

v. STUDENT CONDUCT

1. Anonymous Material

No anonymous material, except approved course or employee evaluations, shall be kept by administration, faculty or students concerning any individual affiliated with the University. Anonymous material received concerning any individual, except for concern of general welfare/safety or approved course or employee evaluations, shall not be kept in an individual's file. Depending on the content, anonymous material, except such approved evaluations, may be brought to the attention of the targeted individual. If brought to the attention of the targeted individual, the material in question shall either be held in the secure CARE Team binder (students) or forwarded to Human Resources (employees).

Anonymous material that threatens the safety of any persons or property at the University, shall be brought to the immediate attention of the President, Director of Campus Safety and any appropriate law enforcement agencies.

2. University Student Conduct Policies & Processes

MBKU has established the following Student Conduct policies related to student behavior. Academic standards shall continue to be established and administered by each Program.

Student reports (or "complaints") may fall into one of three categories: 1) against another student, 2) against a MBKU employee or 3) regarding a University policy or procedure.

- A. If a report of misconduct is made by a student against another student, the procedures outlined in the University Student Code of Conduct ("Code") shall be followed and the incident may or may not be included in the "Institutional Record of Student Complaints."
- B. If a report of misconduct is made by a student against a University employee, the case is forwarded to the MBKU Office of Human Resources for resolution and included in the "Institutional Record of Student Complaints."
- C. If a student files a complaint against a University policy or procedure, it shall be addressed by the Vice President for Student Affairs (VPSA) and included in the "Institutional Record of Student Complaints."

Reports of misconduct filed against students may be one of two types:

- A. Reports of academic misconduct are initially heard by the Program Conduct Officer and handled in accordance with the policies and procedures outlined within the Code (e.g., plagiarism or cheating). These incidents shall not be recorded in the "Institutional Record of Student Complaints."
- B. Reports of any other type of misconduct (not including Prohibited Discrimination, Unlawful Harassment and Sexual Misconduct) are also initially heard by the Program Conduct Officer and handled in accordance with the policies and procedures outlined within the Code. These incidents shall be recorded in the "Institutional Record Student of Complaints."

3. Institutional Record of Student Complaints

In compliance with federal regulations and accreditation requirements, an "Institutional Record of Student Complaints" has been established and shall be maintained in University Student Affairs by the VPSA. Any student submitting a complaint in writing to the attention of the Office of the President, Dean/Director or VPSA shall have their complaint entered into this log and preserved for review by accrediting site teams. The log shall be set up such as to protect the identity of the individual making the complaint as well as other individuals involved in the facts of the complaint.

In order to be entered into the "Student Complaint Log," the student should complete the following:

- A. The complaint should be addressed to the Office of the President, the Program Dean/Director or VPSA. Complaints submitted to offices other than University Student Affairs shall be immediately forwarded to the VPSA.
- B. The complaint should be signed by the student.

In order to track a complaint, the following information shall be entered into the log:

- A. The date the complaint was first formally submitted to an appropriate University Officer.
- B. The date the complaint was received by the VPSA.
- C. The nature of the complaint.

- D. Steps taken by the University to resolve the complaint.
- E. The University's final decision regarding the complaint, including any referral to outside agencies.
- F. Any other external actions initiated by the student to resolve the complaint, if known (e.g., lawsuit, EEOC investigation, etc.).

In order to maintain privacy, any request to view the log by accrediting bodies shall require that all names contained within logged complaints be masked prior to inspection of the log by the accrediting body. No actual documents accrued relating to a complaint shall be shared with an accrediting body without the express permission of the Complainant.

Complaint Notice Disclosure

The MBKU reporting/complaint process is outlined in the section above and again in the University Student Code of Conduct below. Students are encouraged to first utilize the MBKU conduct processes but we are required by the Bureau for Private Postsecondary Education to inform students of the availability of the state complaint process. An individual may contact the Bureau for Private Postsecondary Education for review of a complaint. The Bureau may be contacted at 2535 Capitol Oaks Dr., Suite 400, Sacramento, CA 95833, <http://www.bppe.ca.gov>, 916.431.6924 or FAX 916.263.1897.

4. Professional Standards of Dress

Both academic standards and standards of conduct and dress expected and required at MBKU are significantly higher than those most students have encountered during undergraduate studies. The student intern is not only surrounded by fellow students – but also by future colleagues in the health professions and the community at large.

Students should conduct themselves in the manner befitting a health care professional. MBKU is an academic health care institution, and as such, it is expected that its students display a mature professional demeanor and observe an appropriate level of judgment with regard to personal hygiene, grooming and dress. It is important to dress in a manner that is respectful to professors, classmates, staff and campus and clinic visitors.

Individual Programs and instructors may elect to have more rigorous dress code requirements for certain classes (e.g., patient care-related laboratory proficiencies/clinical skills). If an instructor feels dress is inappropriate, action may be taken at their discretion. For details, please reference the respective Program Student Handbook.

5. Student Expectations & Responsibilities

The University is a community of scholars and practitioners in which the ideals of freedom of inquiry, freedom of thought, freedom of expression and freedom of the individual are sustained. However, the exercise and preservation of these freedoms require a respect for the rights of all in the community to enjoy them to the same extent. Cultivating an environment of mutual respect and responsibility is the foundation of educational and professional excellence. Every member of the campus community has a right to learn, work and thrive in a safe environment where mutual respect is fostered, and the dignity and worth of diverse people and ideas are valued and respected. All students enrolled in the University assume an obligation to uphold these ideals and to conduct themselves in a manner compatible with the University's function as an educational institution.

Student Expectations

A. Professional Learning Environment

1. Access to faculty, staff, academic technology, classrooms, MBKU Library services, Student Achievement Center resources and services and other resources necessary for the learning process.
2. Access to academic advising and clear expectations for degree and graduation requirements.
3. Expect to interact with employees who act professionally, provide clear expectations for performance and evaluation, hold classes/meetings as scheduled, are accessible for office hours, appointments or consultation, and maintain a clear connection between course description and content.
4. Expect employees to be sensitive to students' religious beliefs and observances and/or pregnancy/parenting status, including an expectation that reasonable arrangements should be made upon notice that a student will miss an exam or other

academic/clinic obligation resulting from the observance of a religious holiday and/or pregnancy-related concerns.

