Introduction
Bethany Lutheran College is committed to maintaining high standards of respect and civility, including a working and learning environment that is free of unlawful harassment. Harassment is contrary to God’s moral law, subverts the educational mission of the College, undermines the sense of community, and interferes with the social and spiritual development of employees and students.

The College’s policy regarding harassment applies to all employees, student employees, and students, and to all on- and off-campus College-sponsored activities. In addition, sexual harassment is prohibited under Minnesota and federal law and will not be tolerated by Bethany Lutheran College.

The College’s policy applies to all complaints of harassment, whether brought against faculty, staff, or students. Complaints of sexual misconduct, including rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking, will be addressed by the College’s sexual misconduct policy.

Individuals (employees or students) who violate this policy by harassing others are guilty of misconduct and are subject to immediate corrective action that may include discipline, termination of employment, or expulsion from the College. Other instances of misconduct include individuals who permit employees or students under their supervision to harass others, and individuals who retaliate or permit retaliation against an employee or student who reports such harassment.

All charges of harassment will be promptly investigated by the College. All employees and students are expected to cooperate with harassment investigations. Any employee or student who refuses to participate in the investigation, provides untruthful statements to the investigator, or otherwise obstructs the investigation process is subject to discipline, up to and including termination of employment or expulsion from the College.

Employees and students are not to be penalized for proper use of the harassment complaint process. However, it is not considered proper if an employee or student abuses the process by raising complaints in bad faith or solely for the purposes of delay or harassment or by repeatedly raising complaints that a reasonable person would judge as having no merit.

Definitions
Harassment consists of unwelcome or offensive conduct, whether verbal, physical, or visual, that is based on a protected group status and that

- affects tangible job or academic benefits,
- interferes unreasonably with an employee’s work performance or a student’s academic progress or success, and/or
- creates an intimidating, hostile, or offensive environment.

Examples of harassment include, but are not limited to:
Bethany Lutheran College
Harassment Policy

- epithets, slurs, or negative stereotypes
- intimidating or hostile acts based on protected classification
- written or graphic material that denigrates or shows hostility or aversion to persons of a protected classification and that is posted or circulated on College property

Sexual harassment is any behavior of a sexual nature that is unwelcome, offensive, or fails to respect the rights and dignity of others, whether directed towards a person of the opposite or same sex. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:
1) submission to the conduct is made a condition, either explicitly or implicitly, of obtaining employment or education;
2) submission to or rejection of the conduct is used as the basis for an employment or academic decision; and
3) the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or academic progress or creates an intimidating, hostile, or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to:
- unwelcome sexual flirtations, advances, or propositions
- requests for sexual favors
- verbal abuse of a sexual nature, obscene language, off-color jokes, verbal commentary about an individual’s body, sexual innuendo, and gossip about sexual relations
- display of derogatory or sexually suggestive posters, pictures, cartoons, drawings, objects, notes, letters, e-mails, or text messages
- visual conduct such as leering or making gestures
- sexually suggestive comments about an individual’s body or body parts, or sexually degrading words to describe an individual
- unwelcome touching of a sexual nature such as patting, pinching, or brushing against another person’s body
- unwelcome verbal or physical conduct against an individual related to the individual’s gender identity or the individual’s conformity or failure to conform to gender stereotypes
- stalking
- cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without the other person’s consent
- videotaping of taking photographs of a sexual nature without the other person’s consent
- sexual assault
- repeated unwelcome invitations to social engagements or work- or school-related activities
- any indication that an employee’s job security, job assignment, conditions of employment or opportunities for advancement, or a student’s academic progress or success depend on the granting of sexual favors to any other employee, supervisor, or faculty member

Sexual misconduct includes non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), and sexual exploitation.
See the College’s Sexual Misconduct policy for additional information.

