty Protocol: Students in need of medical attention, and active bystanders.

Student In Need of Medical Attention

The policy may apply when a Student receives emergency medical assistance that is (a) related to the consumption of alcohol (or other drugs), and (b) sought by a person not serving in an official University capacity. The Student will not be required to participate in the KSU student conduct process. KSU Students seeking medical amnesty are required to submit a request within five (5) Days of the incident. If a request is approved, the Student will need to meet with a professional staff member, and may be required to participate in

an appropriate educational program. The Medical Amnesty Protocol only applies when a Student initiates a call for emergency medical attention and only when the emergency medical attention is needed to address alcohol (or other drug) emergencies. It does not apply when the individual suffering from the alcohol (or other drug) emergency is discovered by a University official (e.g. KSU Police, Resident Assistant, etc.) without a prior call for emergency medical attention.

If the Student qualifies for medical amnesty under this protocol, the University will refrain from charging or sanctioning the Student for violations of the KSU Community Standards related to alcohol (or other drugs). As mentioned above, as a condition of receiving amnesty, Students may be required to successfully complete an educational assignment.

In compliance with the Family Educational Rights and Privacy Act (“FERPA”) and University policies and regulations, the University may notify the parent(s) or legal guardians(s) of Students who receive medical amnesty under this protocol, as needed.

No individual may receive medical amnesty under this Protocol more than one (1) time in a twenty four (24) month period. Records of all requests for assistance under this Protocol shall be maintained. Participation in any program as a result of this policy shall not be noted on the Student’s KSU student conduct record. In the event an individual who previously utilized the Medical Amnesty Protocol is involved in a subsequent alcohol (or other drug) related incident, the most recent incident and any resulting KSU Community Standards charges shall be considered a second offense allegation. While amnesty may be granted multiple times, it is not guaranteed.

Active Bystander

Students who seek emergency assistance on behalf of persons experiencing alcohol (or other drug) related emergencies will be considered for amnesty under this Protocol. The Student will not be required to participate in the KSU student conduct process. KSU students seeking medical amnesty are required to submit a request within five (5) Days of the incident. If a request is approved, the Student will need to meet with a professional staff member and may be required to participate in an appropriate educational program, depending upon their involvement in the situation. Participation in any program as a result of this policy shall not be noted on the Student’s KSU student conduct record. The Medical Amnesty Protocol only applies when a Student initiates the call for emergency medical attention and only when the emergency medical attention is needed to address alcohol (or other drug) emergencies. It does not apply when the individual suffering from the alcohol (or other drug) emergency is discovered by a University official (e.g. KSU Police, Resident Assistant, etc.).

In compliance with the Family Educational Rights and Privacy Act (“FERPA”) and University policies and regulations, the University can notify the parent(s) or legal guardians(s) of Students who receive medical amnesty under this Protocol, as needed.

No individual may receive amnesty under this section more than one (1) time in a twenty-four (24) month period. Records of all requests for assistance under this policy shall be maintained. Participation in any program as a result of this protocol shall not be noted on the Student’s KSU student conduct record. In the event an individual who previously utilized the Medical Amnesty Protocol is involved in a subsequent alcohol (or other drug) related incident, this incident and any resulting KSU Community Standards charges shall be considered an alleged second offense. While amnesty may be granted multiple times, it is not guaranteed.

B. Alcohol and Other Drugs

In order to ensure the University's commitment to a quality educational and work environment, every faculty member, employee, and Student has a right to work and learn in an environment free from the effects of abuse of alcohol and other drugs. It is the policy of the University to discourage the misuse and abuse of alcoholic beverages and other drugs. The Drug Free Schools and Communities Act requires every institution of higher education to inform Students of standards of conduct that clearly prohibit violations of local, state, and federal laws pertaining to alcohol and other drugs. Parental notification may be implemented for Students who are

found responsible for alcohol and drug violations under Community Standards of Student Rights and Responsibilities. Alcoholic beverages may be served and consumed at official University functions and approved non-University functions as designated by the President or his/her designee.