5. Have the freedom to raise relevant issues pertaining to classroom discussion (including personal beliefs), offer reasonable doubts about data presented and express alternative opinions without concern for any academic penalty or scrutiny.
 6. Study, work and interact in an environment free of amorous or sexual advances by an employee. All amorous or sexual relationships, consensual or otherwise, between faculty/staff and students should be unacceptable when professional responsibility for the student exists. Such responsibility encompasses both instructional and non-instructional contexts.
- B. Freedom from Unlawful Discrimination, Prohibited Harassment and Sexual Misconduct: All students have the right to study, work and interact in an environment that is free from unlawful discrimination and prohibited harassment in violation of law or University policy by any member of the University community.
 - C. Right to Privacy: A student's personal privacy rights, as provided by law, shall be protected by the University.
 - D. Information: The University shall make available to all students information which denotes the applicable academic, clinical and behavioral standards (i.e. MBKU Student Handbook, Program Student Handbooks, Clinic/Rotation Manuals and course syllabi).
 - E. Student Records: Student's academic, health, judicial and other confidential records shall be maintained, and students shall have access to these records, in a manner consistent with University policies and applicable state and federal laws.
 - F. Participate in Student Organizations and Campus Activities: The University recognizes the right of students to form organizations in accordance with the law and University policy, including but not limited to those organized for intellectual, religious, social, economic, political, recreational or cultural purposes.
 - G. Campus Climate, Curriculum and Policy Development: The University/Programs afford(s) all students the opportunity to share their views and participate in the initiation and development of University/Program policies, curriculum and services through course evaluations, focus groups, surveys and participation on select faculty/staff committees.
 - H. Fair Hearings: A student subject to University Student Conduct processes arising from violations of University policies and/or procedures shall be assured fair/impartial hearings.

Student Responsibilities

- A. Facilitate a positive learning environment and process by attending class, being prepared, answering questions/participating in discussion and completing assignments.
- B. Recognize individual actions reflect upon them both as individuals and as part of the University community both on- and off-campus. Students shall be responsible for their behavior and shall respect the rights and property of others.
- C. Maintain and regularly monitor University accounts, including e-mail, CASHNet and Campus Store. Regularly visit student-focused My.Ketchum.Edu portal pages and any enrolled Moodle course pages.
- D. Uphold and maintain academic and professional honesty and integrity.
- E. Comply with the directions of University officials, including Campus Safety officers acting in performance of their duties.
- F. Do not cheat, fabricate or facilitate academic dishonesty.
- G. Do not furnish false information to the University including forging, altering or using without authorization any University document or instrument of identification.
- H. Do not commit acts involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of others – including patients.
- I. Do not participate in any aspects of one's Program in the absence of applicable appropriate supervision or while impaired by alcohol or drugs.
- J. Do not distribute, use, possess or store any controlled substance, illegal drug, weapon or fireworks on University premises or at University sponsored activities.

- K. Do not intentionally or recklessly cause physical harm or offensive contact to any person on University premises or at University sponsored events. Do not intentionally or recklessly interfere with normal University operations or University sponsored events.
- L. Students shall be fully acquainted with University and Program policies and procedures and comply with them as well as applicable laws and regulations.
- M. Students shall not knowingly violate the terms of any disciplinary sanction imposed in accordance with the University Student Code of Conduct.
- N. In addition to the responsibilities set forth, students shall uphold and follow the additional responsibilities set forth in the policies of their respective professional Program and societies.

Alleged violations of Student Expectations shall be administered in accordance with the University Student Code of Conduct.

6. University Student Code of Conduct

The mission of Marshall B. Ketchum University (“MBKU” or “University”) is to educate caring, inspired health care professionals who are prepared to deliver collaborative, patient-centric health care in an interprofessional environment. The academic environment should foster conditions that are conducive to the full pursuit of knowledge and learning as outlined in the “Student Expectations and Responsibilities.” In order to ensure this mission, MBKU has established guidelines for the adjudication of individuals accused of violating University codes, rules, regulations and/or policies. In addition, MBKU has established a Student Code of Conduct (“Code”) to ensure the protection of student rights and the health and safety of the University community, to foster the personal and professional development of students and to support the efficient operation of MBKU programs.

In cases where a MBKU student is found responsible for a violation of the Code, MBKU shall impose sanctions that are consistent with the impact of the offense on the community. MBKU reserves the right to pursue criminal and/or civil action where warranted. The Code shall apply from the time of admission to University Programs and continue as long as the student remains enrolled. The Code shall also be applicable to a student’s conduct even if the student withdraws from MBKU after a report has been submitted for review of an alleged violation.

ARTICLE I: DEFINITIONS

- A. “Academic negligence” means unknowingly or unintentionally claiming credit for the work or effort of another person, or unknowingly or unintentionally gaining (or causing another to gain) an unfair academic advantage.
- B. “Assault” means intentionally, knowingly, or recklessly causing bodily injury to another person. In this context, “bodily injury” means physical pain, illness or any impairment of physical condition.
- C. “Bullying” means any written, verbal, graphic or physical act that a study or group of students exhibit toward other particular student(s) and the behavior causes mental or physical harm to the other student(s); and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student(s).
- D. “Cheating” is an act of academic dishonesty and includes, but is not limited to:
 - 1. use of any unauthorized assistance in taking quizzes, tests or examinations;
 - 2. use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments;
 - 3. the acquisition, without permission, of tests or other academic material belonging to a member of the MBKU faculty, staff or student; and
 - 4. engaging in any academic behavior specifically prohibited by a faculty member in the course syllabus or class/clinic discussion.
- E. “Code” means MBKU Student Code of Conduct.
- F. “Coercion” means intentionally compelling or inducing another person to engage in conduct from which another has a legal right to abstain, or to abstain from conduct in which another has a legal right to engage, by threatening by words or conduct to take some negative action that may impact the other person.
- G. “Conduct Officer” or “Officer” means a person authorized by their Program Dean/Director to collect reports of student misconduct, investigate the case, decide whether “more likely than not” the student has violated a MBKU policy and to deliver sanctions when appropriate. This

person oversees the respective Program's Administrative Resolution process OR forwards the misconduct case to the VPSA for a University Committee Hearing.

