

Employee Guide for Responding to Sexual Misconduct Disclosures

Office of Human Resources & Compliance

Introduction

As Bethel College employees you are uniquely positioned to assist students and peers who have experienced sexual harassment, sexual violence, dating/domestic violence, stalking, and other forms of discrimination because you often see the warning signs first (e.g., absence from class or work, decreased productivity, lower grades, social withdrawal, etc.). Students and peers typically tell people they trust, so you may be one of the first to whom someone confides. This resource contains information to assist you in responding to individuals who are experiencing or have experienced misconduct.

Mandatory Reporting

All Bethel College employees not identified as confidential or specifically exempted otherwise by College policy are designated as Mandated Reporters for all the details they are aware regarding an incident(s) of harassment, discrimination, and sexual misconduct. They are required to share this information with the College's Title IX Coordinator. Incidents of discrimination and harassment will be taken seriously when official notice is given and will then be addressed through the Bethel College [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>).

If Someone Discloses Sexual Misconduct to You ... Remember LASRR ('laser')

Step 1: Listen

- care for the individual and ensure they are safe
 - **If safety is an immediate concern, call 9-1-1**
- avoid judgmental questions—don't ask questions that start with "Why?"
 - Don't ever say *"It's going to be ok"* or that you *"understand."*
 - Don't ever try to relate your own experience to theirs. Your experience is not theirs.

Step 2: Accept

- tell the individual that you believe them and acknowledge the courage they have shown in talking to you
 - *"You are not alone. I believe you. It's not your fault."*
- don't blame them or let your facial expression or body language convey doubt or judgment
- because you are not an investigator or adjudicator, your concern should focus on the individual who has disclosed the information to you, rather than on fact gathering or unbiased assessment

Step 3: Support

- tell the individual you are going to help them
 - *"Are you Ok? What can I do to help you?"*
- your support and belief in the individual may be critical to their safety and healing
 - *"You have the right to choose to whom you will speak, what resources you will use, what you say, and when you will say it."*

Step 4: Resources

- refer them to options (e.g., Safehope, local law enforcement, campus counseling, etc.)
- help them make plans, but let them make their own decisions

Step 5: **Report**

- inform the individual of your reporting obligations
 - *“I may be required to report to the Title IX Coordinator, who will oversee your case and make sure you have received appropriate care.”*
 - *“The Title IX Coordinator will keep your information private and will only share it with those who need to know in order to provide resources to you.”*
- report all details to the Title IX Coordinator ASAP

What Do I Say?

Discrimination and harassment—particularly sexual harassment, sexual misconduct, or dating/domestic violence—can be a difficult topic to discuss, particularly given your reporting responsibilities. Below is a suggestion for how you might approach the conversation:

“I appreciate what you have been able to share with me. Before you tell me more, I want to let you know that I will need to contact Jacob Gunden, our Title IX Coordinator. He is the person on campus whose responsibility is to know about incidents like this and he helps support students and coordinate possible next steps. If you would prefer to speak with someone confidentially, let me guide you to our Campus Counselor, our Campus Pastor, or an advocate at Safehope.”

Key Terms

The following are definitions regarding prohibited conduct under the Bethel College [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>).

Consent, is:

- knowing, voluntary, and clear permission by word or action to engage in sexual activity;
- active, not passive and can be withdrawn at any time if reasonably and clearly communicated; silence or the absence of resistance alone is not consent.

Sexual Harassment, is conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

- **Quid Pro Quo:**
 - a. an employee of Bethel College,
 - b. conditions the provision of an aid, benefit, or service of Bethel College,
 - c. on an individual’s participation in unwelcome sexual conduct.
- **Hostile Environment Sexual Harassment:**
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to Bethel College’s education program or activity.

Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Sexual Assault, defined as:

- a. **Sex Offenses, Forcible:**
 - i. Any sexual act directed against another person,
 - ii. without the consent of the Complainant,
 - iii. including instances in which the Complainant is incapable of giving consent.

b. Sex Offenses, Non-forcible:

- i. Incest:
 - Non-forcible sexual intercourse,
 - between persons who are related to each other,
 - within the degrees wherein marriage is prohibited by Kansas law.
- ii. Statutory Rape:
 - Non-forcible sexual intercourse,
 - with a person who is under the statutory age of consent of 16.

Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Kansas, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Kansas.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment.

Retaliation, is

- any adverse action taken against a person participating in a protected activity,
- because of that person's participation in that protected activity.
- subject to limitations imposed by the First Amendment and/or academic freedom

Resources: [*Denotes the resource is confidential]

- **Campus Resources:**
 - Title IX Coordinator – (316) 284-5248, 300 E. 27th St., North Newton, KS 67117, Main Floor Administration Building, titleixcoordinator@bethelks.edu, Regular Business Hours, M-F
 - Student Wellness Counselor* – (316) 284-5326, 300 E. 27th St., North Newton, KS 67117, Basement Will Academic Center, studentwellnesscounselor@bethelks.edu, Regular Business Hours, M-F
 - Campus Pastor* – campuspastor@bethelks.edu
- **Local Off-Campus Resources:**
 - North Newton Police Department – **Emergency** – 9-1-1, **Non-Emergency** – (316) 283-3191, 2601 N. Main, North Newton, KS 67117, nnpd@northnewton.org, 24/7
 - Prairie View Mental Health Center* – Help Line: (800) 362-0180, (<https://prairieview.org/>), 24/7
 - Safehope*, **Crisis Line** – (800) 487-0510 or (316) 283-0350, (www.safehope.net), 24/7
Staff are available 24/7 off-campus, and are also typically on-campus on Tuesdays between 12:00-2:00pm in a private office on the second floor of the Administration Building.
- **State & National Resources:**
 - Kansas Coalition Against Sexual & Domestic Violence*, -- 24/7 **Crisis Hotline** – 1-888-END-ABUSE (363-2287), (www.kcsdv.org)
 - LovelsRespect.org – 24/7 **Help Line:** (866) 331-9474, (www.loveisrespect.org), 24/7
 - National Sexual Assault Hotline* – 24/7 **Help Line:** (800) 656-HOPE (4673), (<https://ohl.rainn.org/online/>), 24/7
 - National Domestic Violence Hotline* – 24/7 **Help Line:** (800) 799-SAFE (7233), (<https://www.thehotline.org/>)
 - RAINN (Rape, Abuse, & Incest National Network) – 24/7 **Help Line:** (800) 656-HOPE (4673), (<https://www.rainn.org/>)
 - Suicide Prevention Lifeline – 24/7 **Help Line:** (800) 273-8255, (<https://suicidepreventionlifeline.org/>)
- **Office of Civil Rights (OCR) U.S. Department of Education** (Customer Service Hotline) – 1 (800) 421-3481 (Email: OCR@ed.gov, <http://www.ed.gov/ocr>)

Bethel College does not discriminate in its employment practices or in its educational programs or activities on basis of race, religion, color, sex/gender, pregnancy, political affiliation, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability (including perceived disability), age, marital status, sexual orientation, gender identity, gender expression, veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law. The College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internally or externally. Reports of misconduct, questions regarding Title IX, and concerns about noncompliance should be directed to the Director of Human Resources & Compliance (Title IX Coordinator). For a complete copy of the policy or for more information, please contact the Director of Human Resources & Compliance (Title IX Coordinator) or the Assistant Secretary of Education within the Office for Civil Rights (OCR). <http://www.bethelks.edu/EqualOpp>