

b. <u>Negligent manslaughter</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	0	0	0
d. <u>Sex offenses - Non-forcible (Include only incest and statutory rape)</u>	0	0	0
e. <u>Robbery</u>	0	0	0
f. <u>Aggravated assault</u>	0	0	0
g. <u>Burglary</u>	0	0	0
h. <u>Motor vehicle theft</u>	0	0	0
i. <u>Arson</u>	0	0	0

Caveat:

Criminal Offenses - Public Property

Criminal offense	Total criminal offenses on public property		
	200î	200ï	200ì
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	0	0	0
d. <u>Sex offenses - Non-forcible (Include only incest and statutory rape)</u>	0	0	0
e. <u>Robbery</u>	0	0	0
f. <u>Aggravated assault</u>	0	0	0
g. <u>Burglary</u>	0	0	0
h. <u>Motor vehicle theft</u>	0	0	0
i. <u>Arson</u>	0	0	0

Caveat:

4b. Crimes Statistics, Downers Grove, IL 2007

DOWNERS GROVE

Population 48,995 in Du Page County

CRIME	200,	200+	800*
Murder	0	0	0
Rape	9	11	1H
Robbery	10	16	1G
Assault	35	44	44
Burglary	146	126	151
Theft	909	885	934
Auto theft	31	31	22
Arson	20	23	21
Total	1,197	1,136	1,197
Crimes per 1,000	23.7	23.1	23.3

Source: Illinois State Police, Illinois Uniform Crime Reporting Program

4c. Crime Statistics – Oakbrook, IL

OAK BROOK (partial)

Population 8,834 in Du Page County

CRIME	2006	2005	2004
Murder	0	0	0
Rape	1	0	0
Robbery	0	2	3
Assault	6	7	7
Burglary	25	21	13
Theft	582	574	623
Auto theft	9	6	7
Arson	0	1	0
Total	623	611	653
Crimes per 1,000	68.7	73.8	68.6

OAK BROOK (partial)

Population 1 in Cook County

CRIME	2006	2005	2004
Murder	0	0	0
Rape	0	0	0
Robbery	0	0	0
Assault	0	0	0
Burglary	0	0	0
Theft	0	0	0
Auto theft	0	0	0
Arson	0	0	0
Total	0	0	0
Crimes per 1,000	0	0	0

Source: Illinois State Police, Illinois Uniform Crime Reporting Program

4d. Crime Statistics – Lombard, IL

LOMBARD

Population 42,816 in Du Page County

CRIME	2006	2005	2004
Murder	0	0	0
Rape	3	7	8
Robbery	4	11	11
Assault	32	41	37
Burglary	74	102	101
Theft	1,064	1,109	1,227
Auto theft	26	24	30
Arson	5	0	5
Total	1,208	1,294	1,419
Crimes per 1,000	30.1	33	32.3

Source: Illinois State Police, Illinois Uniform Crime Reporting Program

4e. Crime Statistics –Olympia Fields, IL

OLYMPIA FIELDS

Population 4,673 in Cook County

CRIME	2006	2005	2004
Murder	0	0	0
Rape	4	0	3
Robbery	7	4	4
Assault	18	11	10
Burglary	14	12	15
Theft	207	223	245
Auto theft	8	13	18
Arson	1	0	0
Total	259	263	295
Crimes per 1,000	56.1	62.3	48.3

Source: Illinois State Police, Illinois Uniform Crime Reporting Program

5. Information regarding Registered Sex Offenders in Areas Adjacent to
Midwestern University, Downers Grove.

The following websites contain information regarding registered Sex Offenders
currently residing in the areas in close proximity to the Midwestern

Dupage County: http://www.sheriffalerts.com/cap_main.php?office=54038

State of Illinois: <http://www.isp.state.il.us/sor/>

Current Policies and Procedures

Midwestern University

1. Alcohol and Drug Policies and Procedures
2. Harassment Policy and Procedures
3. Sexual Assault Policy and Procedures

1. Drug and Alcohol Policies

Midwestern University has Drug-Free Workplace and Substance Abuse Policies in place for faculty, staff, and students. Disciplinary procedures are outlined for violations of the Drug-Free Workplace Policy. The University has policies in place that provide for counseling and education.

Human Resources Policy for faculty and staff, including interns – **Appendix B**

Student Handbook Policies for students – **Appendix C**

2. Harassment Policies

Midwestern University believes in the dignity and worth of its students, faculty, staff, interns, and residents and will not tolerate unacceptable conduct or behavior that has the effect of substantially interfering with the individual's performance or creates an intimidating, hostile, or offensive learning/working environment. Members of the MWU community have a right to be free from harassment. This policy/procedure establishes a protocol whereby those who believe they have been harassed may obtain redress promptly and equitably through formal and informal procedures of the University.

Human Resources Policy on Harassment for faculty and staff, including interns – **Appendix D**

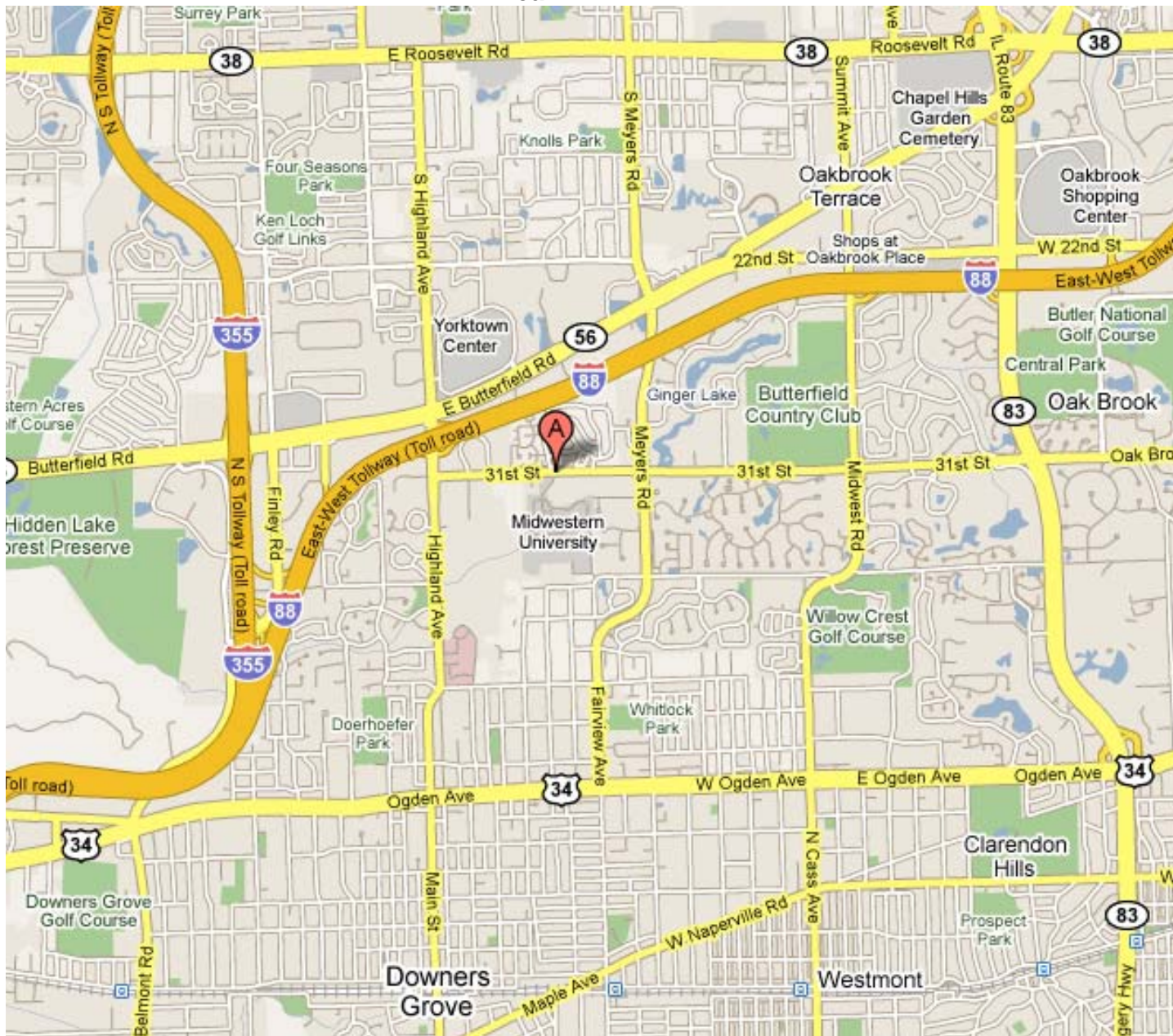
Student Handbook Policy on Harassment for students – **Appendix E**.

