

PROHIBITED DISCRIMINATION, HARASSMENT & SEXUAL MISCONDUCT OUTSIDE THE SCOPE OF TITLE IX

Alleged Conduct will be evaluated by the Title IX Coordinator to determine whether it will be investigated under the Student Code of Conduct or Employee Code of Conduct if it is determined prior to a Formal Complaint or after the dismissal of a Formal Complaint under the MBKU Title IX Policy, that the Respondent is a student or employee of MBKU and the alleged conduct meets one or more of the following:

1. the alleged conduct does not fall within the definition of Sexual Harassment as defined in the Title IX Policy (<https://catalog.ketchum.edu/university-student-handbook/student-conduct/title-ix-policy/>),
2. the alleged conduct, if proved, would constitute a violation of Sexual Harassment as defined in the Title IX Policy and did not occur in the Education Program or Activity of MBKU but would have a substantial impact on MBKU,
3. the alleged conduct, if proved, would violate the definition of Sexual Harassment as defined in the Title IX Policy and did not occur in the U.S.,
4. the Complainant is not participating in or attempting to participate in MBKU's Education Program or Activity, **and/or**
5. the alleged conduct, if proved, would constitute any of the following:

5.1 Non-Title IX Sexual Harassment: Unwelcome verbal or physical behavior which is directed at an individual based on sex, when these behaviors are sufficiently severe or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

5.2 Sexual Exploitation: Any act whereby one individual violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent.