DEFINITIONS APPLICABLE TO THE CODE OF CONDUCT

To better understand the Code, it is important to have an agreed-upon set of terms and concepts that in a different setting might have various definitions. This list is not exhaustive but is meant to provide a general understanding of many concepts discussed throughout this document.

1. Academic Negligence

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.

2. Anonymous Material

Verbal, written, or electronic communication or audio/video recording with information regarding student behavior with no ability to determine authorship.

3. Assault

Intentionally, knowingly, or recklessly causing bodily injury to another person. In this context, bodily injury - physical pain, illness, or any impairment of physical condition.

4. Bullying

Any written, verbal, graphic, or physical act that a student exhibits toward another student; and the behavior causes mental or physical harm to the other student; and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

5. Cheating

An act of academic dishonesty includes, but is not limited to:

a. use of any unauthorized assistance in taking quizzes, tests, or examinations

b. use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments

c. the acquisition, without permission, of tests or other academic material belonging to a member of the MBKU faculty, staff, or student

d. engaging in any academic behavior specifically prohibited by a faculty member in the course syllabus or class/clinic discussion.

6. Code

MBKU Student Code of Conduct.

7. Coercion

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.

8. Complainant

Any person who submits a report/complaint alleging that a student violated a University or Program policy. 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.

9. Consent

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 defense for 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.

10. Dating Violence

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.

11. Domestic Violence

Physical, sexual, emotional, financial, or psychological abuse or threats of abuse against another person who is a family or household member. For purposes of this definition, the term household member is a cohabitant who is or was a spouse or intimate partner, or relative.

12. Faculty Member

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.

13. Force

Physical contact, violence, threat, intimidation, or coercion.

14. Harassment

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.

15. Incapacitation or Incapacitated

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.

16. MBKU Official

Any person employed by MBKU, performing their assigned administrative or professional responsibilities.

17. MBKU Premises

All land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the University. University vehicles are always covered by this policy regardless of whether they are on University premises or not.

18. Physical Abuse

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.

19. Plagiarism

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 acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of academic materials.

20. Policy

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.

21. Respondent

Any person who has been notified of admission to MBKU, through to completion of their Program Requirements or upon dismissal, against whom a report has been filed alleging a potential violation of the Code.

22. Retaliation

Adverse action threatened or taken against a Complainant, Victim, Respondent, or third party related to a Conduct Process.

23. Sexual Assault

The act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger. Such contact is unwanted if:

a. Any individual involved does not provide consent.

b. Any of the individuals are incapacitated or otherwise incapable of giving consent.

24. Sexual Contact

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.

25. Sexual Exploitation

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.

26. Sexual Harassment

Unwelcome or uninvited verbal, electronic, or physical behavior (either directly or indirectly when others are aware of it) of a sexual or gendered nature, and often intended to exert power or authority over another.

27. Sexual Intercourse

Anal, oral, or vaginal penetration of a sexual nature.

28. Stalking

Two or more acts of unwanted or 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, and 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.

29. Student

Any person admitted to MBKU, and until they become permanently dis-enrolled, have completed program requirements for graduation, or are dismissed.

30. Under the Influence

A person who has ingested an intoxicant that has impaired the person's normal mental functioning or ability to 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.

31. University or MBKU

Marshall B. Ketchum University.

32. University Conduct Officer (UCO)

A University employee authorized by the President to collect reports, investigate, decide, and deliver sanctions related to alleged student misconduct. This person oversees the University Conduct Process and University Conduct Committee Fair Hearing.

33. Weapon

Includes but is not limited to a firearm, Taser, stun gun, explosives, any bladed knife (regardless of length or size), and any other dangerous or deadly weapon or instrument, or common object used in a threatening/ dangerous manner.