3. Sexual Assault Policy

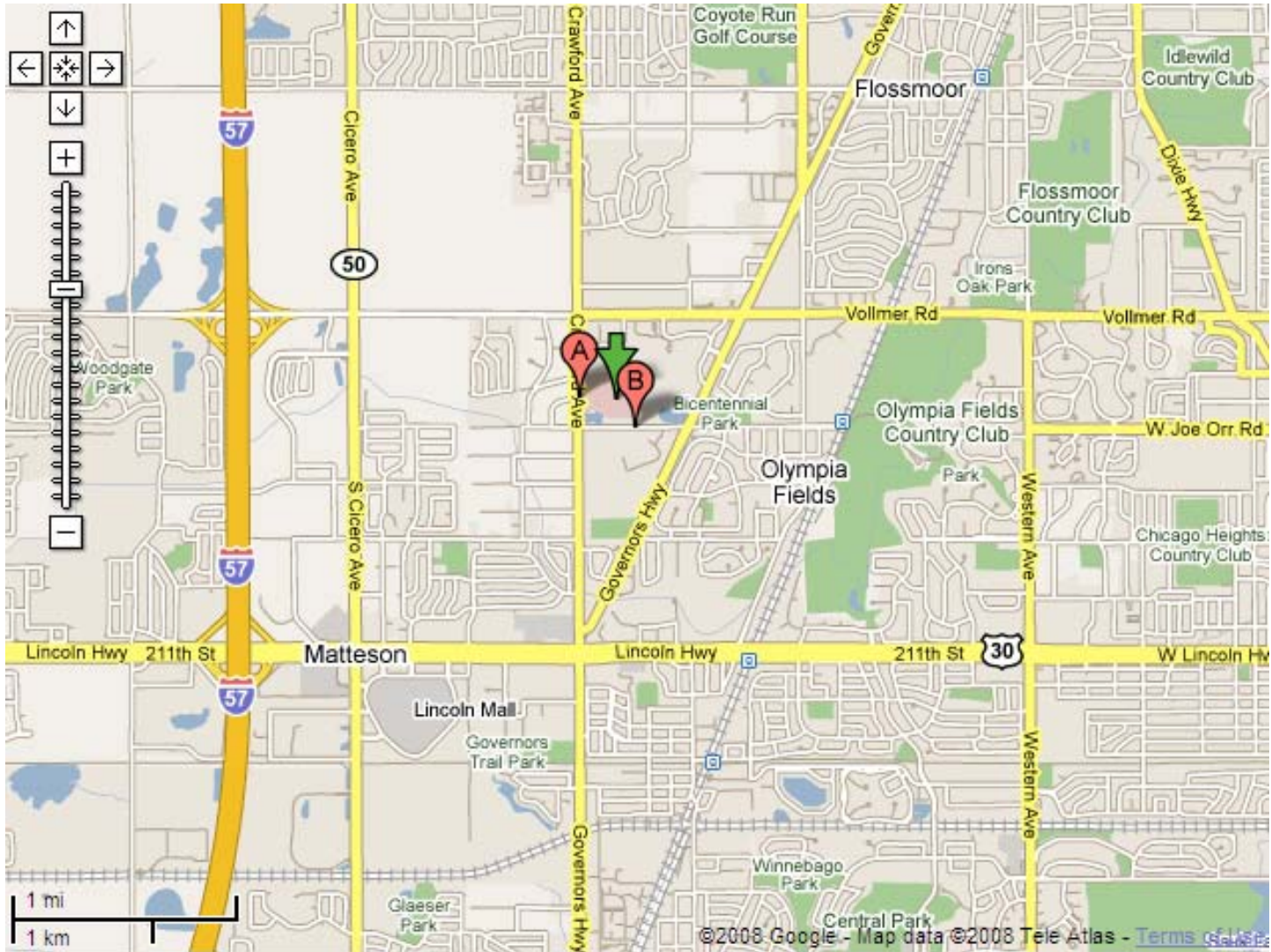
Student Handbook Policy on Sexual Assault – **Appendix F**

APPENDIX A

Map of Midwestern University and Surrounding Area



Map of St. James Hospital, Olympia Fields



APPENDIX B

Human Resource Policy for Faculty and Staff

DRUG FREE WORKPLACE AND SUBSTANCE ABUSE POLICY

PURPOSE:

- I. To establish policies and procedures whereby Midwestern University shall, in order to appropriately serve the needs of both employees and students, implement a drug free workplace and academic environment consistent with federal and state law, including the terms and conditions whereby faculty, staff, interns and residents may be disciplined for violation of these policies and tested for suspected use of an illegal drug or alcohol.

POLICY:

- II. Scope
 - A. Except as may be expressly limited herein the following policies and procedures apply to all:
 - (1) Employees of Midwestern University, including but not limited to all supervisors, management, and executive personnel;
 - (2) Faculty of Midwestern University, whether in full-time or part-time employment, or under contract to act as adjunct faculty;
 - (3) Interns and residents of Midwestern University, while serving an internship, residency, affiliation or similar association at affiliated sites;
 - B. The following policies and procedures do not apply to use or possession of alcohol during MWU sponsored events or in the personal residences of any employee, student, or faculty member which residence may be located in or around MWU property.
- III. General Policy
 - A. Faculty, staff, interns and residents whose expected performance may be impaired by alcohol or illegal drugs pose an unacceptable risk to safe operations.
 - B. The manufacture, possession, use, or distribution of illegal drugs or alcohol in or around MWU property, including the confirmed presence, in excess of the legal limit, of an illegal drug or alcohol in the blood or urine of any faculty, staff, intern, or resident shall not be tolerated and such conditions are grounds for disciplinary action, up to and including discharge, suspension, and loss of faculty status. Faculty, staff, interns, or residents under suspicion of abusing or being under the influence of an illegal drug or alcohol shall also be referred for further evaluation and/or testing.
- IV. Definitions
 - A. **Illegal Drug** - Any drug defined as illegal under federal or state law or any drug for which a prescription is required and where no prescription has been issued to the faculty, staff, intern, or resident for a valid and specific purpose.
 - B. **Under the Influence** - The usual behavior of any faculty, staff, intern, or resident or his or her ability to perform usual tasks is diminished or

impaired due to apparent use of an illegal drug, alcohol, or a combination thereof.

C. **Drug Trafficking** - The sale, purchase, theft, transfer, conversion, distribution, possession, manufacture, and dispensing of an illegal drug.

V. Treatment and Counseling

A. Faculty, staff, interns, and residents are encouraged to voluntarily seek treatment or counseling for drug or alcohol addiction or habituation, including, where relevant, a medical leave of absence in accordance with established leave of absence policies and procedures or a referral to any employee assistance program then sponsored by MWU.

B. Any faculty, staff, intern, or resident who has been disciplined under this Policy and successfully completes a drug or alcohol rehabilitation program, upon presenting adequate documentation, will be considered for reassignment, re-employment, reinstatement, or re-enrollment consistent with the availability of that person's former position or the requirements of the AOA regarding re-enrollment of interns and residents following a leave of absence.

C. MWU may, at its discretion, create a special job or position for a rehabilitated faculty, staff, intern, or resident, or may offer to reassign, reinstate, or re-enroll such a person to a position deemed appropriate; however, it is not obligated to do so.

D. As a condition to reassignment, re-employment, reinstatement, or re-enrollment, such faculty, staff, intern, or resident shall comply with any terms of a written aftercare plan and shall submit to random drug or alcohol testing in accordance with Section VII of this policy.