- H. "Committee" means the University Student Conduct Committee.
- I. "Complainant" means any person who submits a complaint alleging that a student violated a University rule/regulation. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under this Code as are provided to the Complainant, even if someone else filed the complaint.
- J. "Consent" is an affirmative, conscious and voluntary agreement to engage in agreed upon forms of sexual contact as consistent with California State law. A person cannot give consent if the person is under the age of 18, if the person is developmentally or intellectually disabled, if the person is mentally incapacitated or physically helpless or under the influence of alcohol and/or other drugs. An individual's intoxication is never an excuse for or a defense to committing sexual or gender-based harassment, sexual assault, sexual exploitation or sexual violence.
- Lack of protest or resistance and silence cannot be interpreted as consent. Consent must be ongoing throughout any sexual contact and may be revoked at any time. The existence of a dating relationship, domestic partnership or marriage between the persons involved or the existence of past sexual relations between the persons involved, is never by itself an indicator of consent.
- K. "Dating violence" is physical, sexual, emotional, financial or psychological abuse or threats of abuse against another person who is or has been in a social relationship of a romantic or intimate nature with the alleged abuser; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
- L. "Domestic violence" is physical, sexual, emotional, financial or psychological abuse or threats of abuse against another person who is a family or household members. For purposes of this definition, the term "household member" means a cohabitant who is or was a spouse or intimate partner.
- M. "Faculty member" means any person hired by MBKU to conduct classroom/clinic or teaching activities or who is otherwise considered by MBKU to be a member of its faculty.
- N. "Force" means physical contact, violence, threat, intimidation or coercion.
- O. "Harassment" means conduct that is so severe, pervasive and objectively offensive that it unreasonably interferes with a person's academic performance or participation in University programs or activities and creates a learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. The conduct does not have to be threatening and may include deliberate and persistent communication that unreasonably disturbs the recipient.
- P. "Incapacitation" (or "incapacitated") is a mental or physical state in which a person lacks the ability to understand the consequences of their actions and, therefore, cannot make a rational, reasonable decision.
- An individual who is incapacitated is unable to give consent. States of incapacitation include sleep, unconsciousness, intermittent consciousness or any other state where the individual is unaware. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent.
- Q. "MBKU Official" means any person employed by MBKU, performing their assigned administrative or professional responsibilities.
- R. "MBKU premises" means all land, buildings, facilities and other property in the possession of, owned, used or controlled by the University. University vehicles are covered by this policy at all times regardless of whether they are on University premises or not.
- S. "Physical abuse" means the non-accidental infliction of physical or bodily injury, pain or impairment, including but not limited to hitting, slapping, causing burns or bruises, poisoning or improper physical restraint; or causing physical injuries that are not justifiably explained or where the history given for an injury is at variance with the degree or type of injury.
- T. "Plagiarism" is an act of academic dishonesty and includes, but is not limited to, by paraphrase or direct quotation, of the published or unpublished work of another person

- without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of academic materials.
- U. “Policy” means the written regulations of MBKU as found in, but not limited to, its Bylaws of the Board of Trustees, its Administrative Procedures, the Student Code of Conduct, the Student Rights and Responsibilities, University and Program Handbooks, and University Catalog.
 - V. “Respondent” means a MBKU student who is currently enrolled at MBKU, pursuing a degree either full or part time, against whom a complaint has been filed alleging a violation of the Code. A Respondent who withdraws from MBKU (after a complaint or report is filed alleging they committed any form of sexual misconduct), but who has a reasonable or continuing relationship with MBKU, or has been notified of their acceptance for admission, will be considered a Respondent, even if they are not currently enrolled or have not yet begun attending classes, for the purposes of this process.
 - W. “Sexual assault” is the act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger. Such contact is unwanted when it occurs:
 - 1. without the consent of at least one of the individuals; or
 - 2. when at least one of the individuals is incapacitated or otherwise incapable of giving consent.
- For purposes of this section, “Sexual contact” is defined as intentional touching or penetration of another person’s clothed or unclothed body, including, but not limited to, the mouth, neck, buttocks, anus, genitalia or breast, by another with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch their own or another body in the manner described above.
- X. “Sexual exploitation” is violating the sexual privacy of another, or taking unjust or abusive sexual advantage of another, without consent (as defined above), and when such behavior does not otherwise constitute sexual assault.
 - Y. “Sexual harassment” means unwelcome conduct (either directly or indirectly when others are aware of it) that is severe or pervasive, and has either the purpose or effect of:
 - Z. “Sexual intercourse” means anal, oral and vaginal penetration of a sexual nature.
 - AA. “Stalking” is two or more acts of unwanted and harassing behavior, directed at a specific person that is sufficiently serious to cause physical, emotional or psychological fear or to create a hostile, intimidating or abusive environment. The conduct must be both objectively and subjectively perceived as hostile, intimidating or abusive. That is, the reporting party must view the conduct as hostile, intimidating or abusive, and a reasonable person with the same fundamental characteristics as the reporting party (e.g., actual or perceived sex, age, race, gender, sexual orientation, gender identity or gender expression) must also view the conduct as hostile, intimidating or abusive if they were in similar circumstances. Stalking may include (but is not limited to) situations occurring in person or through mail, electronic mail, text messaging, instant messaging, telephone, facsimile, social media websites or other internet communications; for several days or for many years.
 - BB. “Student” refers to a person who is currently either:
 - 1. registered/enrolled (i.e., taking courses either full or part time or on clinical rotations); or
 - 2. unregistered/withdrawn (i.e., not currently enrolled but maintains a “reasonable relationship” with MBKU – admitted but not enrolled, on a leave of absence, returning student, etc.).
 - CC. “Under the influence” means that a person has ingested an intoxicant which has impaired the person’s normal mental functioning or ability to care for the person and guard against casualty. Examples of individuals “under the influence” include, but are not limited to: slurred speech, lack of coordination and the smell of alcohol or marijuana on the student that is coupled with unusual behavior of the student in general.
 - DD. “University” or “MBKU” means Marshall B. Ketchum University.
 - EE. “Weapon” includes, but is not limited to: a pistol or other firearm, taser, stun gun, explosives, dagger, dirk, razor, stiletto, knife (regardless of length or size) and any other dangerous or deadly weapon or instrument, or common object used in a threatening/dangerous manner.

ARTICLE II: STUDENT CODE AUTHORITY

- A. The University President shall have the ultimate oversight and authority over University Student Conduct processes.
- B. For University Student Conduct processes, the President has designated the Deans/Director and the Vice President and Director for Student Affairs (VP/DSA) as official designees who shall be authorized to render decisions and sanctions, assign cases to other trained Officers and/or make determinations as to whether or not a case may be administratively resolved in accordance with this process.
- C. The VP/DSA shall develop processes and procedural rules for the consistent administration of University policies. The VPSA shall serve as Chair of the University Conduct Committee and facilitate Committee hearings. The DSA shall serve as Chair if the VPSA is unable/unavailable.
- D. Decisions made by the Conduct Officer, Dean/Director or VP/DSA shall be final, pending the appropriate appeal process.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction

The MBKU Code shall apply to conduct that occurs on University premises or clinical rotation sites, at University-sponsored activities and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for their conduct and the conduct of their guests, from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end. Additionally, students shall be responsible for conduct that occurs during the academic year as well as during periods between terms of actual enrollment.

