INTRODUCTION
Bethany Lutheran College does not discriminate on the basis of sex, color, religion, age, national origin, marital status, familial status, pregnancy, citizenship, creed, genetic information, disability, veteran status, status with regard to public assistance, membership in a local human rights commission, or other categories protected by law, in the administration of its educational policies, admissions policies, financial aid programs, and other school-administered programs. In addition, in order to provide equal opportunity and advancement opportunities to all individuals, Bethany bases its employment decisions on merit, qualifications, and abilities, and does not discriminate in employment opportunities or practices on the basis of these categories, except where allowed by its status as a religious institution.

Bethany Lutheran College is committed to maintaining high standards of respect and civility, including a working and learning environment that is free of sex discrimination, which includes sexual harassment and sexual misconduct (rape, acquaintance rape, statutory rape, domestic violence, dating violence, sexual violence/assault, or stalking).

Sexual misconduct in all its forms 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. Sexual misconduct is also unlawful and will not be tolerated by Bethany Lutheran College.

Individuals (employees or students) who violate this policy by committing acts of sexual misconduct against others are guilty of gross misconduct and are subject to disciplinary action or sanctions in accordance with the Employee Handbook or Student Guidebook.

The College will assist any employee or student who believes that he or she has experienced or witnessed sexual assault, as noted under Options for Assistance Following an Incident of Sexual Misconduct (page R-9). The College will also take steps to eliminate potential sexual misconduct, prevent its recurrence, and correct its effects on complainants and others.

The Human Resources and Student Affairs offices will undertake educational efforts to inform employees and students of their responsibilities regarding such behavior, as well as how to identify and eliminate potential sexual violence, and what steps can be taken if instances of sexual assault are experienced.

The College also has a policy against harassment, which includes sexual harassment. All members of the Bethany community should read and be familiar with the policy against harassment. If a person is not sure whether she/he has been sexually harassed or sexually assaulted, or both, contact Security Services (507-344-7888) or the Title IX Coordinator (507-344-7840; titleix@blc.edu).

The sexual misconduct policy will be reviewed, evaluated, and updated annually, or when circumstances dictate such action.
SCOPE OF THE POLICY
The sexual misconduct policy applies to all employees, student employees, and students in both on- and off-campus College-sponsored programs and activities, as well as to third parties. The sexual misconduct policy and protocol will be used to investigate and resolve charges of sexual assault (rape, fondling, incest, statutory rape), domestic violence, dating violence, and stalking. Charges of sexual harassment will be resolved using the College’s harassment policy and protocol.

The College will respond to and investigate all forms of sexual misconduct in the context of the College’s education programs and activities in a prompt, fair, and impartial manner. The College will respect the confidentiality of the complainant and the alleged respondent(s) as much as possible, consistent with the College’s legal obligations. Employees and students who wish to report or discuss sexual misconduct incidents should be aware that employees on campus have different reporting responsibilities and different abilities to maintain confidentiality or privacy, depending on their roles at the College. See Confidentiality (page R-12) for additional information.

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 sexual misconduct 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 the Title IX Coordinator (507-344-7840; titleix@blc.edu).

DEFINITIONS
Adjudicator (decision maker) is the person who reviews the report of findings following an investigation, determines whether there is preponderance of evidence (more likely than not…) to decide whether the College’s sexual misconduct policy was violated, and who assigns sanctions in keeping with the Student Guidebook or Employee Handbook.

Clery Act is legislation that requires schools to disclose information about crime on and around their campuses and make the report available to all current and prospective students and employees.

Complainant is the person who is the target of an act of sexual misconduct and who registers a complaint with the College about the incident.

Confidentiality refers to not sharing personally identifying information with others.

Consent is clear, knowing, and voluntary agreement to engage in sexual activity.
- Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent.
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- Consent can be given by words or actions, as long as those words or actions create clear, mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give consent, one must be of legal age (18 or older).
- Consent can be withdrawn at any time.
- Coercion, force, or the threat of either invalidates consent.
- In some instances, because of a person’s power/authority, or the perception thereof, an individual may not be able to give consent to a sexual encounter. For example, an individual who supervises another may not be able to obtain consent in an intimate encounter because the other person fears she/he might lose her/his job or status if she/he objects to some or all aspects of the encounter. Power and authority may arise from a variety of areas including ones size, strength, or reputation within the College.
- Sexual activity with someone whom a person should know to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated (e.g., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.