V I. Physician Evaluation

A. Human Resources should be notified immediately if there is suspicion of any faculty, staff, intern, or resident appearing to be under the influence of alcohol or illegal drugs or is using alcohol or an illegal drug on MWU property. If Human Resources concur with the suspicion, the individual shall be immediately escorted to the specified Medical Facility for prompt evaluation by a physician. Security may be contacted in instances when assistance is required.

B. Such evaluation may include a drug or alcohol screening by a blood or urine sample so long as the physician and affected person's supervisor document the basis for performing such a screening consistent with Section VII of this Policy.

VII. Penalties for Drug-Related Offenses and Positive Testing

A. If the physical evaluation performed on the faculty, staff, intern, or resident through the Medical Facility demonstrates the presence of any illegal drug or alcohol in an amount deemed by scientific standards to be more than insignificant, the affected person shall be subject to discipline, which shall include, as relevant, discharge and/or suspension, expulsion, and loss of faculty status. However, the option to suspend rather than discharge or expel shall only be exercised upon the written approval of the Executive Vice President. A second finding of drug or alcohol abuse shall result in discharge or expulsion.

- B. Faculty, staff, interns, and residents who are convicted of any drug trafficking offense, regardless of where such trafficking has occurred, shall, upon reliable notice to MWU, be immediately discharged, expelled, and/or lose faculty status.
- C. Faculty, staff, interns, and residents who have not been convicted but are reasonably believed to have committed a drug trafficking offense on or about MWU property, or are formally charged with a drug trafficking offense by a law enforcement agency regardless of where such offense has allegedly occurred, shall be subject to discipline, including possible suspension, discharge, expulsion, or loss of faculty status, without pay as relevant, pending further investigation and/or resolution of the charge. However, the option to suspend rather than discharge or expel shall only be exercised upon the written approval of the Executive Vice President.
In the event either the investigation proves inconclusive or no conviction, guilty plea, or court imposed sentence occurs, decisions to reinstate the faculty, staff, intern, or resident will be made on a case by case basis.
- D. No faculty, staff, intern, or resident shall be exempted from the terms and conditions of this policy on the grounds that he or she is suffering from a drug or alcohol addiction or habituation.
- E. In the case of faculty subject to such penalties, the relevant terms and conditions of the Faculty Handbook shall take precedence.

VIII. Drug and Alcohol Screening

- A. MWU shall require a blood, urine, or other similar drug screening test and if, in the opinion of the examining physician, there is evidence of alcohol use, MWU shall require an alcohol screening test:
 - (1) As a part of any post-offer, pre-employment or pre-enrollment physical examination; and,
 - (2) Periodically without prior notice after reassignment, re-employment, reinstatement, or re-enrollment of any faculty, staff, intern, or resident who has successfully completed a rehabilitation program, and is re-employed, reinstated, or re-enrolled; such period of testing is to continue in accordance with the aftercare program.
- B. MWU may require a blood, urine, or other similar test when there is objective evidence tending to show that faculty, staff, intern or resident is under the influence of or is impaired by the apparent use of alcohol or illegal drugs; or that person is involved in an accident or unusual incident reasonably believed to be alcohol or drug-related while on the property owned or controlled by MWU.
- C. Where a test for alcohol or illegal drugs performed on a current faculty, staff, intern, or resident in accordance with this policy is deemed positive, that person shall be promptly advised of the outcome of the test by the Director of Human Resources and offered the opportunity to further confirmatory testing. The results of the initial test shall be deemed conclusive if the affected person declines the opportunity to be retested.
- D. No person shall be compelled by use of force to submit to a physical examination to detect the presence of an illegal drug or alcohol,

including submission to a blood, urine, or other screening procedure. However, a refusal to comply shall be considered insubordination and subject the affected person to discharge, expulsion, loss of faculty status, or failure to hire.

Where a test for alcohol or illegal drugs performed as part of a post-offer, pre-employment or enrollment physical examination is deemed positive, the person tested shall not be offered employment or enrollment.

E Confidentiality of Testing and Test Results

- (1) All test results and written authorizations to perform tests shall be treated confidentially, and stored in a secure area of the Human Resources Department.
- (2) Supervisors either requesting employees or other persons affected by this policy to submit to testing and/or escorting such persons to the Medical Facility shall do so with due consideration for the rights of that person and shall not communicate the reason for such actions except on a need to know basis.
- (3) All samples of blood or urine shall be drawn in accordance with accepted standards for preserving the chain of control over that sample.
- (4) Disclosure of test results of current or past impairment of a person covered by this policy shall be governed by and limited to:
 - a) Federal and state laws requiring or prohibiting disclosure, e.g. Health Care Quality Improvement Act;
 - b) A need to know basis within MWU;
 - c) At the written request of the affected person, either pursuant to that person's application for employment or appointment at another facility or otherwise; or,
 - d) Upon the valid order of a court or governmental agency.

IX. Drug Free Awareness Program

- A. MWU shall establish a drug-free awareness program to inform employees and students of:
 - (1) The dangers of drug abuse in the workplace;
 - (2) MWU's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, or other assistance programs which may be implemented by MWU; and,
 - (4) The penalties to be imposed for violation of this policy.

X. Conditions of Employment, Enrollment, or Faculty Status

- A. MWU shall notify each faculty member, staff, intern and resident that, as a condition of employment, enrollment, or faculty status, such person shall:
 - (1) Abide by the terms of this Policy; and,
 - (2) Notify MWU that he/she has been convicted of a violation of a criminal drug statute no later than five (5) days after such conviction and regardless of where the violation occurred or whether the conviction will be appealed.

- B. Upon receipt of notice that faculty, staff, intern, or resident has been convicted of a violation of a criminal drug statute, MWU shall:
- (1) Notify the U.S. Department of Health and Human Services within ten (10) days of receiving actual notice from any source if the employee has been convicted of a drug violation occurring in the workplace.
 - (2) Within thirty (30) days of receiving actual notice that a faculty, staff, intern, or resident has been convicted of a drug violation, wherever such violation occurred, impose disciplinary action on the convicted faculty, staff, intern or resident in accordance with this policy.

PROCEDURE:

Department Manager/ Supervisor

- (1) Escort the employee to a private office for consultation (if the employee is a member of a collective bargaining unit, arrange for appropriate union representation at the meeting).
 - (2) Discuss the objective evidence with the employee.
- Obtain approval from Human Resources to escort the employee to the Medical Facility for a drug/blood alcohol screening test to determine the presence (or lack of) a foreign substance.
- (3) Obtain a Consent for Requested Drug/ Blood Alcohol Screening Test form from the Human Resources Department and complete the appropriate sections. If other than normal business hours, obtain the consent form from the Security Department.
 - (4) Present the consent form to the employee, informing the employee that refusal to consent to a drug/blood alcohol screening test shall be considered insubordination and shall be grounds for immediate discharge.

Employee

- (5) Sign Consent for Requested Drug/Alcohol Screening Test indicating either consent or refusal to be tested.

Department Manager/ Supervisor

- (6) If the employee consents to the drug/blood alcohol screening test, refer to procedure #8; if the employee refuses to be tested, refer to procedure #7. Request that a witness sign the form (for example: union representative, supervisor, etc.)
- (7) Complete disciplinary action form and obtain authorization for discharge as described in the Progressive Disciplinary Procedure.
- (8) Contact Medical Facility to arrange for an immediate and confidential drug/blood alcohol screening test.
- (9) Escort the employee to Medical Facility for an immediate physician evaluation.
- (10) The examining physician determines if a Drug/ Alcohol Screening Test is indicated.
If a Drug/ Alcohol Screening Test is not indicated, it should be duly noted to the accompanying supervisor who will then refer to procedure #15.

Medical Facility

- (11) If a drug/ blood alcohol test is recommended by the physician, it will be immediately administered by the Medical Facility.

- (12) Escort the suspected employee back to work. Deliver the original consent form to the Director, Human Resources.

