

# Title IX

Bethel College

## Complaint Resolution Procedures



*Bethel*  
COLLEGE

## I. SCOPE

These complaint resolution procedures apply to all complaints alleging sexual harassment prohibited by Bethel College's Sexual Misconduct Policy.

## II. GENERAL PRINCIPLES

### ■ Title IX Coordinator

Bethel College has designated Dr. Allison McFarland, chair of the Department of Business and Economics, as its Title IX Coordinator. As set forth below, the Title IX Coordinator and designees have responsibility for carrying out these Complaint Resolution Procedures and are available to answer questions regarding these Complaint Resolution Procedures. The Title IX Coordinator may be contacted as follows:

- Dr. Allison McFarland  
Chair, Department of Business and Economics and Title IX Coordinator  
Telephone: (316) 284-5353  
E-mail: TitleIXCoordinator@bethelks.edu

The following Deputy Title IX Coordinators may also be contacted:

- Aaron Austin  
Vice President for Student Life  
Telephone: (316) 284-5337  
E-mail: aaustin@bethelks.edu
- Allen Wedel  
Vice President for Business Affairs  
Telephone: (316) 284-5242  
E-mail: awedel@bethelks.edu
- Gregg Dick  
Controller  
Telephone: (316) 284-5277  
E-mail: greggd@bethelks.edu
- Joanna Bjerum  
Counselor  
Telephone: (316) 284-5326  
E-mail: jbjerum@bethelks.edu

### ■ Administration

The Title IX Coordinator and designees shall have responsibility for administering these Complaint Resolution Procedures.

### ■ Fairness and Impartiality

The Title IX Coordinator and the Deputy Coordinators shall discharge their obligations under these Complaint Resolution Procedures fairly and impartially. If the Title IX Coordinator determines that s/he cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent or witness, the Title IX Coordinator shall designate another appropriate individual to administer these procedures.

## III. MAKING A COMPLAINT

### ■ Faculty, staff, volunteers

With the exception of the confidential advisers listed below, all Bethel College faculty, staff and volunteers have a duty to report prohibited discrimination and harassment to the Title IX Coordinator (316-284-5353) or one of the Deputy Title IX Coordinators.

#### ■ Confidential advisers

- Rev. Peter Goerzen  
Campus pastor
- Joanna Bjerum  
Campus counselor

### ■ Student and third parties

Students or third parties who wish to report prohibited discrimination or harassment should file a complaint with the Title IX Coordinator (316-284-5353) or a Deputy Title IX Coordinator (316-284-5337, 316-284-5277 or 316-284-5326). Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

### ■ Content of the complaint

So that Bethel College has sufficient information to investigate a complaint, the following information will be requested: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all persons involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that Bethel College may follow up appropriately.

### ■ Conduct that constitutes a crime

Any person who wishes to make a complaint of discrimination or harassment that also constitutes a crime—such as sexual harassment that takes the form of sexual violence—is encouraged to make a complaint to local law enforcement at (316) 283-3191 or 911 if it is an emergency. If requested, Bethel College will assist the complainant in notifying the appropriate law enforcement authorities.

### ■ Special guidance concerning complaints of sexual violence

If you are a victim of sexual violence, do not blame yourself. Sexual violence is never the victim's fault. Bethel College recommends that you immediately go to the emergency room of the local hospital and contact local law enforcement, in addition to making a prompt complaint under these Complaint Resolution Procedures.

If you are a victim of sexual violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Victims of sexual violence should not bathe, urinate, douche, brush teeth or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

If you are a victim of sexual violence, do not delete any call or text messages from your cell phone. If possible, print copies of all relevant texts.

Once a complaint of sexual violence is made, the complainant has several options such as, but not limited to:

- Contacting parents or a relative
  - Seeking legal advice
  - Seeking personal counseling (always recommended)
  - Pursuing legal action against the perpetrator
  - Pursuing college disciplinary action against the perpetrator
- **No requirement to confront**

Individuals who wish to file a complaint of discrimination or harassment are not required to confront the alleged perpetrator in any manner or for any reason prior to filing a complaint.

■ **Timing**

Bethel College encourages persons to make complaints of discrimination and harassment as soon as possible because late reporting may limit Bethel College's ability to investigate and respond to the conduct complained of. Bethel College faculty, staff and volunteers must forward any report or observation of discrimination or harassment to one of the individuals identified in Section III.a. above. All complaints of harassment should be filed within 90 days of the alleged misconduct.

■ **Confidentiality**

In the event a complainant requests confidentiality or asks that a complaint not be investigated, Bethel College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, Bethel College's ability to respond may be limited. Bethel College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated harassment, or where the alleged perpetrator may pose a continuing threat to the Bethel College community.