The Code shall apply to a student's conduct even if the student withdraws from classes at MBKU after a report was submitted or while a disciplinary matter is pending.

The Code applies at all University locations and any other ancillary educational locations including but not limited to: clinical facilities, labs, internships or rotation sites, when applicable and/or related to MBKU coursework.

B. Prohibited Conduct

Any student found to have committed (or to have attempted to commit) any of the following misconduct, including policies outlined in "Academic and Professional Misconduct," "Student Rights and Responsibilities," the MBKU Catalog and/or Program Student Handbooks, shall be subject to the disciplinary sanctions outlined in Article IV.

Academic standards shall be established and administered by each Program.

1. Acts of dishonesty, including but not limited to the following:
 - Cheating, plagiarism, academic negligence and any other forms of academic dishonesty.
 - Misrepresentation or omission of facts or furnishing false information to any University official, faculty member, staff or office.
 - Forgery, alteration or misuse of any University document, record or instrument of identification.
 - Financial Aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
3. Abuse that is physical or psychological in nature. This includes actual physical abuse or assaults, threats of physical harm or threatening behavior that would cause fear in a reasonable person, intimidation, harassment, stalking, coercion, bullying, hazing and/or any other conduct which threatens or endangers the health or safety of any person (including, but not limited to, messages sent via text messages, emails, on social media networks or any electronic format including phone, etc.).

This provision also includes, but is not limited to: dating violence, domestic violence and unlawful discrimination or prohibited harassment on the basis of race, color, sex, age, religion or creed, national origin or ancestry, pregnancy/parenting status, disability, marital status, height, weight, sexual orientation, gender/gender identity, genetic information, veteran or military status or any other factor prohibited by law.

- Prohibited harassment may take many forms, including but not limited to degrading or demeaning conduct or comments based on the demographic categories above.
 - Prohibited bias factors may not be permitted to have an influence upon decision regarding students, applicants for admission and/or users of University-related programs, services and activities. MBKU shall continue in its efforts to maintain an educational environment free of such prohibited bias in all institutional practices.
4. Any attempted or actual sexual misconduct, which includes Sexual Exploitation, Sexual Harassment and Sexual Assault. Specific examples include:
 - Degrading or demeaning comments or conduct of a sexual nature, such as unwelcome sexual advances, touching, requests for sexual favors, ogling, comments about a person's sexual activities, sexual suggestive or degrading jokes, the display of sexually explicit materials that do not serve an academic purpose, etc.
 - Making or threatening to make decisions (e.g. for admission, site placement, employment, etc.) about a person on the basis of the demographic categories or on the basis of that person accepting or rejecting sexual advances, granting sexual favors, tolerating prohibited conduct, etc.
 - Stating or implying that a student's career has advanced by granting sexual favors, or that a student's performance problems are attributable in whole or in part to the person's demographics.
 5. Attempted or actual theft of and/or damage to University property or property of a member of the University community or other personal or public property, on or off campus. This also includes violations of copyrighted materials.
 6. Hazing (any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property) for the purpose of initiation, admission into, affiliation with or as a condition for the continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; both are violations of this rule.
 7. Failure to comply with the directions of University Officials or Campus Safety Officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so. This provision also includes a failure to complete required sanctions upon a finding of responsibility by a Program Conduct Officer, Conduct Committee Member, Appellate Officer, or other University Administrator in any University student disciplinary related process.
 8. Unauthorized possession, duplication or the use of keys or ID Access Cards to any University premises or unauthorized entry to or use of University premises.
 9. Violation of any University policy, rule or regulation published in hard copy, included in a course syllabus, or available electronically on the MBKU website, My.Ketchum.Edu ("portal") or Moodle.Ketchum.Edu ("Moodle").
 10. Violation of federal, state or local law on University premises or at University-sponsored or supervised activities.
 11. Use, possession, manufacturing, distribution or being under the influence of alcoholic beverages (except as expressly permitted by University policies, state or federal law), or public intoxication while on any University premises or at any University sponsored event or ancillary site. Alcoholic beverages may not, in any circumstance, be used, possessed or distributed to any person under twenty-one (21) years of age.
 12. Use, possession, manufacturing, distribution or being under the influence of marijuana, narcotics, or other controlled substances (except as expressly permitted by state and federal law) while on any University premises or at any University

sponsored event or ancillary site. Possession of drug paraphernalia is also prohibited on University premises.

- Although the State of California now allows the private recreational use and possession of small amounts of marijuana for people 21 years of age and older, marijuana is still illegal under federal law.
13. Possession of weapons (except as permitted by law) and/or use of any such item in a manner that harms, threatens or causes fear to others within the University community.
 14. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts normal University operations and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
 15. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
 16. Conduct that is disorderly; breach of peace; or aiding, abetting or procuring another person to breach the peace or at functions sponsored by, or participated in by the University or members of the academic community. Disorderly Conduct includes but is not limited to: the use of any device to capture audio, video or digital record or photograph of any person while on University premises or at University events where there is a reasonable expectation of privacy (i.e., restrooms, locker rooms, etc.).
 17. Theft or other abuse of computer facilities and resources, including but not limited to:
 - Unauthorized entry into a file, to use, read, change the contents of or for any other purpose.
 - Unauthorized transfer of a file.
 - Use of another individual's identification and/or password.
 - Use of any University computing device or resources to interfere with the work of another student, faculty member or other University Official.
 - Use of any University computing device or resources to send obscene or abusive messages.
 - Use of any University computing device or resources to interfere with normal operation of the University computing systems.
 - Use of any University computing device or resources in violation of copyright laws.
 - Any violation of the MBKU Information Technology Office's appropriate use policies and procedures.
 18. Abuse of the student conduct process, including but not limited to:
 - Falsification, distortion, or misrepresentation of information under review by a Program Conduct Officer, the University Conduct Committee and/or Appellate Officer.
 - Disruption or interference with the orderly conduct of a conduct meeting/Hearing.
 - Attempting to discourage an individual's proper participation in, or use of, the student conduct process.
 - Attempting to influence the impartiality of a University Conduct Officer prior to, and/or during the course of, the conduct meeting/Committee Hearing.
 - Harassment (verbal or physical) and/or intimidation of a University Conduct Officer prior to, during and/or after a conduct meeting/Committee Hearing.
 - Influencing or attempting to influence another person to commit an abuse of the student conduct process.
 19. Students are required to engage in responsible social conduct that reflects credit upon the University community and to model good citizenship.