Dating violence is a pattern of behavior in which an individual uses physical violence, coercion, threats, intimidation, isolation or other forms of emotional, sexual, verbal and/or economic abuse to control a current or former partner in a romantic or intimate relationship. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic violence is a pattern of behavior in which an individual uses physical violence, coercion, threats, intimidation, isolation or other forms of emotional, sexual, verbal and/or economic abuse to control a current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Incapacitation is a state where an intellectual or other disability prevents someone from having the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why or how” of their sexual interaction). Incapacity can result from mental disability, sleep deprivation, involuntary physical restraint, or ingestion of rape drugs such as Rohypnol, Ketomine, GHB, or Burundanga.

Intimidation is behavior that forces another person into or deters that person from taking action by inducing fear (e.g., bullying).

Proceeding is all activities related to a non-criminal resolution of a disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.
Preponderance of evidence is the standard by which a decision is made as to whether the alleged behavior did or did not occur (*more likely than not*).

**Respondent** is the person allegedly responsible for the sexual misconduct behavior or action.

**Result** is any initial, interim, or final decision (outcome), including sanctions and rationale for the result and sanctions, by a College official authorized to resolve disciplinary matters within the institution.

**Retaliation** includes intimidation, threats, harassment, and other adverse action threatened or taken against a person who makes a complaint or who cooperates in the investigation of a complaint, including testifying as a witness.

**Sex discrimination** is making a distinction in favor of, or against, a person on the basis of sex, rather than on individual merit, that deprives a person of the ability to participate in or benefit from the college’s employment and/or education program or activities.

**Sexual assault** is a form of sexual misconduct and includes:

*Non-consensual sexual contact* is any intentional sexual touching (e.g., fondling), however slight, with any object or body part, by an individual upon another individual that is without consent and/or by force (or attempts to commit same).

*Non-consensual sexual intercourse* is any sexual intercourse (vaginal, anal, or oral), however slight, with any object or body part, by an individual upon another individual, that is without consent and/or by force (or attempts to commit same) (e.g., rape, statutory rape, incest).

**Sexual exploitation** occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Sexual exploitation may include, but is not limited to:

- intentional and repeated invasion of sexual privacy (e.g., walking into the other person’s room or private space)
- prostituting another person
- non-consensual video or audio-recording or electronically broadcasting (e.g., with a web cam) a sexual activity
- intentionally allowing others to view/hear a sexual encounter without consent (such as letting individuals hide in the closet or watch consensual sex)
- engaging in voyeurism
- knowingly transmitting an STI or HIV to another student or employee without his/her knowledge
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- exposing one’s genitals or breasts in non-consensual circumstances
- inducing another person to expose his/her genitals or breasts
- stalking and/or bullying

**Sexual harassment** is any behavior of a sexual nature that is unwelcome, offensive, or fails to respects 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.

**Hostile environment caused by sexual harassment** is created by a teacher, supervisor, co-worker, or fellow student whose actions, communication, or behavior result in making it impossible for a person to do his/her job or to learn. This means that the behavior altered the terms, conditions, and/or reasonable expectations of a comfortable work or learning environment for employees. Additionally, the behavior, actions or communication must be discriminatory in nature.

Example: A co-worker/fellow student who talks loudly, snaps her/his gum, and leans over a person’s desk when she/he talks with a person is demonstrating inappropriate, rude, obnoxious behavior, but doing so does not create a hostile work/learning environment. On the other hand, a co-worker/fellow student who tells sexually explicit jokes and sends around images of nude people is guilty of sexual harassment and creating a hostile work/learning environment.

Example: A supervisor who verbally berates a subordinate about his/her age, religion, gender, or race may be guilty of creating a hostile work environment. This is especially true if the employee asked the supervisor to stop and the behavior continues.

Example: A student verbally berates another student about his/her age, religion, gender, or race may be guilty of creating a hostile learning environment. This is especially true if the student asked the other student to stop and the behavior continues.

**Stalking**, including cyber-stalking, is a course of intentional conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other people’s safety, or to suffer substantial emotional distress.
Title IX Coordinator is the person who oversees the complaint investigation and resolution protocol, documents the findings and decisions, and maintains official records.

Title IX investigators gather evidence; interview the complainant, respondent, and witnesses; and prepare a report of findings.

