



## Guide on Sexual Misconduct: Campus Policies & Procedures, Victim Services, and Resources *Office of Human Resources & Compliance*

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### **If You Have Experienced Sexual Misconduct:**

- 1) Get to a safe location as soon as you are able and speak with someone you trust.
  - Tell this person what happened. If there is any immediate danger, contact local law enforcement by calling 9-1-1.
- 2) Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
- 3) If you are on campus during regular business hours, you may go to the Campus Counselor or the Campus Pastor for free and confidential support and guidance. An advocate from Safehope is also typically available for on-campus consultation at least one day per week. After regular business hours, or in any situation an individual wishes, local resources are also available and may be able to provide confidential assistance.

***For any emergency situation, regardless of location, you can contact local police by calling 911 or their non-emergency line at (316) 283-3191***

#### • **Campus Resources:**

- Title IX Coordinator – (316) 284-5248, 300 E. 27<sup>th</sup> St., North Newton, KS 67117, Main Floor Administration Building, [titleixcoordinator@bethelks.edu](mailto:titleixcoordinator@bethelks.edu), Regular Business Hours, M-F
- Student Wellness Counselor\* – (316) 284-5326, 300 E. 27<sup>th</sup> St., North Newton, KS 67117, Basement Will Academic Center, [studentwellnesscounselor@bethelks.edu](mailto:studentwellnesscounselor@bethelks.edu), Regular Business Hours, M-F
- Campus Pastor\* – [campuspastor@bethelks.edu](mailto: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](mailto: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](http://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\*, **Crisis Hotline** – 1-888-END-ABUSE (363-2287), ([www.kcsdv.org](http://www.kcsdv.org)), 24/7
- LoveIsRespect.org – **Help Line**: (866) 331-9474, ([www.loveisrespect.org](http://www.loveisrespect.org)), 24/7
- National Sexual Assault Hotline\* – **Help Line**: (800) 656-HOPE (4673), (<https://ohl.rainn.org/online/>), 24/7
- National Domestic Violence Hotline\* – **Help Line**: (800) 799-SAFE (7233), (<https://www.thehotline.org/>), 24/7
- RAINN (Rape, Abuse, & Incest National Network) – **Help Line**: (800) 656-HOPE (4673), (<https://www.rainn.org/>), 24/7
- Suicide Prevention Lifeline –**Help Line**: (800) 273-8255, (<https://suicidepreventionlifeline.org/>), 24/7

4) For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Sexual Assault Nurse Examiners (SANE) are available at several area hospitals; however, you can go local providers and they will ensure you receive proper care. The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement. Typically, police will be called to the hospital to take custody of the SANE/rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. Locally, Safehope (1-800-487-0510) is available to provide assistance or answer questions you may have regarding medical and legal options.

- **Medical Resources** (24/7 Unless Noted Otherwise):

- Newton Medical Center, **Emergency** – 9-1-1, **Non-Emergency** – (316) 283-2700, 600 Medical Center Dr., Newton, KS 67114, (<https://www.newtonmed.com/>)
- [Ascension Via Christi Health – St. Joseph Hospital](#) (SANE), **Emergency** – 9-1-1, **Non-Emergency** – (316) 268-5000, 3600 E. Harry St., Wichita, KS 67218
- [Ascension Via Christi Health—St. Francis Hospital](#), **Emergency** – 9-1-1, **Non-Emergency** – (316) 268-5000, 929 N. Saint Francis, Wichita, KS 67214
- [Wesley Medical Center](#) (SANE), **Emergency** – 9-1-1, **Non-Emergency** – (316) 962-9122, 550 N. Hillside St., Wichita, KS 67214

5) Preservation of Evidence:

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already take any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean bedsheet to avoid contamination. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence.
- If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

- If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify the Title IX Coordinator so that those orders can be observed on campus.