## **IV. INVESTIGATION AND RESOLUTION OF THE COMPLAINT**

■ **Commencement of the investigation**

Once a complaint is made, the Title IX Coordinator (or designee) will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual harassment. During the course of the investigation, the Title IX Coordinator (or designee) may receive counsel from Bethel College's general counsel or other parties as needed.

In certain narrow circumstances, the Title IX Coordinator may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

#### ■ **Content of the investigation**

During the investigation, the complainant will have the opportunity to describe his or her allegations and identify supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and identify supporting witnesses or other evidence. The Title IX Coordinator (or designee) will review statements and, depending on circumstances, may interview others with relevant knowledge, review documentary materials and take other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

#### ■ **Attorney participation**

During the investigation process, both the complainant and the respondent may ask an attorney to accompany him or her to meetings with the Title IX Coordinator (or designee). During the meetings, the attorney may observe the proceedings, but cannot ask questions or participate in the discussion. The attorney may only advise his/her client.

#### ■ **Non-attorney support person for cases involving students**

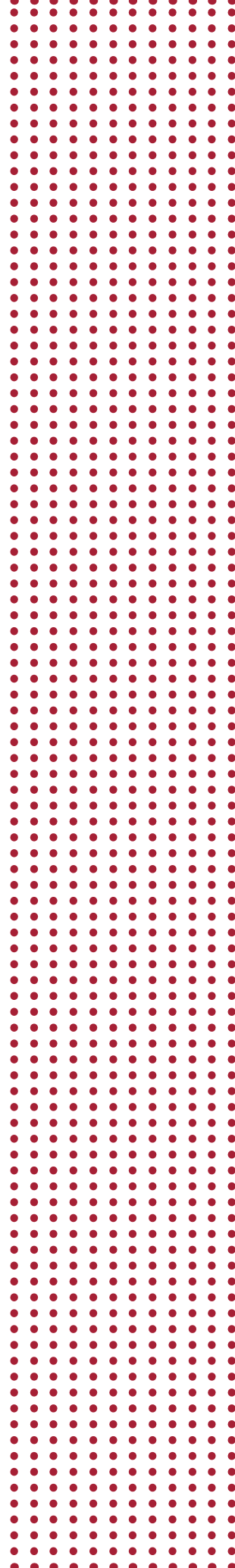
During the investigation process, both a student complainant and a student respondent may ask a non-attorney support person from the Bethel College community to accompany him or her to meetings with the Title IX Coordinator (or designee). The support person must be an administrator, faculty member or fellow student. In cases involving multiple student complainants or student respondents, the non-attorney support person cannot be another complainant or respondent. The non-attorney support person does not serve as an advocate on behalf of the complainant or respondent, and he or she must agree to maintain the confidentiality of the process.

#### ■ **Interim measures**

At any time during the investigation, the Title IX Coordinator may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Sexual Harassment Policy.

#### ■ **Pending criminal investigation**

Some instances of sexual harassment may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, Bethel College will assist the complainant in doing so. The possibility of a criminal investigation, however, does not relieve Bethel College of its responsibility to investigate harassment.



Therefore, to the extent doing so does not interfere with any criminal investigation, Bethel College will proceed with its own investigation and resolution of the complaint.

#### ■ Findings of the investigation

At the conclusion of the investigation, the Title IX Coordinator will prepare a written report called a Notice of Determination. The written report will explain the scope of the investigation, explain whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence and recommend one of the three determinations specified below. The written report will be submitted to the vice president for student life, the academic dean, the president of the college, the alleged victim and the alleged perpetrator.

The Notice of Determination will be one of three outcomes:

##### ■ Finding “No Violation”

If there is a determination that the behavior investigated did not violate the Sexual Misconduct Policy, both parties will be so informed.

##### ■ Finding “Inappropriate Behavior Not Rising to the Level of a Violation”

There may be a determination that the behavior investigated did not violate the Sexual Misconduct Policy, but was inappropriate, unprofessional or violated some other Bethel College policy. The Title IX Coordinator may determine that such inappropriate behavior merits discipline, ongoing monitoring, coaching or other appropriate action. If so, the Title IX Coordinator, in consultation with appropriate administrators, may impose disciplinary measures consistent with Bethel College policy.

##### ■ Finding “Violation of Sexual Misconduct Policy”

If there is a determination that the behavior violated the Sexual Misconduct Policy, the Title IX Coordinator, in consultation with appropriate administrators, will determine appropriate corrective and disciplinary action to be taken. In addition, reasonable and appropriate measures will be taken to ensure that the complainant is not subject to further discrimination or harassment and to remedy the effects of any discrimination or harassment that may have occurred. Remedial steps may include, but are not limited to, counseling or training, separation of the parties and/or discipline of the perpetrator, including written reprimand, suspension, demotion, termination or expulsion.

