

# UNIVERSITY STUDENT CODE OF CONDUCT

In cases where an 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.

## 1. Student Code Authority

- a. The University President shall have the ultimate oversight and authority over University Student Conduct process.
- b. For University Student Conduct processes, the President has designated the Vice President for Enrollment and Student Services (VPESS) as authorized to render decisions and sanctions, and/or assign cases to other trained Officers/designees in accordance with this process.
- c. The VPESS shall develop processes and procedural rules for the consistent administration of University policies. The VPESS and/or designee shall serve as Chair of the University Conduct Committee and facilitate Committee hearings.
- d. The Program Dean/Director or VPESS decisions shall be final after appropriate appeal processes have concluded.

## 2. 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. Each student shall be responsible for their conduct and the conduct of their guests, from the time of 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.

## 3. Anonymous Material

The University will consider acting on a case-by-case basis if it receives anonymous material concerning student health, welfare, or safety, or if it is audio/video of a potential student conduct violation.

Verbal, written, or electronic communication forms of anonymous material related to a potential student conduct violation will not be considered for University action.

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/or any appropriate law enforcement agencies.

## 4. Standards of Conduct

The commission of or attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act shall be considered a violation of the Standard of Conduct and subject to disciplinary sanctions.

**4.1 Academic Dishonesty:** 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.

**4.2 Professional Standards Violation:** failure to follow the respective Program Professionalism Standards found in respective Handbooks.

**4.3 Disruption:** interrupting or disrupting an authorized university function or academic activity that impedes the normal continuation of that activity; or interfering with the freedom of movement of any member of the university community, guest, or visitor of the university or impeding or interfering with the rights of any person to enter, use or leave any university facility, or authorized university function or impeding or interfering with the ability of any university official to perform normal functions and duties.

**4.4 Harm to Others:** Causing physical harm to any person; endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to their health, safety, or welfare; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression or threat of an intent to commit an act of violence to a particular individual or group of individuals.

**4.5 Discrimination:** Conduct that is based upon an individual's status within a protected class under federal, local, or state law, that has the purpose or effect of unreasonably interfering with an individual's employment, educational access, educational performance or creates an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity.

**4.6 Harassment:** Unwelcome verbal, non-verbal, graphic, physical, electronic, or other conduct that subjects an individual to an intimidating, hostile, or offensive educational or employment environment, is based on one or more of the characteristics listed above, and which:

- a. Denigrates, insults, ridicules, disparage, or stereotypes an individual or an individual's conduct, family, friends, habits, or lifestyle; and
- b. Is sufficiently severe, persistent or pervasive, and objectively offensive that it limits or interferes with the individual's ability to participate in or benefit from the University's programs or activities.

**4.7 Sexual Misconduct:** Refer to Title IX: Sexual Harassment and Non-Discrimination Policy (<https://catalog.ketchum.edu/university-student-handbook/student-conduct/title-ix-policy/>).

**4.8 Hazing:** Intentionally, knowingly, or recklessly, for the purposes of initiating admitting, or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causing, coercing, or forcing a student to do

any of the following, regardless of whether such conduct occurs on or off campus.

- a. Violate federal or state criminal law.
- b. Consume any food, liquid, alcoholic liquid, drug, or other substance which subjects the student to a risk of emotional or physical harm.
- c. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements.
- d. Endure brutality of a mental nature, including actively adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment.
- e. Endure brutality of a sexual nature.
- f. Endure any other activity that creates a reasonable likelihood of bodily injury to the student. It shall not be a defense to a charge of hazing that the student consented to the conduct in question.

**4.9 Property Violations:** Any of the following conduct with respect to private or public property including, University-controlled property:

- a. theft;
- b. misappropriation or fraud;
- c. unauthorized possession, use, sale, duplication, or solicitation of funds
- d. vandalism- destruction; damage; or conduct that is reasonably likely to cause damage.