- 6) Even after the immediate crisis has passed, consider seeking support from the Campus Counselor, the Campus Pastor, and/or, Safehope.
- 7) Contact the Title Coordinator ([titleixcoordinator@bethelks.edu](mailto:titleixcoordinator@bethelks.edu), (316) 284-5248) if you need assistance with Bethel College concerns, such as no-contact orders or other supportive measures. The Title IX Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. Bethel College is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, safety escorts, no-contact orders, counseling services access, and other supports and resources as needed by a victim. The College is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.
- 8) Choose how to proceed  
You have options, and are encouraged to contact the College's Title IX Coordinator to discuss your options:
  - ✓ Do nothing until you are ready; or
  - ✓ Pursue resolution by Bethel College; and/or
  - ✓ Initiate criminal process against the perpetrator; and/or
  - ✓ Initiate a civil process against the perpetrator.

These options are not mutually exclusive. You may choose whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Bethel College, students and employees should contact the Title IX Coordinator. Bethel College procedures will be explained. Those who wish incidents to be handled criminally should contact local law enforcement. A campus official may be available to accompany students in making such reports, if desired. Contact the Title IX Coordinator for more information.

#### **Reporting to Law Enforcement:**

It is the policy of the Bethel College not to notify local/campus law enforcement when sex or gender-based discrimination, harassment, or violence occurs, unless a Complainant wishes or there is an emergency threat to health or safety.

Complainants have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to local law enforcement but may also respect a Complainant's request not to do so.

In the event that sex or gender-based discrimination, harassment, or violence or the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, Bethel College takes the matter very seriously.

Bethel College employs supportive and protective measures such as no-contact orders or emergency removal in cases in which a threat assessment indicates such action is warranted. Supportive measures for individuals who have experienced these incidents are available from the College regardless of whether the individual chooses to report to local law enforcement and irrespective of whether the individual pursues a formal complaint through the Bethel College resolution process.

If a student is accused of sex or gender-based discrimination, harassment, or violence, they are subject to action in accordance with the [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>). A student wishing to officially report such an incident may do so by contacting the Title Coordinator ([titleixcoordinator@bethelks.edu](mailto:titleixcoordinator@bethelks.edu), (316) 284-5248).

Anyone with knowledge about sex- or gender-based discrimination, harassment, or violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately to the Title Coordinator ([titleixcoordinator@bethelks.edu](mailto:titleixcoordinator@bethelks.edu), (316) 284-5248).

**Confidential & Mandated Reporting:**

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as Bethel College's mandatory reporting requirements.

***Confidential Reporting***

If reporting students wish that details of an incident be kept confidential, they should speak with campus mental health counselor or campus pastor. Both the Bethel College Campus Counselor and Campus Pastor are available to assist during regular business hours and their service is free of charge to Bethel College students. Off-campus rape crisis center staff (Safehope) and/or members, the student health center, and local medical facilities can maintain confidentiality and have no duty to report your information to Bethel College.

***Mandated 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 of regarding an incident(s) of discrimination and harassment. They are required to share this information with the 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>), which is discussed in a later section of this guide.

A report to the Title IX Coordinator is not the same thing as a formal complaint to initiate the formal resolution process. Even after a report is made to the Title IX Coordinator, you may request confidentiality and/or that the Title IX Coordinator provide you with supportive measures without initiating a formal resolution process. The Title IX Coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, Bethel College will be able to respect your wishes, unless it believes there is an immediate threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