Department Manager/ Supervisor

- (13) If the drug/blood alcohol screening test was administered to the employee, refer to the Progressive Discipline Procedure addressing suspension. Complete the Disciplinary Action Form and inform the employee of his/her suspension without pay pending the results of the drug/blood alcohol screening test.
Determine that the employee has a safe means of transportation and assist if necessary; arrange for an employee escort off the premises.
- (14) Deliver the completed Disciplinary Action Form and original consent form to the Director, Human Resources. Do not make any copies.
- (15) If the drug/blood alcohol screening test was not recommended by the physician, inform the employee of his/her clearance to return to work.

Director, Human Resources

- (16) If the initial test results are negative, notify the appropriate Department Manager/ Supervisor to arrange for the employee to return to work with back pay.
- (17) If the initial test results are positive, notify the employee and offer the opportunity for further confirmatory testing.
- (18) If the offer for further confirmatory testing is refused by the employee, process the employee's discharge in accordance with the Progressive Discipline Procedure.
- (19) If the offer to confirm the initial test results is accepted by the employee, arrange for a confirmation test with the Medical Facility.
- (20) If the confirmation test results are positive, notify the Executive Vice President and process the employee's discharge in accordance with the Progressive Discipline Procedure.
- (21) If the confirmation test results are negative, notify the appropriate Department Manager/Supervisor to arrange for the employee to return to work with back pay.
- (22) Collect and maintain the documents related to the drug/blood alcohol screening test in a locked and confidential file in the Human Resources Department.

**EMPLOYEE CONSENT FORM
FOR DRUG SCREENING**

It is the policy of Midwestern University to maintain a safe and efficient work environment. Midwestern University requires that all employees (Faculty, Staff, Interns or Residents) who are suspected of being under the influence or impaired by the apparent use of alcohol or illegal drugs while at work undergo a drug/alcohol screening procedure.

The drug screen may include a blood test, urinalysis, and/or other drug/alcohol screening procedure. Continued employment is conditional upon satisfactory results of the physical and drug screen. Those who test positive for drug/alcohol usage will be subject to disciplinary procedures, up to and including discharge from employment in accordance with H.R. Policy 0006.

An employee's consent to submit to such a test is a material condition of continued employment. An employee's refusal to consent will result in discharge from employment.

I, _____, understand and agree that I will receive a drug screening procedure to test for illegal substance use, substance abuse, or chemical dependency. I further understand that a positive result will lead to disciplinary procedures as outlined in H.R. Policy 0006.

I authorize the testing laboratory/facility to perform the appropriate tests and to convey the results of my drug screening to Midwestern University. I agree to release and hold harmless Midwestern University, its officers, employees, and agents from any liability based upon the request for, administration of, or use of the results of my drug screen.

I understand that if I decline to sign this consent form and thereby decline to take the test, the drug/alcohol screening procedure will not be completed and I will be subject to immediate discharge.

If the test is confirmed as positive, the results will be reported to Midwestern University. An exception will be made for the proper use of legally prescribed medications taken under the direction of a physician.

Please list all prescription medications you are currently taking:

Please list all food items you have eaten in the past 24 hours:

S _____ Signature	_____ Witness
Prin _____ Print name	_____ Date

Confidentiality: All medical records pertaining to drug screening are kept in confidentiality. Information concerning drug screening procedures and results involving current employees will be revealed as appropriate only on a need-to-know basis for the purpose of protecting employee safety and company property.

APPENDIX C

Alcohol Policy from Policy Section of Student Handbook

Alcohol Policies and Procedures

Midwestern University does not condone any form of alcohol abuse by its students. No alcohol may be manufactured, consumed, distributed, exchanged, or sold by students in any Midwestern University facility, clinic, or hospital associated with Midwestern University. Alcoholic beverages may be served at an on- or off- campus event only with the prior approval of the Dean of Students (see Alcohol Policy and Procedures for On-Campus Events below). Any student who attends class or a rotation or is on the premises of a facility affiliated with Midwestern University while under the influence of alcohol or drugs is subject to an immediate drug screen for cause, and possible disciplinary action, including suspension.

Alcohol Policy and Procedures for Recognized MWU Organizations - On-Campus Events

Alcohol, in moderation, is allowed at on-campus student events only with the prior approval of the Dean of Students. Only recognized student organizations are allowed to sponsor on-campus events with alcohol. Alcohol is not permitted at any athletic event. The following procedures are in force to establish criteria for the responsible use of alcohol on campus and at on-campus student events, and to minimize a student organization's liability should a mishap occur during the event:

1. All student organizations (represented by their president or designee) must complete and submit the Alcohol Application Form in the Department of Student Services.
2. All forms must be filled out and returned 2 weeks prior to the date of the event. Failure to comply with this deadline will result in postponement of the original event date. If the event cannot be rescheduled, it will occur without alcohol.
3. The sponsoring organization must secure a licensed vendor to either sell beer and/or wine by the glass or provide the liquor for an agreed-upon price. A copy of the contract must be given to Student Services.
4. All alcoholic beverages will be served by a designated licensed bartender. Intoxicated individuals will be refused service.
5. Prior to approval, the student organization president (or designee) must meet with the Director of Student Activities and/or Assistant Dean of Students at least 2 weeks before the event date. During the meeting, the Student Services staff member will review the event and organization's responsibilities including:
 - Number of people attending
 - Hours of the event (no more than 4 hours, event must end by 9:00 PM)
 - Location (either the picnic area, the Redwoods Commuter Lounge, Wellness/Recreation Center, Hyde Atrium or The Commons for the

Downers Grove Campus and the Student Services Lunch Room/Ramada, the Cholla Multipurpose Rooms, or the Cactus Club House for the Glendale Campus—Alcohol is not permitted at any other location on either campus unless designated by the Dean of Students or the President).

- Amount and type of alcohol to be served (beer and wine only)
 - Vendor and bartender arrangements
 - State law on alcohol consumption
 - Amount and type of nonalcoholic beverages to be served
 - Faculty/staff advisor assignment
 - Limitation of service to guests and termination of alcohol service
 - Consequences for violation of policies and procedures
 - Security
 - Review of campus resources available during the event
 - Publicity
 - Guests
 - Bar location
 - Budget
6. Student Services will have discretion to approve the type (either wine or beer), amount, and service of alcoholic beverages at the event, as well as expected attendance, time, location, and management of the event.
 7. Illinois and Arizona State Law prohibits individuals under the age of 21 from consuming or possessing alcohol. It is the responsibility of the sponsoring organization to assure that underage drinking does not occur. The student organization responsible for the event will be asked to end the event immediately if someone under the age of 21 is knowingly served alcohol. If the group does not comply, security will be asked to assist. Students must be prepared to present identification to show proof of age should the bartender request it.
 8. Food (not snacks) and non-alcoholic beverages such as soda, coffee, punch, etc., must be available the entire time that beer and wine are being consumed.
 9. Service and consumption of alcohol are restricted to the approved area. No containers (unused/partially used kegs, bottles, etc.) may be removed from the approved area. Unused alcohol will be dumped at the conclusion of the event.
 10. Admission to the event is restricted to Midwestern University students, faculty, staff, and invited guests.
 11. Designated drivers must be identified in advance on the Student Activity Alcohol Application Form. Taxi service is acceptable as well.
 12. No alcoholic beverages may be brought to an on-campus student function. Any alcoholic beverages brought in from the outside will be immediately poured out by security, staff, faculty, or student leaders responsible for the event. Student organizations are responsible for their students' behavior. Violation of the alcohol policy by students bringing in additional alcohol will result in suspension of alcohol privileges for the sponsoring organization for a period of one year.
 13. Anyone found inducing or forcing students to drink an alcoholic beverage against his/her expressed desire (including "spiking" nonalcoholic beverages) or adding a

controlled substance to a drink will be escorted from the student activity and will be subject to disciplinary action and will face possible legal action.