**TITLE IX RESOURCES**

**Title IX Coordinator:** The College’s Title IX Coordinator oversees the handling of all Title IX reports and complaints of sexual misconduct as outlined in the College’s Sexual Misconduct Complaint Resolution Protocol. See *Investigation and Resolution* (page R-17) for additional information. The Coordinator is also responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Paulette Tonn Booker  
Manager of Human Resources  
217 Old Main  
titleix@blc.edu  
507-344-7840  
Emergencies: 507-344-7888 (ask Security to contact Ms. Booker)

In addition to the Title IX Coordinator, the College has identified employees whose responsibilities include reporting, investigating, adjudicating, and providing counseling and support services. See Title IX Directory at the end of this document for list and contact information.
RIGHTS OF THE PARTIES
Complainants and respondents in allegations of sexual misconduct are provided with the following rights in accordance with any proceeding used to reach a decision regarding whether a violation of the sexual misconduct policy has occurred. The proceeding will be conducted in a prompt, fair, and impartial manner that
- is consistent with Bethany Lutheran College’s policies,
- includes timely notice of meetings at which the complainant and respondent, or both, may be present, and
- provides timely and equal access to the complainant, respondent, and appropriate Bethany officials to any information (consistent with FERPA or other applicable law) that will be used during informal or formal disciplinary meetings and hearings.

Complainant’s Rights
Reporting a violation
- Notify police or campus authorities.
- Decline to notify police or campus authorities.
- Obtain assistance from campus authorities to notify police.
- Request confidentiality to protect personally identifying information.

Assistance following an incident
- Obtain orders of protection, no-contact order, restraining order, other similar orders issued by criminal, civil, or tribal court, or by Bethany Lutheran College.
- Change of academic, living, transportation, working situations if requested by complainant and reasonably available, regardless of whether complainant reports offense to campus or local policy.
- Obtain assistance from the Crime Victim Justice Unit:

  Crime Victim Justice Unit
  Office of Justice Programs
  Bremer Tower, Suite 2300
  445 Minnesota Street
  St. Paul, Minnesota 55101
  1-800-247-0390, extension 3
  Website: [http://www.ojp.state.mn.us](http://www.ojp.state.mn.us) (help for crime victims)

  The Minnesota Crime Victims Reparations Board can also be contacted for assistance with out-of-pocket non-property-related expenses if the crime occurs in Minnesota and has been reported to the police: 1-888-622-8799.

Investigation and resolution process
- Choose not to participate in any investigation or disciplinary proceeding, without repercussion.
- Review any written statement that will be offered by the respondent (to the greatest extent
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possible and consistent with FERPA or other applicable law).

• Speak on own behalf.
• Present evidence on own behalf.
• Name witnesses who can speak about the alleged conduct at issue.
• Have others present during internal disciplinary proceedings, including the opportunity to be accompanied to any related meeting by an advisor or support person who may take notes and advise the complainant, but may not otherwise participate.
• Receive written result of any proceeding.

Appeal

• Appeal the result of the complaint process.
• Receive written notice of any change to the results before the results are final.
• Receive written notice of appeal result.

Respondent’s Rights

Investigation and resolution process

• Receive written explanation of the alleged violations of the policy.
• Speak on own behalf.
• Present evidence on own behalf.
• Name witnesses who can speak about the alleged conduct at issue.
• Have others present during internal disciplinary proceedings, including the opportunity to be accompanied to any related meeting by an advisor or support person who may take notes and advise the respondent, but may not otherwise participate.
• Receive written result of any proceeding.

Appeal

• Appeal the result of the complaint process.
• Receive written notice of any change to the results before the results are final.
• Receive written notice of appeal result.
OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL ASSAULT

Immediate Assistance

1. Get immediate help.

   Go to a safe place and call any of the following:

   - 911
   - Don Moldstad, Chaplain (507-387-5456); confidential resource
   - Paulette Tonn Booker, Title IX Coordinator (507-344-7840; after hours call Security at 507-344-7888 and ask them to contact Ms. Booker); may not be able to guarantee confidentiality
   - Campus Security (507-344-7888)
     Campus Security will call the Mankato Department of Public Safety in case of an imminent threat to students and/or employees. A law enforcement officer will respond and speak with survivors about their options for making a formal report of the incident.
   - SAFELINE (1-800-630-1425)
   - Committee Against Domestic Abuse (CADA): 800-477-0466 or 507-625-3966 (24 hours a day/7 days a week)

2. Preserve any evidence found on or in the body. At the very least, the employee or student should consider not immediately taking a shower or washing or destroying the clothes worn at the time of the assault. The employee or student can also seek medical treatment from the organizations noted in #3 below or from their own medical doctor to collect evidence of the sexual assault.

   Evidence found in phone records (texting), e-mails, and/or social media (Facebook, Pinterest, etc.) should also be preserved.

   The College will assist the employee or student, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with the incident, and in preserving any materials relevant to a College disciplinary proceeding.

   CADA, an off-campus victim service agency, can also provide support and assistance in cases of sexual assault: 800-477-0466 or 507-625-3966 (24 hours a day/7 days a week).