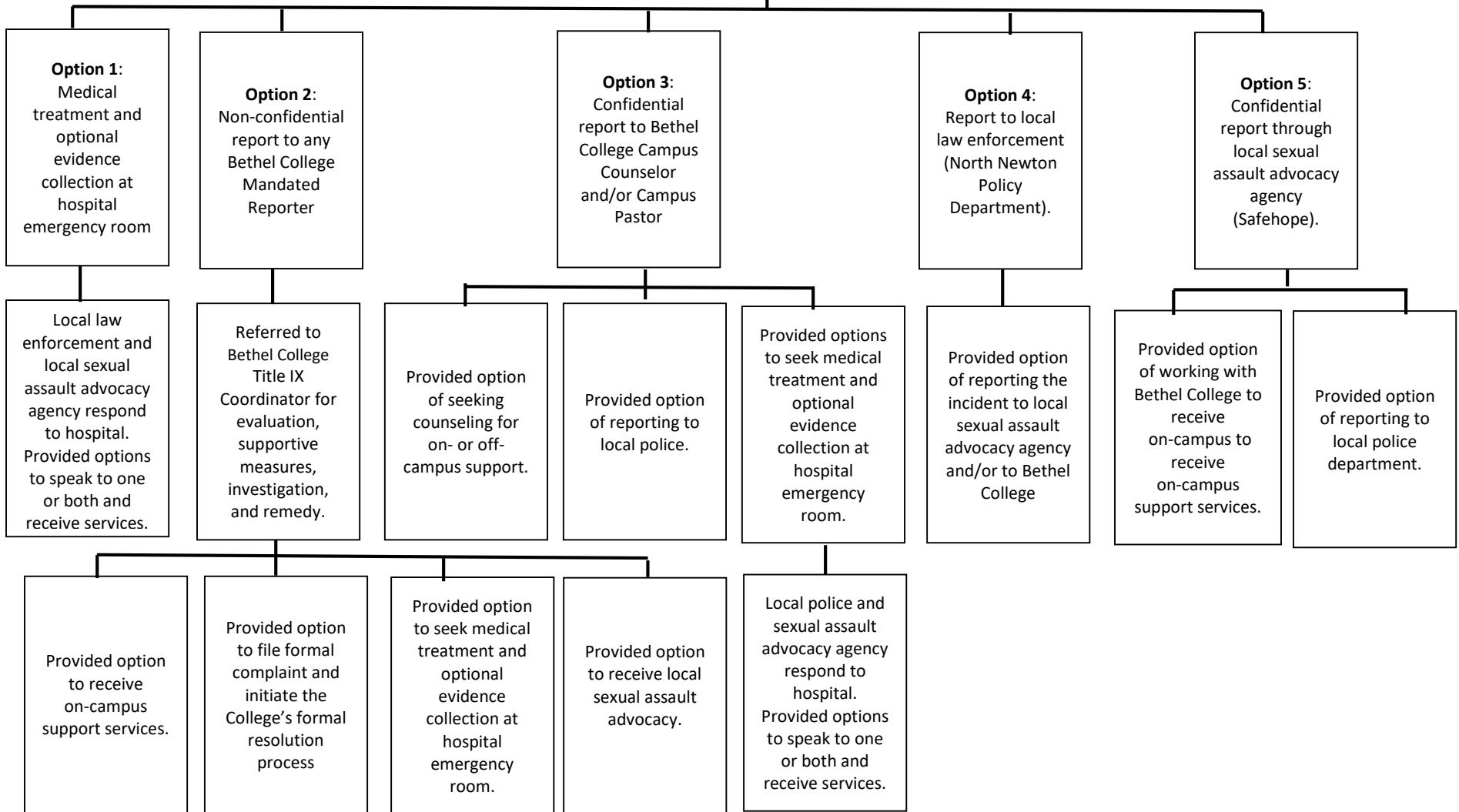
In cases where your request for confidentiality is granted, Bethel College will offer you available resources and supportive measures. You are not obligated to pursue formal resolution in order to access these available resources. If Bethel College decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

***Incidents Involving Minors***

Please be aware that institutional duties with respect to minors (those under the age of 18), may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

**SURVIVOR**

You may choose one or more options.  
We encourage medical treatment for all options.



**Bethel College Policy:**

Sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, dating and domestic violence, and stalking, are violations of the Bethel College [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>). A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to reported incidents. Many types of sexual misconduct also constitute violations of Kansas law.

All members of the community must conduct themselves in a way that does not infringe upon the rights of others. Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. College policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the College will impose sanctions, as noted in this guide.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. Bethel College policy applies to conduct that takes place on the campus or on property owned or controlled by Bethel College, at Bethel College-sponsored events, or in buildings owned or controlled by Bethel College's recognized organizations. College policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Bethel College's educational program. Bethel College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Bethel College interest. For more information about this policy, please visit <http://www.bethelks.edu/EqualOpp>.

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the College's *Annual Security Report*. Access it at <https://www.bethelks.edu/about/consumer-information>.

**Sexual Harassment & Misconduct Violations:**

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined below. Further information regarding specific definitions and potential examples of misconduct are provided in the Bethel College [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>). Potential sanctions for sexual harassment offenses range from warning through expulsion/termination.