14. Anyone suspected of being intoxicated shall be denied further alcohol service and escorted to their room or to a taxi.
15. A faculty advisor or designated staff member must be present at the event for the entire time the event is occurring. This individual must be identified and give her/his consent prior to the event.
16. Time limits will be established for each event. Events may last no longer than 4 hours and all events must end by 9:00 PM. Alcohol service will conclude at least 1/2 hour prior to the scheduled conclusion of the event.
17. Security personnel will be requested if the student activity has greater than 50 participants and alcohol is being served.
18. The presence of alcoholic beverages shall be confined to the following campus locations only: the picnic area, the Redwoods Commuter Lounge, Wellness/Recreation Center, Hyde Atrium or The Commons on the Downers Grove Campus; and the Student Services Lunch Room, the Cholla Multipurpose Rooms, the Wellness/Recreation Hall (to be opened in '08) or the Cactus Club House for the Glendale Campus; or an area designated by the Dean of Students or University President.
19. The Dean of Students, faculty advisor, security personnel, or any other professional staff member of the Department of Student Services may terminate the service of alcohol or the event for any reason.
20. Fees will be assessed to the sponsoring organization for damages incurred.

Alcohol Policy for Off-Campus Events

Any student function that is funded, in part, by the University requires University approval through the Department of Student Services. The University will not authorize the use of any University funds collected and administered by a University office or agency, including funds raised by student organizations, for the purchase, supply, or serving of any alcoholic beverage for off-campus events. The University reserves the right to decide which off-campus events will be approved based on the circumstances of the event.

Student organizations, groups, classes, and councils must have administrative approval through the Department of Student Services to sponsor an off-campus social event with or without alcohol. Sponsoring organizations must complete all necessary paperwork prior to event approval. Depending on the nature of the event, participants may be asked to complete a University waiver form. Failure to complete paperwork and receive authorization could result in termination of the event as a sponsored event of that organization. Off-campus events with alcohol must observe the policies for serving alcohol at on-campus locations. The off-campus event may not be located at an individual's residence, but must be at an establishment, which holds a valid liquor license. In addition, students must comply with all local, state, and federal laws regulating consumption of liquor. No persons under 21 years of age may consume alcohol. Off-campus events with alcohol may be advertised via the University e-mail system, but only with prior approval of the Department of Student Services and all e-

mails must be routed through this office. The Department of Student Services reserves that right to determine which off-campus social events will be approved.

If a component of the off-campus event is on-campus and alcohol is requested, students must complete all required paperwork as stated previously for on-campus approval. Any event sponsored by a recognized student group or organization that violates any of the provisions of these policies will be subject to cancellation or termination.

Exclusions

This policy does not include attendance at professional conferences where alcohol may be served at a conference reception as part of the conference registration fee. This policy does not apply to "approved" functions that are directly sponsored and organized by the University, its colleges, or the Alumni Association.

Drug Free Workplace Policy from Policy Section of Student Handbook

Drugs and Alcohol

Midwestern University does not condone any form of drug, substance, or alcohol abuse by its students. No alcohol or illegal drugs may be manufactured, consumed, distributed, or sold by students in any Midwestern University campus and housing facility, clinic, or hospital associated with Midwestern University. Alcoholic beverages may be served at an on-campus event only with the prior approval of the Dean of Students (see Alcohol Policy and Procedures for On-Campus Events). Any student who attends class or a rotation or is on the premises of a facility affiliated with Midwestern University while under the influence of alcohol or drugs is subject to immediate disciplinary actions.

Drug-Free Workplace and Substance Abuse Policy and Procedures

A Drug-Free Workplace and Substance Abuse Policy and Procedure has been established for Midwestern University in order to appropriately serve the needs of faculty, staff, and students. This policy has been established to implement a drug-free workplace and academic environment consistent with federal and state law, including the terms and conditions whereby employees, students, volunteers, faculty, physicians, and other professionals may be disciplined for violation of these policies and tested for suspected use of an illegal drug or alcohol.

As part of the Drug-Free Workplace policy, entering students must sign and submit a statement to the Department of Student Services indicating that they are drug-free and that they agree to abide by Midwestern University's Drug-Free Workplace and Substance Abuse Policy. The signing and submitting of this statement occurs as a part of each new student's Orientation Program the week prior to the onset of classes. The Dean of Students maintains these statements in the Department of Student Services.

The stated policies and procedures apply to all students of Midwestern University at all facilities operated by the affiliated entities, and any student enrolled at another academic institution rotating in a clinical service on the premises of a facility operated by MWU. The University reserves the right to evaluate any student if there is reasonable cause to suspect that he/she is abusing or is under the influence of alcohol or illegal drugs/substances. A student is considered to be under the influence when his/her ability to perform usual tasks is diminished or impaired due to the apparent use of an illegal drug/substance, alcohol, or a combination thereof. Any student who attends a class or a clinical rotation under the influence of alcohol or is suspected of abusing drugs will be required to undergo an immediate drug screening in accordance with this policy. The costs of these initial drug screenings are typically the responsibility of the appropriate college.

If a student is found to have a positive drug screen and he/she is taking prescription drugs, he/she will be asked to provide documentation in the form of either a physician's or pharmacist's name and phone number where they can be contacted for verification. Once the student is not taking the prescription for an appropriate amount of time, they

will be retested. If it has been verified that the student has been taking prescribed medications, the University will pay the cost for the retest as well. If however, the student is found to have a positive drug screen without documentation of a legitimate prescription, he/she will be subjected to disciplinary action, which may result in immediate suspension and/or medical leave. Although extreme cases may result in expulsion, it is the intention of Midwestern University to assist students with chemical dependencies by helping the student receive the appropriate counseling and treatment for his/her dependency (see the following section).

All students of Midwestern University must review the Drug-Free Workplace and Substance Abuse Policy and Procedure, a copy of which has been provided at orientation and/or obtained at the Office of the Dean of Students. Midwestern University maintains a drug-free environment consistent with the principles of the Federal Drug-Free Schools and Communities Act and the Drug-Free Workplace Act. All offers of employment and enrollment of students are conditional on students abiding by Midwestern University's Drug-Free Workplace and Substance Abuse Policy.

Counseling for Chemical Dependency

The Department of Student Services has developed procedures to assist students and ensure appropriate care for any student who is impaired due to alcohol and/or drug dependency and abuse. Students who are chemical dependent can seek out a variety of personnel on campus to get assistance with their dependency, and feel confident that the information they provide will remain confidential to only those individuals who need to be involved. Other personnel on campus may include program directors, faculty advisors, faculty, college deans, or the Dean of Students. The college dean and Dean of Students are automatically informed and will work with the student to ensure appropriate care. All costs involved with counseling/treatment programs for chemical dependency are the responsibility of the student.

Date Rape Drugs Zero-Tolerance Policy

The college adopts a "zero-tolerance" policy toward possession, use, distribution, or sale within the University community of date rape drugs including GHB, Rohypnol, ketamine, or any similar illegal drugs that can be given to a student without his or her knowledge. This policy is in effect for all members of the campus community, and extends to residence life and on- and off-campus University and student organization events.

Students who are charged with possession, use, distribution, or sale of date rape drugs are in violation of the University's "Code of Responsibilities of the Students of Midwestern University" as stated in Appendix 1 and of the University's "Bylaws and Regulations of the Code of Responsibilities and Rights of the Students of Midwestern University" stated in Appendix 2 of this handbook. Students can be disciplined under the judicial proceedings stated in Appendix 2, Section 4 of the Student Judicial System. Students may be prosecuted under Illinois or Arizona criminal statutes. This disciplinary action could result in dismissal from the University. A minimum of 20 years is added to a rape sentence if date rape drugs are used in conjunction with a sexual assault.

Disciplinary Process for Violations of Drug/Alcohol Policy from Student Handbook, Appendix 2

Section Four:

Student Judicial System

Midwestern University, in an effort to conform with the rulings of the Supreme Court of the United States concerning the differentiation between student discipline and evaluation of student academic and professional competency, has developed the following student judicial structure to deal with disciplinary infractions of the student code as enumerated.