1. The University prohibits the following actions and behaviors:

- a. Purchase, possession, or consumption of alcoholic beverages by persons under age of 21 on or off campus.
- b. Aiding and abetting an underage person in the purchase or possession of alcoholic beverages.
- c. Falsification of a driver's license or other identification in order to obtain alcoholic beverages.
- d. Consumption of alcoholic beverages in outdoor areas such as public places, University Housing, and automobiles, except where designated by the University's Tailgate Policy (see the KSU website for more information) by anyone of any age. Approved classroom settings are exempt in writing annually by the President or designee.
- e. Appearing in any public place manifestly under the influence of alcohol, such that the individual may endanger themselves or other persons, damage property, or annoy persons in the vicinity.
- f. Driving while under the influence or while Intoxicated.
- g. At no time shall any smoke product or paraphernalia be tolerated on the University campus. All tobacco and drug products or paraphernalia is banned from campus at all times including smokeless products.

2. Alcoholic beverages may be served and consumed at University events held off-campus according to the following guidelines, as well as in addition to the above guidelines:

- a. The sale, serving, and consumption of alcoholic beverages are strictly prohibited except in areas and at times and dates licensed by the Kentucky Alcohol Beverage Control Board, or similar agencies in other states.
- b. Sponsoring group and organizations will be responsible for providing security to ensure that guests conduct themselves properly and to assist with the crowd control.
- c. Alcohol shall not be consumed or carried in open containers on any street, sidewalk, alley, or in a motor vehicle.
- d. Activity sponsors must examine the identification of all guests entering the activity. Guests under the age of 21 shall not be permitted to consume alcoholic beverages. If the activity is located in another state, all applicable state and local laws regarding alcohol sales, services, and consumptions shall prevail. Sponsors must assure that official law enforcement or on-site security personnel verify the identification of all participants.
- e. Littering, infringing upon the rights of others, and abuse of public or private property in connection with possession or consumption of alcoholic beverages is prohibited.
- f. Promotion or advertising of an event shall not encourage any form of alcohol abuse, nor should events be advertised to place an emphasis on the quantity and/or frequency of use of alcohol.
- g. Alcohol should not be provided as an award or prize to individuals or campus organizations.
- h. Student organizations shall designate one person, perhaps an officer of that organization, to assume responsibility for assuring that there is knowledge of and compliance with these alcohol policies. It is recommended that this person participate in the special educational programs offered by the University.

3. Beer distributors, liquor companies, bars, and night clubs are not permitted to: (1) advertise on campus, (2) co-sponsor an event with a student organization, (3) advertise on any schedule card, athletic brochure or press guide, or other printed material, (4) provide advertising for University events presented on the radio or television. This may be temporarily lifted by written approval by the President.

4. Kentucky State University does not assume responsibility for unofficial events held on or off campus involving individuals or groups affiliated with the University. However, the University reserves the right to hold students and student organizations accountable for violations of federal, state, and local law by KSU students, or student organization off campus in which said violations adversely affect the University community and/or pursuit of its objectives.

C. Prohibition on Hazing

In accordance with Kentucky Revised Statute (KRS) §164.375, Kentucky State University prohibits any action or situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of alcohol or drugs for the purpose of initiation into or affiliation with any organization. Penalties for violation of the hazing policy shall include, but are not limited to:

A. Student violators will be subject to possible suspension or expulsion from the University or other appropriate disciplinary action in accordance with Community Standards.

B. Faculty and staff violators will be subject to possible loss of employment or other appropriate disciplinary action in accordance with the established policies.

C. Faculty, staff or student organizations that authorize or contribute to actions that violate this policy may lose University authorization to operate on campus property. Officers of such organizations may be held individually responsible for the actions of their organizations.

D. Visitors, licensees, and invitees to Kentucky State University who violate this policy will be removed from University property and may be subject to prosecution.

REFERENCES AND RELATED MATERIALS:

K-Book
Housing Contract

CONTACTS:

Dean of Students, Interim
Vincent Bingham

HISTORY:

Enacted April 13, 2026 as an Interim Policy
Approved by Board of Regents, June 12, 2026