Conduct on the basis of sex 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.

*Sanctions range from warning through expulsion/termination.*
  
- **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.
- Sanctions range from warning through expulsion/termination.*

*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. Any sexual act directed against another person,
    - i. without the consent of the Complainant,
    - ii. including instances in which the Complainant is incapable of giving consent.
  - b. Incest:
    - i. Non-forcible sexual intercourse,
    - ii. between persons who are related to each other,
    - iii. within the degrees wherein marriage is prohibited by Kansas law.
  - c. Statutory Rape:
    - i. Non-forcible sexual intercourse,
    - ii. with a person who is under the statutory age of consent of 16.

*Sanctions range from warning through expulsion/termination.*

- **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.

*Sanctions range from warning through expulsion/termination.*

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.

*Sanctions range from warning through expulsion/termination.*

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.

*Sanctions range from warning through expulsion/termination.*

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.

Bethel College additionally prohibits the following offenses as forms of discrimination when the act is based upon the Complainant's actual or perceived membership in a protected class.

- **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. Including but not limited to:
  - Sexual voyeurism
  - Invasion of sexual privacy
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as



allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography

- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography

*Sanctions range from warning through expulsion/termination.*

- **Discrimination**, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.

- **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another.

*Sanctions range from warning through expulsion/termination.*

- **Hazing**, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Bethel College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

*Sanctions range from warning through expulsion/termination.*

- **Bullying**, defined as:

- repeated and/or severe
- aggressive behavior
- likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
- that is not speech or conduct otherwise protected by the First Amendment.

*Sanctions range from warning through expulsion/termination.*

- **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

*Sanctions range from warning through expulsion/termination.*

#### **Consent, Force, & Incapacitation:**

Bethel College policy defines **Consent** as:

- knowing, and
- voluntary, and

- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

To legally give consent in Kansas, individuals must be at least 16 years old.

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

Bethel College policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

The topics of consent, force, and incapacitation are addressed in greater detail in the full Bethel College [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>).

**Supportive Measures:**

Bethel College reserves sole discretion and the right to take whatever measures, permissible under federal and state law, that are necessary in response to an allegation of sex or gender-based discrimination, harassment, or violence in order to protect students’ rights and personal safety and the College community. The Title IX Coordinator, upon an individualized threat (or violence) risk assessment, may remove a Respondent from Bethel College education programs and/or activities on an emergency basis. Non-punitive measures, also known as supportive measures, may also be implemented regardless of the outcome of a risk assessment.

When Bethel College receives a report of sex or gender-based discrimination, harassment, or violence, the Title IX Coordinator is notified. If the Complainant wishes to access local community agencies and/or law enforcement for support, the College can assist the Complainant in making these contacts. The Title IX Coordinator will offer assistance to Complainants in the form of supportive measures, such as opportunities for academic adjustments and class schedule changes; changes in on-campus housing assignment; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (e.g., no-contact orders, campus safety escorts, transportation assistance, targeted interventions, etc.).

The Title IX Coordinator can connect the Complainant with a counselor on- or off-campus as well as an on-or off-campus victim advocate. No Complainant is required to utilize these services and resources, but Bethel College provides them in the hopes of offering help and support. Similar supports can be made available to Respondents, upon request.

### **Protection Orders:**

Bethel College does not issue orders of protection. Orders of protection, restraining orders, injunctions, or similar lawful orders may be obtained through the court system and can be enforced by local law enforcement. Individuals who have obtained a protection order are encouraged to provide a copy to the Title IX Coordinator as soon as possible following the issuance to ensure full enforcement.

Although Bethel College does not issue orders of protection, individuals may request that the College issue an administrative directive for no-contact and/or a no trespass notice/*persona non grata* notice. Upon request, a determination will be made by the College whether to issue an administrative directive for no-contact and/or a no trespass notice/*persona non grata* notice.

For information regarding how to obtain a protection order, contact the Title IX Coordinator or local law enforcement.