This student judicial system is designed so that a student may have the opportunity to be fairly and justly treated when his/her personal academic or professional conduct allegedly violates the Bylaws and Regulations of the Code of Responsibilities and Rights of the Students of Midwestern University that are stated below in this section. This section does not apply with respect to infractions related to student academic and professional performance that are dealt with by the appropriate faculty, in regards to the filing of Student Academic and Professional Incident Report Forms or in terms of dealing with unsatisfactory academic performance issues that are stipulated in either the Academic Section of the respective College Catalogue or the student's respective course syllabi. Although faculty and college administrators have the option to deal with such issues within their respective colleges, they must still provide students the opportunity to be fairly and justly treated and to be given the fundamental right to address any issues related to unsatisfactory academic progress or allegations of misconduct.

A. *Grounds for action.* The following acts are considered to be a violation of acceptable student conduct:

1. ***Academic misconduct (see also Appendix 4: Student Academic Responsibilities)***
 - a. Cheating: Unauthorized use of a text, notes, or other aids during an exam, copying the work of another student, or obtaining and using a copy of an examination in advance of its administration.
 - b. Computer misuse: Disruptive or illegal use of computer resources including the inappropriate transmission of class/examination material via e-mail.
 - c. Fabrication: Intentionally falsifying or inventing any information or citation in any academic exercise
 - d. Facilitating academic dishonesty: Intentionally or knowingly helping or attempting to help another commit an act of academic dishonesty
 - e. Forgery, alteration, or misuse of University documents, records, identification, etc.
 - f. Knowingly furnishing false information to the University.
 - g. Intentional obstruction or disruption of teaching, research, or administrative operational procedures.

- h. Plagiarism: Presenting as one's own the work of another without proper acknowledgment; deceitful practice, utilizing a substitute or acting as a substitute in any academic evaluation, of knowingly permitting one's work to be submitted by another person without the instructor's authorization.
- i. Unauthorized collaboration: Working together on an exam or lab report when expressly prohibited from doing so by an instructor.

2. **Professional misconduct**

- a. Behavior inconsistent with the qualities described for professionals within the chosen fields, including unprofessional communications that are delivered verbally, in writing, or via e-mail.
- b. Computer misuse: using University or affiliate computers to access or transmit pornographic or illegal subject matter.
- c. Drug abuse: Being under the influence of substances of abuse, including alcohol, during class, laboratory, externship, clerkship, or any other situation under the jurisdiction of the University in which professional conduct is expected or required.
- d. Engaging in the synthesis, manufacture, theft, sale, or use of a controlled substance or drug for unlawful purposes, or assisting any individual or group in accomplishing this end.
- e. Failure to comply with or obstruction of performance of campus security.
- f. Harassment of any kind directed at a particular person or group of people.
- g. Inducing or forcing another individual to drink an alcoholic beverage (including "spiking" nonalcoholic beverages) against his/her expressed desire.
- h. Possession, use, distribution, or sale within the college community of date rape drugs including GHB, Rohypnol, and Ketamine or any similar illegal drugs that can be given to a student without his or her knowledge.
- i. Misuse of pharmaceutical privileges.
- j. Neglect of clinical and/or hospital duties.
- k. Neglect of patient's rights.
- l. Neglect of responsibilities related to holding office as a student senate, Student Council/Student Government Association, class, or other organizational elected or appointed officer.
- m. Obstruction of the judicial system or failure to comply with judicial sanctions.
- n. Physical abuse of any person on University property or conduct that threatens or endangers the health or safety of any person.
- o. Possession or use of firearms, ammunition, or explosive devices or materials on campus.
- p. Theft of, or the intentional damage to, property of a member of the University on campus, or theft of, or the intentional damage to, property of Midwestern University.
- q. Unauthorized possession or duplication of keys to any University facility and unauthorized entry to or use of University facilities.
- r. Violation of any campus rules or regulations.

- s. Violation of the confidentiality of any medical, personal, financial, or business information obtained through the student's educational activities in any academic or professional practice setting.
- t. Violation of any federal, state, or local laws while on campus or attending approved off-campus events, including rotations or while enrolled as a student.

B. *Procedures for conduct examination.* To institute proceedings to examine any student act allegedly violating acceptable student conduct, the following procedures shall be followed:

1. Nature of the act and related circumstances are to be reported in written detail and submitted to:
 - a. The involved student,
 - b. The appropriate College Dean, and
 - c. The Dean of Students.
2. The written statement must include the name of the involved student, the name and status of the reporting person, and the nature of the alleged act. The written statement may be sent to the involved student via the University email/mail system or delivered in person. Should a student so involved refuse or fail to accept delivery of the statement after a bona fide attempt is made to deliver, the requirement of notification will be considered to have been met.
3. Temporary suspension: Should a student action be of such a nature that it is felt that he/she must be relieved of his/her right to attend Midwestern University, the student may be temporarily suspended from the college on recommendation of the Dean of Students. Any temporary suspension may continue until such time as the issue in dispute is resolved under the process outlined below.

C. *Resolution of conduct matters.* Any issue concerning student conduct will be resolved by utilizing the office of the Dean of Students

At the onset of any conduct issue, the involved student or students must meet with the Dean of Students no later than one week after notification of an allegation of unacceptable student conduct.

1. *Method of resolution.*
 - a. Upon receipt of the written complaint lodged against the student, the Dean of Students will set a time to meet with the student to discuss the issue. Following the meeting, the Dean of Students has the right to interview other parties in relation to the incident to determine the validity of the complaint.
 - b. After meeting with the student and other involved persons, the Dean of Students will render a decision to resolve. The appropriate college dean will be notified of the recommendation within 5 school days of the aforementioned meeting. (unless prevented by extenuating circumstances.)

- c. Typically within 5 school days after receiving the recommendation of the Dean of Students, the applicable college dean will notify the student in writing of his/her decision including, if applicable, recommended disciplinary action. Any disciplinary action must conform to Appendix 1, Section Five of the Code of Responsibilities and Rights of Students of Midwestern University.
 - d. If the student does not accept the applicable college dean's decision, the student may appeal to the President who may consult with the Chief Academic Officer of the respective college, within 5 school days of notification of same, by submitting a written statement containing the basis and reasons for the appeal including all relevant facts. The President will request a copy of the applicable college dean's findings and decision, as well as all relevant information from the Dean of Student's investigation.
 - e. The President or designated Chief Academic Officer will act upon the appeal by (a) confirming the original decision, (b) altering any penalties imposed, or (c) requesting the student, the Dean of Students, and/or the applicable college dean to submit additional information prior to rendering a decision.
 - f. The final decision rests with the President.
2. *Record keeping in conduct matters.* Records of the above proceedings shall be kept in accordance with the following guidelines:
- a. All records related to disciplinary investigations/actions-are secured in the Office of the Dean of Students.
 - b. All records related to disciplinary appeals are secured in the office of the person receiving and acting upon the appeal.
 - c. All records related to disciplinary investigations/actions/appeals shall be reviewed annually to determine whether it may be destroyed. However, no destruction of documents is to take place prior to graduation of a student and the expiration of all legal statutes of limitations.
 - d. A student may see any and all records related to his/her disciplinary investigation/action/appeal in accordance with the college regulations concerning inspection of records as spelled out in Guidelines for Access to and Disclosure of Educational Records Maintained by Midwestern University.
 - e. All documentation related to disciplinary investigations/actions/appeals are kept on file in the Office of the President in accordance with the Higher Learning Commission of the North Central Association of Colleges and Schools' requirements.

Definition: Sanctions

A student who is found to have engaged in improper conduct as defined in Appendix 2, Section Four of the accompanying Bylaws and Regulations shall be subject to disciplinary action by their respective Dean and the University. Disciplinary actions may include, but are not limited to: verbal or written reprimand, monetary fines or restitution of funds, academic or disciplinary warning/probation, dismissal from an elected or

appointed office, termination of housing contract, temporary suspension, or permanent dismissal.

Alcohol Policy and Sanctions, Residence Life Handbook

Housing residents are also bound by the University Handbook policies cited above relating to alcohol and drugs

Alcohol Policy

The University's policies on the possession and consumption of alcohol coincide with the municipal ordinances and state and federal laws. For students of legal drinking age (21 years or age or older), the University does not restrict the possession or consumption of alcohol in your private residence (your room or apartment) behind closed doors. **Consumption of alcohol in public areas is prohibited.** Public areas include residence hall lobbies, hallways, lounges, bathrooms, and areas outside the residence halls and apartments.