20. Retaliation against any person submitting a complaint of any alleged policy violation or against any person cooperating in the fact-finding (including testifying as a witness) of any alleged violation of this Code. For these purposes, “retaliation” includes, but is not limited to, physical abused, intimidation, threats, harassment and other adverse action threatened or taken against any such Complainant, Victim, Respondent or third party.

C. Violation of Law and University Discipline

1. MBKU student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court of criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Program Conduct Officer or VP/DSA. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising from the same factual circumstances as the alleged University rules/regulations violation were dismissed, reduced, or resolved in favor of or against the Respondent/Defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, MBKU shall not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Code, MBKU may advise off-campus authorities of the existence of the Code and of how such matters are typically handled through the University student conduct process. MBKU shall attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CONDUCT PROCESS (“FAIR HEARINGS”)

A. Reporting Misconduct

1. Any member of the University community may submit a complaint against a student for (an) alleged violation(s) of the Code. All students accused of violating this Code shall be entitled to a fair hearing, which includes written notification of the alleged violation and a reasonable opportunity to respond and provide evidence and/or witnesses to be considered prior to any final decision.
2. Any allegation of a conduct and/or professional standards violation may be directed to the Respondent’s Program Conduct Officer (“Officer”). Any student or employee may report a charge of student misconduct. Reports should be submitted as soon as possible after the event takes place. However, all reports shall be reviewed in accordance with this process, regardless of date reported.

Exception: Sexual Misconduct and harassment/discrimination allegations are reported directly to the MBKU Title IX Office. (See Prohibited Discrimination, Unlawful Harassment and Sexual Misconduct Policy)

3. The Officer shall conduct an impartial and reliable preliminary fact-finding investigation of all allegations to determine if the allegation(s) have merit and/or if they may be adjudicated via the Administrative Resolution process. The Officer may take into consideration factors such as the complexity, severity and community impact of the case.

Note: Cases serious in nature, involving complicated facts and/or involving students/groups with previous disciplinary violations should be forwarded to a Committee Hearing for resolution. All cases where suspension or dismissal is a possible sanction shall have a University Student Conduct Committee Hearing (“Committee Hearing” or “Hearing”). Students have the right to request a Committee Hearing in lieu of an Administrative Resolution.

4. The Officer, in collaboration with the VPSA, may accommodate concerns for the personal safety, well-being and/or fears of confrontation by involved parties while the case is being resolved. These concerns may be addressed in a variety of ways including, but not limited to, MBKU No Contact Orders, Campus Safety presence at meetings, removal from class or campus for a short period or reasonable schedule

adjustments. Removal for a period longer than one day requires an Interim Suspension.

5. The Program Conduct Officer is responsible for the following:
 - a. Intake of the report/potential violation
 - b. Investigation
 - c. Determining the validity of the allegation
 - d. If valid, notifying the student of the charge in writing
 - e. Educating the student on the process and their rights
 - f. Obtaining statements from the Complainant, Respondent and any witnesses
 - g. Facilitating an Administrative Resolution, if applicable, including determining and delivering sanctions
 - h. If applicable, forwarding the case to the VPSA if a Committee Hearing is appropriate, required or requested by the Respondent
6. Officer training materials and templates shall be maintained by University Student Affairs and provided upon request.

B. Administrative Resolution

All Administrative Resolution processes shall be operated under the assumption that the Respondent has not violated University/Program policy.

An Administrative Resolution is a discussion between the student/group and a Conduct Officer(s) – following Program published protocols. In most cases, when charged, students accept responsibility for misconduct. The Officer shall inform the student's Dean/Director prior to notifying the student of the outcome and any sanctions (if applicable).

1. The Officer(s) shall determine if the charge may be adjudicated via an Administrative Resolution. The Officer may take into consideration factors such as the complexity, severity and community impact of the case.

Note: Cases serious in nature, involving complicated facts and/or involving students/groups with previous disciplinary violations should be forwarded to a Committee Hearing for resolution. All student conduct and professional violation cases where suspension or dismissal/expulsion is a possible sanction shall have a Committee Hearing. Students have the right to request a Committee Hearing in lieu of an Administrative Resolution.
2. The Officer(s) shall follow Program published protocols for all Administrative Resolutions. These protocols are located in the student's respective Program Student Handbook.
3. Determinations of Code violations/misconduct shall be made on the basis of "more likely than not" ("preponderance of the evidence" standard of proof) the student violated the Code/engaged in misconduct. The assumption shall be as though the Respondent has not violated University/Program policy.
4. If found responsible, the Officer shall deliver the sanction(s) letter to the student, after notifying the Program Dean/Director. Sanctions shall be effective immediately, pending any appeals processes.
5. The entire case file shall then be forwarded to University Student Affairs to store with the University's disciplinary records, which shall be kept separate from the student's academic record. While FERPA requires students be provided the opportunity to "inspect and review" their record, the University is not required to, nor shall provide, a copy of the record to the student. Disciplinary records are destroyed immediately after graduation, per University policy.
6. At the conclusion of the conduct process, the involved MBKU administrators shall evaluate the matter for actions that may be taken to improve University practices.

C. Conduct Committee Hearing

All University Conduct Committee Hearing processes shall be operated under the assumption that the Respondent has not violated University/Program policy.

The Conduct Committee (“Committee”) shall be a University-wide standing committee comprised of faculty and administrators from all University Programs. The Committee shall hear matters involving offenses that may involve possible suspension or separation from the University; cases serious in nature, involve complicated facts and/or involve students/groups with previous disciplinary violations; or when requested by the student in lieu of an Administrative Resolution.

Each summer, the Dean/Director submits the names of three faculty and/or administration within their Program to serve on the Committee. These individuals are selected annually and may serve on the Committee any number of years. The chosen Committee of nine MBKU faculty/administrators shall then be trained on the fair hearing and University Student Conduct process. If/when a need for a Conduct Committee Hearing arises, the nine individuals shall be contacted to participate.

In a Committee Hearing, the case shall be heard and decided upon by a panel of at least three Committee members. The VP/DSA shall serve as Committee Chair by facilitating the hearing, ensuring due process and performing administrative functions.

University Conduct Committee policies and procedures are outlined in the Conduct Committee Handbook. This document is maintained by the VP/DSA.

Note: All cases involving sexual misconduct and/or harassment/discrimination shall be forwarded to the MBKU Title IX Office for resolution. (See Prohibited Discrimination, Unlawful Harassment and Sexual Misconduct Policy)

For matters in which individuals pose a danger to themselves, others or the immediate well-being of the University community, the “Medical Leave Policy” shall be followed, including the possibility of separation from the University.