### **Amnesty, Good Samaritan, & Whistle Blower Protections:**

Bethel College encourages the reporting by Complainants and witnesses of potential misconduct and crimes. Sometimes, Complainants or witnesses are hesitant to report or participate in College resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

To encourage reporting and participation in the process, Bethel College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident. Bethel College is committed to protecting individuals from interference with making a good faith disclosure and from retaliation for having made a good faith disclosure or for having refused to follow an illegal instruction, as defined and detailed in the Bethel College Whistleblower Policy.

Bethel College maintains a policy of amnesty for students who offer help to others in need. Amnesty is addressed in both the [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](#) as well as through the Good Samaritan Policy of the Bethel College Student Handbook. Although policy violations cannot be overlooked, the Bethel College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Bethel College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

### **Your Rights:**

A summary of rights, options, supports, and procedures, in the form of this document, is provided to all Complainants, whether they are students, employees, guests, or visitors.

### **Reporting Rights**

All students have the right to:

- notify law enforcement and to be assisted by campus authorities;
- decline to report to law enforcement;
- receive information regarding College and community supportive measures including, but not limited to:

- modification of academic, living, transportation, or working situations to avoid a hostile environment
- available health and mental health counseling
- victim advocacy
- safety planning
- information about possible legal assistance, visa and immigration assistance, student financial aid, and if applicable, disability accommodations.

If the Complainant requests reasonably available supportive measures, they will be provided regardless of whether the Complainant chooses to file a formal complaint with the Bethel College or to report the incident to local law enforcement.

### ***Fair Process Rights***

When appropriate upon receipt of a formal complaint, the Title IX Coordinator will initiate a prompt, fair, and impartial process, commencing with an investigation, which may lead to the imposition of sanctions for a Respondent based upon a preponderance of evidence (what is more likely than not).

Procedures detailing the investigation and resolution processes of Bethel College can be found online here: <https://www.bethelks.edu/about/consumer-information/equal-opportunity-harassment-non-discrimination>. The Title IX Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, the College acts to reasonably prevent its recurrence, and the effects on the Complainant and the community are remedied.

All parties are entitled to a process which:

- Is prompt, fair, and impartial from initial investigation to final result, including being:
  - Completed within reasonably prompt timeframes, including allowing for the extension of timeframes for good cause with written notice to the parties of the delay and the reason for the delay;
  - Conducted in a manner that is consistent with the institution's policies and transparent to the parties;
  - Given timely notice of meetings at which the parties (one or all) may be present;
  - Given timely provision to the parties and any appropriate officials of equal access to any information that will be used during informal and formal disciplinary meetings and hearings; and is
  - Conducted by officials who do not have a conflict of interest or bias for or against the any of the parties
- Is conducted by administrators who, at minimum, receive annual training on:
  - Issues related to dating violence, domestic violence, sexual assault, and stalking; and
  - How to conduct an investigation and hearing process the protects the safety of the parties and promotes accountability
- Allows all parties involved in sexual misconduct allegations to receive the information and assistance needed to effectively participate in all proceedings.
- Allows all parties the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice
- Does not limit the choice of advisor or presence for any party in any meeting or institutional disciplinary proceeding; however, the institution may establish regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties
- Provides for simultaneous written notification to all parties of:
  - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
  - The institution's procedures for the parties to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

- Any change to the result; and
- When such results become final
- Prohibits retaliation

**Bethel College Procedures:**

For a full and complete description of the Bethel College investigation and resolution processes, please consult the [Equal Opportunity, Harassment, & Non-Discrimination Policy and Procedures](http://www.bethelks.edu/EqualOpp) (<http://www.bethelks.edu/EqualOpp>) or contact the Title IX Coordinator.

In general, there are seven (7) steps to the resolution process in the formal complaint and formal resolution process:

- 1) Intake Report or Notice
- 2) Formal Complaint
- 3) Initial Assessment: Review of Jurisdiction & Applicable Policy Process & Optional Informal Resolution
- 4) Investigation
- 5) Formal Review of Evidence & Investigation Report
- 6) Live Hearing & Determination
- 7) Appeal

***Intake Report or Notice***

Upon receiving notice or a report, the Title IX Coordinator will seek to meet with the Complainant (i.e., the alleged victim of the sexual misconduct) to review rights, options, policy and procedures, and available resources, including a discussion of the differences between College and law enforcement investigations, supportive measures, and confidentiality and privacy. At this stage, the Complainant will have the option to file a formal complaint and start the formal resolution process.