#### 4.10 Unauthorized Use:

- a. **Building:** unauthorized entry with or without force into any building, or facility or failure to vacate university facilities at the closing hours or at the request of a university official, unless prior approval is obtained to remain on the premises.
- b. **Records:** gaining or attempting to gain unauthorized access to university records including but not limited to paper records, computer files or systems.
- c. **Computers:** gaining use or attempting to gain use of university computers without proper authorization including but not limited to unauthorized:
  - 1. Use of computer and/or data processing equipment;
  - 2. Access to computer systems;
  - 3. Possession of computer software or data;
  - 4. Copying or use of computer software or data;
  - 5. Use of computer accounts; or
  - 6. Use of computer-related equipment.
- d. **University Name or Logo:** use of the university's name without the express authorization of the university except to identify institutional affiliation in an authorized manner. University approval or disapproval of any political or social issue may not be stated or implied by an organization; or use of official letterhead stationery, envelopes, logo or seal as part of any publication, correspondence, or other printed material without prior submission of the material to, and written permission received from, the appropriate university official(s).

#### 4.11 Safety Hazard:

- a. **Fire:** Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting

off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.

- b. **Other:** Any act that creates a safety hazard to others on campus

**4.12 False Information:** Providing false information to a University official, at a university hearing, or the false reporting of an emergency or violation of this Code of Conduct; or without proper authorization, reproducing, copying, forging, tampering, altering, falsifying, misusing, or attempting to do the foregoing to any record, document, or identification.

**4.13 Drugs and Paraphernalia:** Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs, if prohibited by federal, state, or local law; using, manufacturing, possessing, distributing, or selling drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued. Although the State of California 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.

**4.14 Alcohol:** knowingly possessing, keeping, consuming, allowing to consume, serving, purchasing, selling, making available to another person or directly providing funding for alcoholic beverages in violation of state or local statutes, ordinances, laws, rules and regulations university rules and regulations.

**4.15 Weapons:** unauthorized possession or use of any type of firearm, explosive, taser or stun gun, switchblade, knife or sword longer than 2" (besides kitchen knives), or other weapon, or firework. "Weapon" shall mean any instrument, device, substance, or item capable of causing or inflicting injury or death and designed or specifically adapted to look like or be used as a weapon or possessed, carried, or used as a weapon.

#### 4.16 Misuse:

- a. **Keys/Access Cards:** Possessing, using, or duplicating University keys, University access cards, or University identification cards without authorization from the University.
- b. **Identification:** refusing to present identification when requested by a university police officer or other university official who identifies themselves; using or attempting to use any means of identification or other document or card not rightfully issued to the individual; or altering, tampering with, or misusing a university identification card or other university-issued means of identification.

**4.17 Privacy:** Invasion of another person's privacy when that person has a reasonable expectation of privacy including, without limitation, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes but is not limited to, making a video or photographic record of a person in showers, locker rooms, or restrooms. The storing, sharing, and/ or distributing of such nonconsensual recordings by any means is also prohibited.

**4.18 Failure to Respond or Comply:** Failing to respond to a request to report to a University administrative office; failing to comply with a lawful

directive of a University employee or other public official acting within the scope of their duties.

**4.19 Policy or Rule:** Violating a University or Program policy or rule including, without limitation, University or Program policies or rules relating to facilities' use, the acceptable use of information technology resources, research misconduct, University libraries, parking or transportation, posting or distribution of materials, University identification card use, and registered student organizations.

**4.20 Indecent Conduct:** Engaging in lewd, indecent, or obscene conduct, including, without limitation, public exposure of one's sexual organs, public urinating, and public sexual acts.

**4.21 Violation of Interim Actions or Disciplinary Sanctions:** Violating the terms of a no-contact directive, an interim restriction, a disciplinary sanction, or a condition of re-enrollment imposed by the University.

**4.22 Violation of Law:** Committing an act that is prohibited by local, state, or federal law.

**4.23 Retaliation:** MBKU encourages reporting any activity constituting a violation of policy, law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety without fear of retaliation. In compliance with federal and state law, this protects individuals from interference when making protected disclosures, and for refusing to take part in any activity that is illegal or in violation of any MBKU policies. Retaliation includes disciplinary or adverse action taken against an individual because they have made a protected disclosure or have participated in an investigation, proceeding, or hearing involving a protected disclosure. Individuals are protected from disciplinary action or other retaliation as a result of disclosing wrongful conduct. Individuals who self-report their own misconduct are not afforded protection by this policy.

**4.24 Abuse of the Code Process:** Abuse of the student conduct process, including but not limited to: falsification, distortion, or misrepresentation of information under review by the VPES, the University Conduct Committee, Appellate Officer, and/or other University Conduct 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 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; and 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.

violation were dismissed, reduced, or resolved in favor of or against the Respondent/Defendant.

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.

## 5. Intersection with Criminal Law

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 a 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 VPES. 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