3. Seek appropriate medical care as soon as possible for injuries, preventive treatment for sexually transmitted diseases, and other health services. Treatment can be sought before
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reporting the assault to the police or to Campus Security. Even if the student or employee does not want to report the incident to the police, or it is has been a while since the assault, he or she may still need and benefit from medical attention.

Mankato Clinic Urgent Care
1230 East Main Street, Mankato, MN 56001
507-625-7684
Monday-Friday: 8 a.m. - 8 p.m.
Saturday: 8 a.m. - 5 p.m.
Sunday: 11 a.m. - 5 p.m.

Mayo Clinic Health System (emergency room)
1025 Marsh Street, Mankato, MN 56001
507-625-4031 OR 800-327-3721

SAFELINE: 1-800-630-1425

4. File criminal charges with the police department, if desired. Designated staff members (e.g., director of facilities or student services staff) will help the employee or student in reporting the assault to the police and/or in filing a criminal charge. Designated staff members will also accompany the complainant to the police station upon request.

5. Consider filing a formal complaint with the College as soon as possible by contacting Paulette Tonn Booker, Title IX Coordinator (507-344-7840).

Ongoing Assistance
The College will, in cooperation with law enforcement authorities, shield the employee or student from unwanted contact with the alleged respondent by assisting her/him in seeking a restraining, protective, or judicial no-contact order when requested. In addition, the student or employee can request academic or work accommodations and interim measures, even if she/he chooses not to pursue a complaint.

Requests for assistance should be directed to the Title IX Coordinator in person (217 Old Main) or by e-mail (titleix@blc.edu) or telephone (507-344-7840 office). Any accommodations or protective measures provided to the respondent will be kept confidential except where doing so would prevent the College from providing the accommodation or protective measure.

Students can request a transfer to alternative classes or alternative College-owned housing, if these options are available and feasible. Student can also request to withdraw from or retake a class without penalty, as well as request academic support such as tutoring. The College can also change the course schedule and/or living arrangement of the alleged respondent, as needed. The College will also provide assistance with financial aid and visa/immigration issues as needed.
Employees can request a transfer to another position or schedule, if these options are available and feasible.

Additional advocacy resources for both students and employees include:

CADA (off-campus victim service agency)
800-477-0466 or 507-625-3966
24 hours a day/7 days a week

Mental Health Counseling: The College maintains an on-campus Personal Counseling Center (207 Luther Hall) staffed by WLCFS – Christian Family Solutions counselors. Students and employees can request an appointment with a WLCFS counselor by calling 1-800-438-1772 or on-line at https://appointment.christianfamilysolutions.org/request-appointment.

Employees and students can also contact the following organizations for counseling services:

Blue Earth County Mental Health Center  507-389-8319
Minnesota Crisis Connection  866-379-6363
WLCFS Crisis Line  800-438-1772
REPORTING POLICIES AND PROTOCOLS

Confidentiality
Students and employees have several formal, informal, and alternative options with different levels of confidentiality and privacy for reporting allegations of sexual misconduct. Employees and students are encouraged to ask about a person’s ability to maintain confidentiality and privacy before offering any information about alleged incidents.

While some of the College’s reporting resources may be able to maintain confidentiality relative to information shared with the College, they may have reporting or other obligations under state law, such as Clery Act crime statistics, mandatory reporting of child abuse and neglect, imminent harm to self and others, requirements to testify if subpoenaed in criminal case, etc. In these cases, personally identifying information will not be reported to the extent allowed by law.

Students and employees who, at first, request and are granted confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement and, thus, have the incident fully investigated.

Requesting confidentiality
Employees and students may request confidentiality at the time they report an alleged incident. The person to whom the incident has been originally reported will contact the Title IX Coordinator who, along with a vice president of the College, will evaluate the request based upon several factors including:

• The increased risk that the alleged respondent will commit additional acts of sexual or other violence, such as:
  o whether there have been other sexual violence complaints about the same alleged respondent;
  o whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence;
  o whether the alleged respondent threatened further sexual violence or other violence against the complainant or others;
  o whether the sexual violence was committed by multiple respondents;
• whether the sexual violence was perpetrated with a weapon;
• whether the complainant is a minor;
• whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and
• whether the complainant’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will
likely respect the complainant’s request for confidentiality and will take immediate action as necessary to protect and assist the complainant.

There may be times when, in order to provide a safe, non-discriminatory environment for all students and employees, the College may not be able to honor a complainant’s request for confidentiality.

If the College determines that it cannot maintain a victim’s confidentiality, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with individuals involved in the College’s investigation and resolution protocol. The complainant can choose not to participate in any investigation or disciplinary proceeding, without repercussion.