***Formal Complaint***

If a Complainant decides to pursue an investigation, or the Title IX Coordinator determines that an investigation is needed, a formal complaint is submitted in writing. This formal complaint provides details as it relates to the allegation, including the name(s) of the Respondent(s), dates and times of each incident, a description of what occurred, and any documents in support of the complaint. A formal complaint can only be filed by the alleged victim or the Title IX Coordinator.

***Initial Assessment: Review of Jurisdiction & Applicable Policy Process & Optional Informal Resolution***

Once the formal resolution process has been initiated, all parties will receive a formal notification of allegations. After a formal complaint is filed, it will be assessed to ensure whether it falls within the scope of Bethel College policy and procedures and to ensure compliance with applicable federal laws and regulations.

At any time during this assessment or the overall investigation, a formal complaint must be dismissed (under the first of two potential processes detailed in policy) for the following reasons:

- 1) If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy, even if proved, and/or
- 2) If the conduct did not occur in the recipient’s education program or activity, or

- 3) If the conduct did not occur against a person in the United States, or
- 4) If at the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

At any time during this assessment or formal investigation, a formal complaint may be dismissed, in the College's discretion, for the following reasons:

- 1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- 2) The respondent is no longer enrolled or employed by the recipient; or
- 3) Specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed under the first process (Process A) of the policy, it may be reinstated under a second process of the policy (Process B).

An initial assessment may include the Title IX Coordinator and/or Investigator(s) meeting with the Complainant for the purpose of clarifying any information in the formal complaint or obtaining additional information needed to assess whether the formal complaint falls within the scope of this policy.

Assuming a formal complaint is not dismissed, the default process (Process A) will result in an investigation and hearing under this policy, as specified below.

In lieu of proceeding with an investigation and hearing, a complainant may request that a formal complaint be resolved through informal resolution. Informal resolutions may include discussions, mutually agreed upon plans of action, and/or mediation. Informal resolutions are only available if the Title IX Coordinator agrees that it provides a reasonable outcome for the situation, there are no additional safety concerns, and if both the Complainant and Respondent confirm in writing that they are voluntarily entering into the informal resolution process.

### ***Investigation***

A trained Investigator(s) will conduct an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. The Investigator(s) will interview the Complainant, the Respondent, and witnesses, gather all relevant evidence, and will write an investigation report summarizing the procedure of the investigation and the evidence collected.

With an investigation:

- The burden of proof and the burden of gathering evidence sufficient to make a determination is on the College.
- The Complainant and Respondent have equal opportunity to provide witnesses and other evidence in support of their claims.
- The Complainant and Respondent have the right to an advisor of choice to join them during this investigation and hearing process. The advisor may be a friend, faculty or staff member, family member, or an attorney.
- Prior to their interview(s), the parties will be given sufficient notice, in writing, so that they can prepare and meaningfully participate.

### ***Formal Review of Evidence & Investigation Report***

When an investigation is completed, a report is written by the Investigator(s) that summarizes the procedure of the investigation and the evidence collected. Bethel College will provide the Complainant, Respondent, and their advisors an opportunity to review the evidence as well as the draft investigative report prior to finalizing it for the Decision-maker(s) and give them an opportunity to provide additional relevant materials and witnesses to be interviewed and considered before the investigative report is finalized.

### ***Live Hearing and Determination***

After the investigation is completed, the final investigation report is provided to a Decision-maker(s). Federal regulations require all cases involving formal complaints of sexual harassment, sexual assault, domestic violence, dating violence, or stalking that were not dismissed under the first process (Process A) to include a live hearing. At any such hearing, the Decision-maker(s) will be responsible for determining if College policy was violated and to determine appropriate action based on the facts presented. A live hearing will be scheduled and recorded and. All parties and witnesses are expected to participate and will be asked questions by the Decision-maker(s) and advisors.