1. If forwarded to the Committee, the VP/DSA shall continue/conduct an impartial and reliable preliminary fact-finding investigation of all allegations.
2. Prior to meeting with the Respondent, they shall be provided the following:
 - a. written notification regarding how the alleged violation came to the attention of the University;
 - b. a detailed written summary of the allegation(s) so that the Respondent may properly prepare for their meeting or response to the allegation(s); AND
 - c. a reasonable opportunity to provide their statement for consideration, as well the names of any relevant witnesses for consideration before a final decision is made.
3. If meeting is not possible, the notification shall direct the student to make an appointment with the VP/DSA to review the facts concerning the alleged violation(s).
4. After reviewing the available facts with the Respondent, and/or after reviewing the Respondent’s statement, a decision shall be made whether to formally charge the Respondent with (a) violation(s) of the Code or further the fact-finding based on information provided by the Respondent.
5. Based on all the facts and circumstances presented, the charge(s) may be amended or changed, and the Respondent shall be made aware of the change(s) immediately or as soon as possible in writing.
6. Meetings shall be conducted using the following guidelines:
 - a. Meetings shall be scheduled at the convenience of the VP/DSA, however, all efforts shall be made to schedule the meeting as soon as possible.
 - b. The parties may provide the VP/DSA with a list of potential witnesses and a summary of information and/or copies of documents or relevant information they believe shall assist the Committee in understanding their version of events.
 - c. The VP/DSA, in their sole discretion, shall determine which information is relevant given the report and/or the facts and circumstances.
 - d. All meetings shall be conducted in private.
 - e. In cases involving more than one Respondent, the VP/DSA, shall conduct the meetings separately, to determine the responsibility of each student.

- f. The tone of the meeting(s) should be educational and not adversarial.
 - g. Pertinent information received from witnesses and the parties, records, exhibits, and written statements may be accepted as information for consideration by the Committee at the VP/DSA's sole discretion.
 - h. Once the investigation phase is complete, the first phase of Committee activity involves VP/DSA-facilitated conduct process and fair hearing training and a review of relevant case evidence/information.
 - i. The second phase of Committee activity involves the official Hearing. During the Hearing, the Complainant(s), Respondent(s), and any witnesses have the opportunity to present statements and answer questions from Committee members. Both Complainant(s) and Respondent(s) may have an Advisor present. The Advisor may not participate in the Hearing but may consult with their student if they have questions/concerns.
 - j. After any statements and questions, the Committee shall determine whether the Respondent(s) has/have violated each section of the Code in which they are alleged with violating. However, the Committee may also consider a different charge if they believe the facts support a charge(s) different than the charge(s) the Respondent(s) was/were originally charged with. If the charge(s) is/are different from the charge(s) listed in the original notification, then the VP/DSA will discuss or notice the Respondent so that they may respond appropriately to the new charge(s).
 - k. Determinations of Code violations shall be made on the basis of "more likely than not" ("preponderance of the evidence" standard of proof) the Respondent violated the Code/engaged in misconduct. The assumption shall be as though the Respondent has not violated University/Program policy.
 - l. There shall be a single verbatim record of all student conduct meetings. Digital recordings of interviews shall be the property of the University. These recordings will be maintained only until the appeal process has concluded (if applicable) or as deemed necessary by the University. Case notes, statements, evidence and other documents will be maintained in a hard-copy file separate from the student's academic record. Any behavioral/student conduct records (other than those relating to Suspension or Expulsion) are shredded immediately upon the student's graduation/separation from the University.
7. If the Committee decides "more likely than not" that the Respondent has violated at least one provision of the Code, they shall consider and recommend appropriate sanction(s) to the VP/DSA.
 8. After informing the Dean/Director of the respective Program, the VP/DSA shall deliver the sanction(s) to the student – including information regarding applicable appeals processes.
 9. The case file shall be stored in the University's disciplinary records, which is kept separate from the student's academic record. While FERPA requires that we provide students the opportunity to "inspect and review" their record, the University is not required to, nor will provide, a copy of the record for the student. Only sanctions of Professional Probation and/or Dismissal/Expulsion are reported on the student's transcript. All disciplinary records are destroyed immediately after graduation, per University policy. However, the Dismissal/Expulsion transcript note is a part of the student's permanent record.
 10. At the conclusion of the conduct process, the involved MBKU administrators shall evaluate the matter for actions that may be taken to improve University practices.

D. Sanctions

Administrative Resolution sanctions may include, but not be limited to, all of the following except Suspension, Dismissal and/or Expulsion. These sanctions shall be reserved for cases forwarded to the University Student Conduct Committee.

Academic standards shall continue to be established and administered by each program (including Academic Probation and Academic Dismissal).

1. In cases where a student has been found "more likely than not" to have engaged in a Code violation/misconduct, MBKU shall impose discipline that is consistent with the impact of the offense on the University community. Progressive discipline principles

shall be followed in that the student's conduct history at MBKU (and any other institution, if applicable) shall be taken into account, along with any other relevant information while determining sanctions. Disciplinary action taken against a student includes one or more of the following:

- a. Mediation/Restorative Justice – A voluntary and confidential process where a neutral third-party facilitator helps two or more people in conflict have a constructive conversation to resolve issues, repair harm and improve relationships.
 - b. Exception: Sexual misconduct cases shall not include a sanction of Mediation unless both parties voluntarily agree to participate.
 - c. Written Warning – A notice in writing to the student that the student is violating or has violated University regulations and a copy of the warning letter is placed in the student's conduct file.
 - d. Administrator Conferences – Required meeting(s) with Program/University administrators to discuss behaviors and plan(s) for improvement.
 - e. Professional Probation – Probation is for a designated period of time (which may include the remainder of their enrollment at MBKU) and includes the probability of more severe disciplinary sanctions if the student is found to violate any University regulation(s) during the probationary period. Any MBKU student on Professional Probation may not participate in leadership roles on campus, including federal work-study positions.
 - f. Academic Penalties – Including but not limited to grading penalties and academic misconduct transcript notations.
 - g. Loss of Privileges – Denial of specified privileges for a designated period of time.
 - h. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - i. Discretionary Sanctions – Work assignments, essays, service to MBKU, community service or other related discretionary or educational assignments.
 - j. MBKU No Contact Orders – No unnecessary contact between the Respondent and the Reporter, Victim(s), witnesses or other individuals (when appropriate).
 - k. Suspension (noted on transcript) – Separation of the student from the University for a definite period of time after which the student shall be eligible to return. Conditions for readmission may be specified. Suspensions may be effective immediately or deferred, pending any appeal processes.
 - l. Dismissal (noted on transcript)– Separation of the student from the University for a specified period of time. After the stated time frame, an application for admission may be resubmitted. Dismissals shall be effective immediately pending any appeal processes, unless otherwise stated.
 - m. Expulsion (noted on transcript) – Separation of the student from the University permanently. Expulsions shall be effective immediately pending any appeal processes, unless otherwise stated.
2. More than one of the sanctions listed above may be imposed for any single violation.
 3. If a student is sanctioned Suspension, Dismissal or Expulsion, the University President shall also be informed prior to notifying the student.
 4. If a sanction of Suspension, Dismissal or Expulsion is received, it remains part of the student's permanent academic record. All other disciplinary sanctions shall not be made part of the student's academic record.
 5. These confidential conduct records are retained and maintained by University Student Affairs consistent with the Family Educational Rights and Privacy Act (FERPA) and other applicable law. Upon graduation, the student's confidential record will be expunged of disciplinary actions other than Suspension, Dismissal or Expulsion.