Alcohol may not be consumed in a room if a person under the age of 21 is present and if the door to the room is open. Kegs of any size are not allowed in the apartments or Residence Halls. If a keg is found, the student will have to empty the keg and the Residence Life Staff and Security will take the keg into possession.

Violations of the alcohol policy will follow the sanctions listed on page one of the Residence Life Handbook.

Sanctions

The policy for violations of the noise and alcohol policies is as follows:

Noise Complaint

First Offense	Warning ticket
Second Offense	\$10.00
Third Offense	\$25.00
Fourth Offense	\$50.00
Fifth Offense	\$100.00

Immediate expulsion from student housing with \$500.00 penalty for breaking housing contract

Alcohol in public areas

First Offense	\$25.00
Second Offense	\$50.00
Third Offense	\$100.00
Fourth Offense	\$250.00
Fifth Offense	Immediate expulsion from student housing with \$500.00 penalty for breaking housing contract

All students, resident and non-resident, and their non-student guests who are present in the room that generated the complaint will be fined. Students will be responsible for the fines of their guests. Fines will be placed on the student University account. All fines must be paid in order for a student to graduate. Noise complaints in from common areas that involve alcohol will result in levying of a combined fine (noise plus alcohol).

APPENDIX D

Human Resources Policy on Harassment

ANTI-HARASSMENT POLICY

PURPOSE:

Midwestern University (“MWU”) believes in the dignity and worth of its students, faculty, staff, Interns and Residents and prohibits conduct or behavior, which has the effect of substantially interfering with the individual’s performance, or creates an intimidating, hostile or offensive learning/working environment. Members of the MWU community have a right to be free from harassment based upon a person’s legally protected status. This policy/procedure establishes a protocol whereby those who believe they have been harassed may obtain relief promptly and equitably through the complaint procedures of the University.

POLICY:

It is the policy of MWU to provide an environment that is free from harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment. The conduct prohibited by this policy includes all unwelcome conduct (whether verbal, physical or visual) based on an individual’s protected status, such as gender, color, race, ancestry, religion, national origin, age, physical or mental disability, marital status, veteran status, citizenship status, or other protected group status as defined by law. Among the types of conduct prohibited by this policy are teasing, jokes, slurs, epithets, and negative stereotyping based on another person’s protected status. Even where the conduct is not sufficiently severe or pervasive to rise to the level of a legal violation, MWU discourages any such conduct in the workplace and reserves the right to take remedial action for all workplace conduct it deems inappropriate.

This policy applies to all members of the University community, and encourages the prompt report of all complaints about harassment. All persons who violate this policy shall be subject to disciplinary action, which may include, but is not limited to, written warning, demotion, transfer, suspension, and discharge.

No retaliatory action shall be taken against anyone who submits a complaint -- regardless of the outcome of the investigation; however, any person found to be intentionally dishonest in making the allegations or to have made them maliciously is subject to discipline.

SCOPE:

This policy applies to the Students, Faculty, Staff, Interns, and Residents of MWU.

SEXUAL HARASSMENT

Sexual harassment deserves special attention. Sexual harassment may involve the behavior of a person of either gender against a person of the opposite or same gender, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;

Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or

Such conduct has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive, or demeaning education or work environment.

A third party may also file a complaint under this policy if the sexual conduct of others in the educational or work environment has the purpose or effect of substantially interfering with the third party's welfare, academic or work performance.

EXAMPLES OF PROHIBITED BEHAVIORS:

Sexual harassment includes a wide range of behavior, from the actual coercion of sexual relations to the unwelcome emphasis of another's sexual identity. MWU will apply a standard of prohibited conduct that is consistent with accepted standards of mature behavior, academic freedom, freedom of expression and the law. Examples of conduct that may constitute sexual harassment include, but are not limited to:

Unwelcome sexual propositions, invitations, solicitations, and flirtations;

Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances;

Unwelcome verbal expressions of a sexual nature, including graphic sexual commentary about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; and obscene phone calls;

The display of sexually suggestive objects in work or study areas that may embarrass or offend individuals. Such material, if used in an educational setting, should be related to educational purposes;

Unwelcome and inappropriate touching, patting, or pinching; and obscene gestures.

PROCEDURES: Faculty, Staff, Interns, and Residents

- A. Any member of the MWU community, who believes that he or she has experienced or witnessed any conduct that is inconsistent with this policy, must immediately notify the Director of Human Resources, Asst. Director of Human Resources, or the Executive Vice President/COO. These individuals are authorized by this policy to receive, investigate, and act upon complaints of harassment.

All reports describing conduct that may be inconsistent with this policy will be investigated promptly, impartially, and thoroughly. This may include the gathering of information, interviewing of witnesses, and review of materials provided by one or both parties to the complaint. MWU may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation proceeds. MWU will take further appropriate action once the report has been thoroughly investigated and a conclusion rendered. Based on the investigation, MWU may conclude that a violation occurred; that no violation of policy occurred; or that MWU cannot conclude whether a violation occurred.

If MWU concludes that a violation of this policy or other inappropriate conduct has occurred, then MWU will promptly take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances and in accordance with MWU's progressive discipline procedures, regardless of the job positions of the parties involved. MWU may discipline, discharge, or expel anyone for inappropriate conduct under this policy, regardless of whether the conduct amounts to a violation of law. If the person who violated this policy is not employed by MWU, then MWU will promptly take whatever corrective action is reasonable and appropriate under the circumstances.

Consistent with this policy, MWU maintains posters on various bulletin boards that set forth the legal definition of harassment and identify governmental agencies to contact for information on how and when to file administrative and legal claims for harassment.

PROTECTION AGAINST RETALIATION:

MWU forbids retaliation against any individual who complains of harassment. Retaliation is a serious violation of this policy and any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action up to and including discharge.

CONFIDENTIALITY

In investigating and in imposing any discipline, MWU will attempt to preserve confidentiality to the greatest extent possible under the circumstances, consistent with the need to conduct a complete and responsive investigation.

ACCEPTANCE OF POLICY

All MWU Students, Faculty, Staff, Interns, and Residents have a personal responsibility to conduct themselves in compliance with this policy and to report all observations of conduct inconsistent with this policy. If you have any questions concerning this policy, please contact the Director of Human Resources.

REVIEW AND ACKNOWLEDGMENT OF THE ANTI-HARASSMENT POLICY

I have received and read this Anti-Harassment Policy Statement. I have asked any questions I may have. I agree not to harass anyone or violate this policy, and further agree to report, as directed above, any harassment of others or myself. I understand that my failure to comply with all the provisions of the Policy may result in disciplinary actions, up to and including my termination or expulsion.

I agree to comply with this policy.

Signature Date

APPENDIX E

Student Handbook Policy on Harassment

Harassment/Hostile Working Environment

Midwestern University believes in the dignity and worth of its students, faculty, staff, interns, and residents and will not tolerate unacceptable conduct or behavior that has the effect of substantially interfering with the individual's performance or creates an intimidating, hostile, or offensive learning/working environment. Members of the MWU community have a right to be free from harassment. This policy/procedure establishes a protocol whereby those who believe they have been harassed may obtain redress promptly and equitably through formal and informal procedures of the University.

It is the policy of MWU to provide an environment that is free from harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment. The conduct prohibited by this policy includes all unwelcome conduct (whether verbal, physical, visual or written) based on an individual's protected status, such as gender, color, race, ancestry, religion, national origin, age, physical or mental disability, marital status, veteran status, citizenship status, sexual orientation, or other protected group status as defined by law. Among the types of conduct prohibited by this policy are teasing, jokes, slurs, epithets, and negative stereotyping based on another person's protected status. Even where the conduct is not sufficiently severe or pervasive to rise to the level of a legal violation, MWU discourages any such conduct in the workplace and/or any of our related educational settings and reserves the right to take remedial action for all conduct it deems inappropriate.