The parties will be required to have their advisor present for the live hearing. If the parties do not have an advisor available for the live hearing, they should notify the College in advance, which will result in the party being provided an advisor for the purpose of conducting questioning of the other party and witnesses at the hearing. A Respondent, Complainant, or witness that does not attend the live hearing will have the information previously provided by them removed from consideration of the determination made during the live hearing. A written determination of the investigation and hearing will be simultaneously provided to the Complainant and Respondent. Each party will have the option of appealing the decision and will be provided the specifics of that process in the determination letter.

- **Standard of Evidence**

Bethel College uses a preponderance of evidence standard. The Decision-maker(s) considers whether, given the available credible evidence, it is “*more likely than not*” that a violation occurred. This standard is sometimes explained as “50% plus a feather.”

- **Past History**

The past sexual history or character of a Complainant is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered.

### ***Appeal***

The Complainant or Respondent may appeal a dismissal or a determination after hearing. The appeal process will be included in the dismissal or determination letter. Appeals are limited to the following grounds:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their advisors will be notified in writing of the denial and the rationale. If any of the grounds in the request for appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(s) and their advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

Upon conclusion of the appeal process, a written determination of the appeal will be simultaneously provided to the Complainant and Respondent



## **Sanctions**

All forms of sex or gender-based discrimination, harassment, or violence are serious; however, they are not all equally serious and Bethel College reserves the right to impose different sanctions, depending on the severity of the offense. Sanctions or responsive actions will be determined by the Decision-maker(s).

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous complaints or allegations involving similar conduct
- Any other information deemed relevant by the Decision-maker(s)
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, violence, and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, violence, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, violence, and/or retaliation on the victim (Complainant) and the community.

The following are the sanctions or responsive actions that may be imposed upon students or student organizations singly or in combination:

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any Bethel College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either Bethel College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of Bethel College Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Bethel College policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Bethel College.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Bethel College-sponsored events. This sanction may be noted as a Conduct Expulsion on the student's official transcript.
- *Revocation of Degree*: Bethel College reserves the right to revoke a degree previously awarded from Bethel College for fraud, misrepresentation, or other violation of Bethel College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including Bethel College registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, Bethel College may assign any other sanctions as deemed appropriate.

The following are the sanctions or responsive actions that may be imposed upon an employee:

- *Warning* – Verbal or Written
- *Performance Improvement/Management Process*
- *Required Counseling*

- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, Bethel College may assign any other sanctions as deemed appropriate.

### **Risk Reduction:**

While victim-blaming is never appropriate and Bethel College fully recognizes that only those who commit sexual misconduct are responsible for their actions, Bethel College provides the following suggestions to help individuals reduce these general risk-reduction tips for all of our campus community.

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ Clearly communicate your intentions and boundaries to your sexual partners, and give them a chance to share their intentions and boundaries with you.
- ✓ If a potential partner says “no,” accept it and don’t push. If you want a “yes,” ask for it, and don’t proceed without clear permission.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- ✓ Clearly and firmly articulate consent or lack of consent. Avoid ambiguity. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent. Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions or sending the wrong message.
- ✓ Respect personal boundaries. If you are unsure what’s OK in any interaction, ask. If someone is not respecting your boundaries, remove yourself from the situation if possible.
- ✓ If necessary, reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- ✓ Be responsible when it comes to drugs and alcohol. Take affirmative responsibility for your alcohol and/or drug consumption. Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others’ loss of control does not put you in control.
- ✓ Look out for your friends, ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

**Programs:*****Bethel College Sexual Assault Task Force***

A task force comprised of student, faculty, staff, and board members meets regularly to survey the campus climate in relation to sexual misconduct. The group focuses on ensuring campus compliance with relevant policies and laws, prevention, and education.

***Bystander Intervention***

Bethel College offers bystander intervention programming to all new students to enhance sexual assault and relationship violence awareness and prevention. Bethel College wants to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

***Campus Safety & Compliance Website***

Information about College policy, programs, counseling services, helpful FAQs, and links to important documents and resources can be found at <https://www.bethelks.edu/about/consumer-information/equal-opportunity-harassment-non-discrimination>.

***VAWA/Clery Training***

Incoming students are provided with an education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

***Ongoing Campaigns***

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

*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>*