**Power Differentials and Consent**
In light of the power differential inherent in the relationship between faculty and students and between supervisor and subordinate, and in light of the potential for either intentional or unintentional misuse of that professional power differential, the College strongly discourages romantic and/or sexual relationships between faculty and students, between staff and students, or between supervisors and subordinates. Employees who enter into a romantic or sexual relationship with a student or a subordinate where a professional power differential exists must realize that, if a charge of sexual harassment is made, it will be exceedingly difficult to prove mutual consent.

**Investigation**
All charges of harassment will be promptly investigated by the College as outlined in its grievance process, with the exception of charges of sexual misconduct which will be handled as outlined in the College’s sexual misconduct policy.

In general, the following individuals will conduct the investigation in accordance with the Employee Handbook or Student Guidebook.

<table>
<thead>
<tr>
<th>Situation</th>
<th>Investigator/Decision Maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>student harassing student</td>
<td>Dean of Student Services</td>
</tr>
<tr>
<td>student harassing faculty or staff</td>
<td>Dean of Student Services</td>
</tr>
<tr>
<td>faculty harassing student</td>
<td>Vice President of Academic Affairs</td>
</tr>
<tr>
<td>staff harassing student</td>
<td>appropriate Executive Cabinet member</td>
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</tbody>
</table>

The investigatory process may be adjusted as dictated by circumstances.

**Confidentiality**
All complaints/charges will be handled as discreetly as possible, although the College cannot guarantee absolute confidentiality. Strict confidentiality is not possible, since the alleged harasser is entitled to answer the charges, particularly if discipline, termination, or expulsion is a possible outcome. However, reasonable efforts will be made to respect the confidentiality of the individuals involved.

**Immunity**
The College encourages the reporting of incidents of harassment and sexual harassment. At times victims or witnesses are hesitant to report to College officials or to participate in grievance processes because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. It is in the best interests of the Bethany community that incidents are reported to College officials. Therefore, the College may offer victims and witnesses who are students immunity from policy violations related to the reported incident. While serious violations cannot be overlooked, the College reserves the right to waive lesser charges (e.g., violations of the alcohol policy) in cases that involve harassment or sexual harassment.
Counseling
Students may contact the College’s Coordinator of Student Counseling (507-344-7306) for a confidential referral if one is needed; employees may contact the Human Resources office (507-344-7840).

Retaliation
The College will not tolerate any form of retaliation, either on-campus or off-campus, by any employee or student against any employee or student who reports an incident of alleged harassment or inappropriate workplace or academic environment behavior or who provides information during an investigation. Employees or students who engage in retaliatory behavior are subject to discipline, up to and including termination of employment or expulsion from the College. Employees and students who feel they are being retaliated against should immediately contact one of the individuals listed under Reporting Procedure below.

Reporting Procedure
Employees and students who believe they have experienced or witnessed harassment in the workplace or academic environment, whether by employees, students, or non-employees or non-students, should:

1. Tell the offending person, if comfortable doing so, that his or her actions or comments are unwelcome, that the behavior is offensive and it must stop immediately. If there is a concern for physical safety, call 911 and Campus Security (x888).

2. Report the incident as soon as possible to one of the following:

   Ted Manthe                     Don Moldstad
   Dean of Student Services       Director of Spiritual Life/Chaplain
   Office: 344-7745

   Patti Reagles
   Coordinator of Student Counseling
   Office: 344-77306
   Cellphone: 304-0464
   Resident Managers
   Anderson Hall 344-7362
   Gullixson Hall 344-7600
   Teigen Hall 344-7450

   Paulette Tonn Booker
   Manager of Human Resources
   Office: 344-7840

   Supervisors, resident managers, apartment managers, and resident assistants who become aware of possible harassment are also required under this policy to take prompt action. Minimally, this means offering assistance to the person and immediately reporting the harassment to Dean of Student Services (student) or Manager of Human Resources.
Incidents may also be reported to the Mankato police department by the victim. The College reserves the right in certain circumstances to report the incident to the Mankato police department.

Individuals with complaints of harassment and/or sexual harassment also have the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights (OCR), which enforces claims of discrimination based on sex as prohibited by Title IX of the Education Amendment of 1972.