#### ■ Special procedure concerning complaints against the President or Title IX Coordinator

If a complaint involves alleged conduct on the part of the Bethel College president, the Bethel College Board of Directors will designate an appropriate person to conduct the investigation required by these procedures. The written report of the investigation will be presented to the full Board of Directors, which will prepare and issue the written Notice of Determination. The Notice of Determination issued by the full Board of Directors is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator, the president will designate an appropriate person to conduct the investigation required by these procedures. The written report of the investigation shall be presented to the president, who will prepare and issue a written Notice of Determination. The Notice of Determination issued by the president is subject to appeal to the Board of Directors consistent with the procedures set forth in Section VI below.

#### ■ Informal resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator or designee. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the Title IX Coordinator will inform the complainant of his or her right to terminate such informal means at any time. In any event, informal means, even on a voluntary basis, will NOT be used to resolve any complaints of sexual violence.

#### ■ Timing of the investigation

Bethel College will conclude its investigation and determination of the complaint and notify the parties of the determination within sixty (60) days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Title IX Coordinator in writing explaining how much additional time is needed and why it is needed.

## V. RIGHTS OF THE PARTIES

During the investigation and determination of a complaint, the complainant and respondent shall have equal rights. They include:

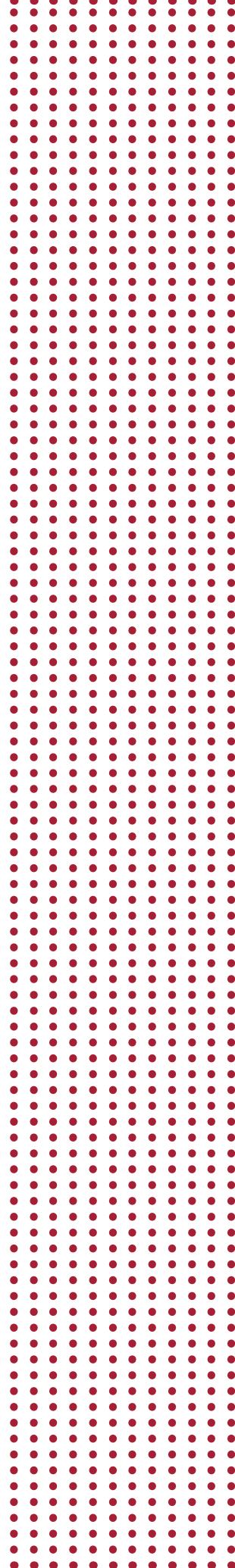
- Equal opportunity to present witnesses and other relevant evidence;
- Similar and timely access to all information considered by the Title IX Coordinator;
- Equal opportunity to review any statements or evidence provided by the other party; and
- Equal access to review and comment upon any information independently developed by the Title IX Coordinator.

## VI. APPEALS

#### ■ Grounds of appeal

Except with respect to the determination of a complaint against the president, the complainant or respondent may appeal the determination of a complaint to the Bethel College president. An appeal may be made only on the following grounds:

- Decision was contrary to the substantial weight of the evidence;



- Substantial likelihood that newly discovered information, not available at the time evidence was presented to the Title IX Coordinator, would result in a different decision;
- Bias or prejudice on the part of the Title IX Coordinator; or
- Punishment or corrective action imposed is disproportionate to the offense.

#### ■ Method of appeal

Appeals must be filed within ten (10) days of receipt of the written determination received from the Title IX Coordinator. The appeal must be in writing and contain the following:

- Name of the complainant;
  - Name of the respondent;
  - A statement of the resolution of the complaint, including corrective action, if any;
  - A detailed statement of the basis for the appeal, including the specific facts, circumstances and argument in support of it; and
  - Requested action, if any.
- The appellant may request a meeting with the president, but the decision to grant a meeting is within the president's discretion. If a meeting is granted, the other party will be granted a similar opportunity.

#### ■ Resolution of the appeal

The president will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he or she determines to be in the interest of a fair and just decision. The decision of the president is final. The president shall issue a short, plain, written statement of the resolution of the appeal. The written statement shall be provided to the complainant, respondent and the Title IX Coordinator within three (3) days of the resolution.

## VII. RETALIATION

Bethel College prohibits retaliation against any member of the Bethel College community who reports or assists in making a complaint of discrimination or harassment or who participates in the investigation of a complaint in any way. Retaliation is a separate violation of the Sexual Misconduct Policy and may result in independent or heightened disciplinary consequences for any persons found to have engaged in retaliation.

## VIII. DOCUMENTATION

Throughout all stages of the investigation, resolution and appeal, the president, the Title IX Coordinator and their designees are responsible to maintain documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts and audio recordings.