6. The following sanctions may be imposed upon recognized MBKU student organizations:
 - a. Those sanctions listed above.
 - b. Loss of selected rights and privileges for a specified period of time.
 - c. Deactivation.

E. Interim Suspension

In certain elevated circumstances, the VPSA may impose an interim suspension prior to a conduct meeting. The University President shall be informed prior to notifying the student.

1. Interim suspension may only be imposed in the following circumstances:
 - a. To ensure the safety and well-being of members of the University community or preservation of University property; or
 - b. To ensure the student's own physical or emotional safety and well-being; or
 - c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. Interim suspension shall take effect immediately and last for no more than ten (10) business days. The 10-day period may be extended for good cause by the VPSA or by agreement with the Respondent.
 - a. The Respondent may challenge an imposed interim suspension in writing within two business days. The challenge shall be sent to the Program Dean/Director to render a final decision.
 - b. If received, the Dean/Director shall notify the VPSA.
3. During the interim suspension, the Respondent shall be denied access to campus and/or all other University activities or privileges for which the student might otherwise be eligible, as the VPSA may determine to be appropriate.
4. The interim suspension does not replace the regular Conduct Committee process, which shall proceed on the normal schedule, up to and including the completion of the Hearing, submission of sanctions (if any), and if required, may include appeal processes (if any).

F. Appeals

1. A decision reached by the Program Officer, University Committee or VPSA may be appealed by either the Respondent(s) or the Complainant(s) (if applicable) within five (5) business days of the decision. Such appeals shall be in writing (University email) and must be sent to the student's Dean/Director.
2. The Dean/Director shall serve as the Appellate Officer in the case, or shall assign an appropriate Appellate Officer to the case. The Appellate Officer shall have the sole authority to determine whether or not an appeal warrants further review.
3. When an appeal has been submitted, a copy of the appeal may be sent to the other party to allow the non-appealing party to respond, if they choose. The non-appealing party shall be given (3) business days to submit a response to the appeal. If no response by the non-appealing party is submitted, the Appellate Officer shall make a final determination on the information provided by the appealing party.
4. An appeal that has been accepted for review shall be limited to a review of all supporting case documents and the verbatim recording of the Committee Hearing (if applicable) for one (or more) of the following reasons only:
 - a. there was a material deviation from written procedures that jeopardized the fairness of the process; OR
 - b. there is new information that was unavailable at the time of the Resolution/Hearing and would have resulted in a different outcome; OR
 - c. there was a demonstrable bias by the Program Officer, University Committee or VP/DSA; OR
 - d. the sanction(s) was/were substantially disproportionate to the severity of the violation(s), given the facts and relevant information.

Appeals based on disagreement with the outcome and/or sanction(s) shall not be accepted.

5. If an appeal is granted, the Appellate Officer shall consider the basis for the appeal and make a determination on the issue presented that fairly addresses the alleged appeal issue ONLY. Decisions of the Appellate Officer when an appeal is granted are as follows:
 - a. Assign another Conduct Officer or request another University Committee Hearing and re-notice the student in accordance with the Program procedures.
 - b. Consider the new information presented and make the final determination and sanctions.
 - c. Assign a new Officer or request a different selection of University Committee members to review the information and make a decision regarding responsibility.
 - d. Issue appropriate sanctions that are proportionate to the severity of the violation.

The Appellate Officer may request written clarification from the parties deemed appropriate to make a determination regarding the appeal request. The decision of the Appellate Officer, when made in any circumstances listed above, shall be final and binding upon all involved.

6. If an appeal is denied by the Appellate Officer, the matter shall be considered final and binding upon all parties involved.

ARTICLE V: INTERPRETATION & REVISION

- A. Any question of interpretation or application of the Code shall be referred to the VP/DSA in appellate cases for a final determination.
- B. The Code shall be reviewed and may be updated annually by the VP/DSA. Changes, when made, shall be effective immediately.
- C. A copy of MBKU's most current Code will be made available online.

7. Prohibited Discrimination, Unlawful Harassment & Sexual Misconduct Policy

A. Purpose

The purpose of this Prohibited Discrimination, Unlawful Harassment & Sexual Misconduct Policy ("Policy") shall be to establish the commitment of Marshall B. Ketchum University ("MBKU" or "University") to maintaining a fair and respectful environment for work and study and to protect students and applicants for admission from prohibited discrimination, unlawful harassment and sexual misconduct, consistent with federal, state and local law, other policies adopted by the Board of Trustees and rules and standards of conduct adopted by the University.

B. Complaints

The University may only take corrective action when it becomes aware of problems. MBKU strongly encourages anyone who experiences or observes any prohibited discrimination, unlawful harassment and/or sexual misconduct to promptly report the incident(s) and seek assistance from the University. No one should assume that the University already knows about a particular situation.

Any student or any other member of the MBKU community who experiences, observes or hears about any prohibited discrimination, unlawful harassment and/or sexual misconduct should report it immediately to one of the officials listed below. Any MBKU employee or official who observes, hears about or receives a complaint of prohibited discrimination, unlawful harassment and/or sexual misconduct shall be obligated to report it immediately to one of the Officials listed below. Reports alleging any form of prohibited discrimination, unlawful harassment and/or sexual misconduct may be made in writing (preferred) or in-person. Any complaint, including complaints involving discrimination based on sex (including pregnancy) or sexual harassment (including any form of sexual misconduct), against a student should be reported to:

Carmen Barnhardt, OD, MS Ed

Title IX Coordinator with Ultimate Oversight Responsibility

Vice President for Student Affairs

2575 Yorba Linda Blvd.

Fullerton, CA 92831

TitleIX@ketchum.edu | 714-449-7423

Any complaint, including complaints involving discrimination based on sex (including pregnancy) or sexual harassment (including any form of sexual misconduct), against anyone other than a student should be reported to:

Gail Deutsch, MS, SPHR, SHRM-SCP

Title IX Deputy for Complaints from Employees

Vice President for Human Resources

2575 Yorba Linda Blvd.

Fullerton, CA 92831

TitleIX@ketchum.edu | 714-449-7459

C. Investigations

Where prohibited discrimination, unlawful harassment and/or sexual misconduct is found, steps shall be taken to end it immediately.