This policy applies to all members of the University community, each of whom is encouraged to report promptly complaints about harassment. Anyone found to be in violation of this harassment policy shall be subject to disciplinary action, which may include, but is not limited to, disciplinary warning, disciplinary probation, demotion, transfer, suspension, or dismissal.

No action shall be taken against anyone who submits a complaint that he or she believes to be valid—regardless of the outcome of the investigation; however, any person found to be intentionally dishonest in making the allegations or to have made them maliciously is subject to University discipline.

Sexual Harassment

Definition

Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive, or demeaning education or work environment.

A third party may also file a complaint under this policy if the sexual conduct of others in the educational or work environment has the purpose or effect of substantially interfering with the third party's welfare, academic or work performance.

Examples of Sexual Harassment

Sexual harassment is understood to include a wide range of behaviors, from the actual coercing of sexual relations to the unwelcome emphasizing of sexual identity. This definition will be interpreted and applied consistent with accepted standards of mature behavior, academic freedom, and freedom of expression. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations;
2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances;
3. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; and obscene telephone calls;
4. The display of sexually suggestive objects in work or study areas that may embarrass or offend individuals. Such material, if used in an educational setting, should be related to educational purposes;
5. Unwelcome and inappropriate touching, patting, or pinching; and obscene gestures.

Procedures for Reporting Harassment If an MWU student believes that he or she is being subjected to harassment as defined above, he or she is encouraged to immediately contact the Dean of Students. MWU employees implicated in acts of harassment are governed under the Human Resources policy on harassment. Investigations involving accusations against MWU employees from a student are undertaken jointly by the Dean of Students and the Department of Human Resources.

1. Informal Resolution

Any member of the MWU community may seek advice, information, or counseling on matters related to harassment without having to lodge a formal complaint. Students who

feel they are being harassed, or are uncertain as to whether what they are experiencing is harassment, are encouraged to talk to the Dean of Students.

The complaining party (the “complainant”), will be counseled as to the options available under this policy. At the complainant’s request, steps will be taken to resolve the complaint informally. The aim of the informal resolution process is to ensure that the alleged offending behavior ceases and that the matter is resolved promptly.

The name of the complainant will be held in confidence during the informal resolution process, unless and until the complainant agrees that additional people must be informed in order to facilitate a solution. The Dean of Students will have the discretion to determine when the situation warrants notification of an alleged offender. If deemed advisable, constructive, confidential informal discussion to increase awareness will be undertaken with the person alleged to have violated this harassment policy.

2. Formal Complaint Resolution

Complaints will be addressed formally at any time at the option of the complainant. A formal complaint may also be initiated because of the severity of the factual allegations made by the complainant or because of the frequency of allegations against the alleged offender. Prior to any formal action, the complaint must be reduced to writing, identifying both the complainant and the alleged offender.

- a. After a complaint has been reduced to writing, an investigation of the alleged harassment will be initiated by the Dean of Students, if possible, within 3 working days.
- b. The investigation will include, at a minimum, an interview with the complainant. The alleged offender will be interviewed if it is determined that the allegations, if true, would constitute a violation of this policy. The alleged offender will then be informed of the nature of the allegations, the identity of the complainant, the facts surrounding the allegations, and will be afforded a full opportunity to respond to the allegations. Any other person who may have information regarding the alleged harassment may also be interviewed.
- c. Notes and documentation of all interviews relating to the investigation will be maintained. All matters related to the investigation shall remain confidential to the extent legally possible and provided it does not interfere with MWU’s ability to investigate or take corrective action.
- d. The Dean of Students will report his or her findings to the college dean/department or division head/program director of the alleged offender for disposition within 10 working days of the receipt of the written complaint.
- e. The report shall include the allegation, the investigative process, the persuasiveness of the evidence, and the credibility of the witnesses. The report shall also arrive at one of the following 3 findings based upon the standard of what a reasonable person would conclude:
 1. Harassment has occurred;
 2. Harassment did not occur; or
 3. There is inconclusive evidence as to whether harassment occurred.

- f. Upon review, the college dean/department or division head/program director responsible for receiving the report will recommend or take appropriate disciplinary action, if applicable.
- g. Notification of the findings and disposition as recommended by the college dean/department or division head/program director shall be provided, confidentially, in writing, to both the complainant and the alleged offender.
- h. The complainant or the alleged offender may appeal the decision of the college dean/department or division head/program director or Dean of Students
- i. All complaints and associated resolutions will be kept on file in the Office of the President in accordance to HLC/NCA accreditation requirements.

Appeal by a Student

- a. A student's request for appeal must be submitted in writing to the President within 14 calendar days of the date of notification of findings. The President can designate the appropriate Vice President, Chief Academic Officer to review the case.
- b. The appeal shall proceed according to the procedures stated in Appendix 2, Section 4 of this handbook.

Protection Against Retaliation

MWU shall not in any way retaliate against any individual who informally or formally complains of harassment. Retaliation is a serious violation of this harassment policy. Any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action up to and including dismissal.

APPENDIX F

Student Handbook Policy on Sexual Assault

Sexual Assault

Any student who is a victim of a sexual assault including rape, attempted rape, date rape, and sexual abuse should contact Campus Security. The Dean of Students will be automatically contacted in this situation. All information is kept confidential.

Policy on Sexual Assault

The University is committed to ensuring the safety and security of all its members. Sexual assault is a serious violation of the standards set by the University community and will not be tolerated.

Sexual assault is defined as sexual contact without consent. To constitute consent, a person must freely give an agreement to the sexual conduct in question. To constitute a lack of consent, the acts must be committed either by force, threat of force, intimidation, or through use of the victim's inability to give informed consent due to the use of alcohol and/or sedative drugs including GHB, Rhoypnol, ketamine or other "date rape" drugs.

Students who are charged with sexual assault are in violation of the University's "Code of Responsibilities of the Students of Midwestern University" as stated in Appendix 1 and of the University's "Bylaws and Regulations of the Code of Responsibilities and Rights of the Student of Midwestern University" stated in Appendix 2 of this handbook and can be disciplined under the judicial proceedings stated in Appendix 2, Section 4 of the Student Judicial System. Students may be prosecuted under Illinois or Arizona criminal statutes. This disciplinary action could result in dismissal from the University.

Procedures for Reporting a Sexual Assault on Campus

Any student who is involved in or witnesses a sexual assault should contact Campus Security immediately (Downers Grove, dial 7111; Glendale dial 572-3201). Students have the option to notify law enforcement authorities, including local police, and the option to be assisted by campus authorities in notifying such authorities.

It is extremely important to preserve any evidence related to the crime as may be necessary to provide proof of the assault. If Campus Security is contacted in an emergency, they will notify the police and the Dean of Students. The Manager (Downers Grove Campus) or Coordinator (Glendale Campus) of Residence Life will also be notified if emergencies occur in the evening and on weekends or occur within campus housing. All information is kept strictly confidential. The following is a list of emergency campus telephone numbers.

Downers Grove Campus

Security 7111
Police 911
Resident Advisor on Duty 87-0170 (call from off campus: 708/319-0170)
Dean of Students 630/515-6470

Glendale Campus

Security 623/572-3201
Police 911
Resident Advisor on duty 209-1854
Dean of Students 623/572-3210

Counseling Services for Sexual Assault Victims and Witnesses

The University has counseling services for students who are victims of or have witnessed a sexual assault (including rape, attempted rape, date rape, and sexual abuse). Students of an alleged sexual assault have options for requesting a change in academic situations and on-campus residence arrangements if such requests are reasonably available. In addition to seeking assistance from the Dean of Students, students may also seek assistance from the following University personnel or outside resources:

In Illinois:

Other University Personnel

Manager of Residence Life	630/971-6400
Assistant Dean of Students	630/971-6088
Wellness Center Personnel	630/515-7233
Student Counselor	630/515-7155

Community Resources

YWCA of DuPage	630/971-3927
Northwest Action Against Rape	847/228-0990
Mutual Ground	630/897-8383
Y.W.C.A.R.E.S. (South Suburban YWCA)	708/748-5672