All reports and complaints of prohibited discrimination, unlawful harassment and/or sexual misconduct received by a Title IX administrator shall be promptly investigated and appropriate action shall be taken as expeditiously as possible. The University shall make reasonable efforts to ensure fair and balanced processes for both the complainant/alleged victim and the respondent during the course of an investigation. The University shall respect the privacy of the Complainant(s)/alleged Victim(s), the Respondent(s) and any other witnesses in a manner consistent with the University's legal obligations to investigate, to take appropriate action and to comply with any discovery or disclosure obligations required by state or federal law. See "Confidentiality" below.

The investigation process may be outsourced to a third party investigation firm to avoid any bias and/or conflicts-of-interest.

In the course of investigating, the responsible Officer shall determine whether the complaint is one that is covered by this Policy. If not, the officer may refer the complaint to the applicable University Student Conduct process. If a complaint appears to be covered by this procedure, the responsible officer shall promptly meet with the Complainant/alleged Victim to obtain any necessary information, including a detailed description of the incident(s) and the identity of any witnesses.

The Officer shall then seek additional information and evidence as considered appropriate. The Respondent(s) shall be timely notified of the complaint and shall be questioned as considered appropriate. The investigating Officer shall maintain appropriate documentation of the complaint and the investigation, and shall disclose appropriate information to others only on a need-to-know basis consistent with state and federal law.

MBKU shall make reasonable efforts to ensure the investigation is prompt and that both parties shall be notified of any unexpected delays.

Upon conclusion of the investigation, the Officer shall notify the Complainant and Respondent of the results of the University's investigation (after first consulting with the Title IX Coordinator, if applicable). In the event the investigation reveals a violation of the Prohibited Discrimination, Unlawful Harassment and Sexual Misconduct Policy, or other inappropriate or unprofessional conduct has occurred, corrective action shall be taken by the University.

Informal Resolution of Complaints

Where appropriate, individuals who believe that actions prohibited by Title IX have taken place are encouraged to attempt to informally resolve their complaints with the offending party or parties. An informal resolution shall be offered as an option during the investigation process. If both parties voluntarily agree to participate, the Title IX Coordinator shall facilitate the process. Both parties must be in agreement with the outcome(s). Each situation is unique and shall be handled as such. Individuals are not required to pursue informal efforts or to complain to their supervisor, and may end informal efforts at any time.

Where informal resolution would not be appropriate (e.g., sexual assault), or if after doing so the situation has not been satisfactorily resolved, then individuals should immediately make a complaint, preferably in writing, to the Title IX Coordinator.

Formal Complaint Process

If informal resolution would not be appropriate, the formal process shall be followed. Either the Complainant(s) or Respondent(s) may choose to follow the formal process in lieu of an informal resolution at any time.

1. At the conclusion of the initial investigation, the Title IX Coordinator shall either continue the investigation, if necessary, or begin University Conduct Committee proceedings (Article IV.C.5).
2. **For violations of this policy, there are only three deviations from standard Committee Hearing processes:**
 - a. The Senior Vice President and Chief of Staff shall be informed of the Hearing outcome prior to notifying the Complainant(s) and Respondent(s) – not the Program Dean/Director.
 - b. Mediation shall not be a viable sanction unless both parties voluntarily agree to participate. The mediation process may be stopped by either party at any time, at which point formal processes shall commence.
 - c. The Senior Vice President and Chief of Staff shall serve as the appellate officer, if applicable – not the Program Dean/Director.

The University may also take other corrective or remedial action to address the effect of any violation of the Policy and shall follow up as necessary to ensure that the corrective or remedial action is effective.

Students and employees are highly encouraged to utilize MBKU's Prohibited Discrimination, Unlawful Harassment and Sexual Misconduct Complaint Process. However, multiple avenues for resolution and redress are available, including filing a complaint with the California Department of Civil Rights or any other appropriate government agency. MBKU's procedures do not replace the right of a complainant to pursue any other options or remedies available under the law.

No person shall be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited discrimination, unlawful harassment and/or sexual misconduct. Making deliberately false accusations of discrimination or harassment violates this Policy, and may violate other standards of conduct. In such instances, the Complainant shall be subject to University Student Conduct processes. However, failure to prove a claim of prohibited discrimination, unlawful harassment and/or sexual misconduct does not constitute proof of a false and/or malicious accusation.

D. Confidentiality

MBKU strongly supports students' interests in confidentiality. The University is particularly aware of the sensitive nature of complaints of sexual misconduct. Individuals may request available confidential counseling services from the Title IX Coordinator.

Investigations and complaints shall be kept as confidential as possible, although complete confidentiality should not be guaranteed. All reasonable steps shall be taken to respect a request for confidentiality while still pursuing other available means to address the complaint. Some situations require that the Title IX Coordinator override a Complainant or Respondent's request for confidentiality in order to meet MBKU's obligations under Title IX and continue to provide a safe and nondiscriminatory environment for all students. In these cases, the investigation and Hearing processes shall move forward even if the Complainant asks the Title IX Coordinator not to investigate or seek action against the Respondent.

E. Relationship to Other Policies

MBKU is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry and teaching. Academic freedom and freedom of expression shall be carefully considered in investigating and reviewing complaints and reports of prohibited discrimination, unlawful harassment and/or sexual misconduct. However, raising issues of academic freedom and freedom of expression shall not excuse behavior that constitutes prohibited discrimination, unlawful harassment and/or sexual misconduct.

F. Scope & Responsibility

This Policy applies to all students, employees, staff, faculty, preceptors, supervisors, administrators, officials, volunteers, guests, vendors, contractors and visitors to campus. The

Policy applies to all University programs and activities, including all academic, educational, extracurricular, social and other programs and activities related to the University. Application of the Policy shall not be limited to the University's campuses, or to facilities or premises at which any University-related programs or activities occur.

Every member of the University community shall be expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct themselves in accordance with this Policy as a condition of enrollment. Every University employee has an obligation to comply with this Policy as a term of employment. Every volunteer, visitor, vendor, etc., shall be obligated to comply with this Policy as a condition of their relationship with the University.

The MBKU Title IX Coordinator, in collaboration with MBKU General Counsel, shall be responsible for preparing procedures to implement this Policy.