The College will remain mindful of the complainant’s well-being, and will take on-going steps to protect the victim from retaliation or harm and will work with the victim to create a safety plan. Retaliation against the complainant, whether by students or College employees, will not be tolerated. The College will also:

- assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include assisting the complainant in seeking a restraining, protective, or judicial no-contact order; helping arrange a change of living or working arrangements or course schedules (including for the alleged respondent pending the result of an investigation) or adjustments for assignments or tests; and
- inform the complainant of the right to report a crime to campus or local law enforcement, and provide the complainant with assistance if the victim wishes to do so.

If the College determines that it can respect a complainant’s request for confidentiality, the College will take immediate action as necessary to protect and assist the complainant. Students and employees must understand that if they request and are granted confidentiality, the College may be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the alleged respondent. However, if the College determines that the alleged respondent(s) poses a serious and immediate threat to the College community, Campus Security may be called upon to issue a timely warning to the community which will not include any information that identifies the complainant. The College may also take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged respondent or revealing the identity of the complainant.

Reports of sexual violence, including non-identifying reports, will prompt the college to consider broader remedial action such as increased monitoring, supervision, or security at locations where the reported sexual violence occurred; increased education and prevention efforts; and/or revisiting policies and practices.
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Documentation concerning the investigation of the incident will be kept confidential and will not become part of the student conduct or employee official personnel record but will, instead, be kept in a separate, secure location. Documentation of any disciplinary action taken or sanctions imposed will become part of the student conduct record or the employee official personnel record.

Reporting Options
As noted above under confidentiality, students and employees have several formal, informal, and alternative options for reporting allegations of sexual misconduct. Employees and students are encouraged to ask about a person’s ability to maintain confidentiality and privacy before offering any information about alleged incidents. Reports may be submitted in person or by phone or e-mail, as noted below.

Students and employees have the option to notify or to decline to notify either Campus Security or local police. Reporting to the police department is not necessary for the College to proceed with its investigation.

Formal Reporting Options
Action will be taken if a report is filed with any of the entities listed below.

- Report the incident to any responsible employee listed in the Title IX Directory at the end of this document (page R-26).

These employees can offer assistance, call 911 and Campus Security (507-344-7888) if needed, and report the incident, including personally identifying details, to the Title IX Coordinator.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report. A responsible employee will not share information with law enforcement without the complainant’s written consent or unless the complainant has also reported the incident to law enforcement.

The College will take immediate action as necessary to protect and assist the complainant. Employees and students must understand that if they request, and are granted confidentiality, the College may be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the alleged respondent. However, if the College determines that the alleged respondent(s) poses a serious and immediate threat to the College community, Campus Security may be called upon to issue a timely warning to the community which will not include any information that identifies the complainant.

Reported incidents will be recorded in the Clery Act crime statistics, without personally identifying details. Campus Security Authorities (see Title IX Directory for list; page R-24) are responsible for reporting allegations of Clery Act crimes that have been brought to their
attention and that they conclude were made in good faith. Alleged crimes must be reported regardless of whether or not the victim chooses to file a report with law enforcement or to press charges.

- File a formal complaint with the Title IX Coordinator: Paulette Tonn Booker, Manager of Human Resources, 217 Old Main; 507-344-7840; titleix@blc.edu. The Title IX Coordinator will assess the safety of the complainant and the campus, provide resources and information to the complainant, and initiate the investigation process.

- File criminal charges with the police department as soon as possible. Designated staff members (e.g., director of facilities or residential life staff) will accompany the complainant to the police station upon request.

Informal Reporting Resources

**Action may or may not be taken** if a report is filed with the following:

- *Confidential* resources generally will share information only if there is an imminent risk to the employee, student, or others. However, these resources may have reporting or other obligations under state law, such as Clery Act crime statistics, mandatory reporting of child abuse and neglect, etc. Positions in this category are the Chaplain and pastoral counselor faculty (see Title IX Directory for contact information, page R-25).

- OCR: Individuals with complaints of sexual misconduct who do not feel the College is addressing the charge of discrimination have the right to file a formal complaint with the United States Department of Education, Office for Civil Rights (OCR). The person filing the complaint need not be a complainant of the alleged sexual misconduct, but may complain on behalf of another person. More information can be found about filing a complaint at [http://www2.ed.gov/about/offices/list/ocr/complaints-how.html](http://www2.ed.gov/about/offices/list/ocr/complaints-how.html).

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 sexual misconduct 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 the Title IX Coordinator (507-344-7840; titleix@blc.edu).

Immunity

The College encourages the reporting of incidents of sexual misconduct. At times complainants or witnesses may be hesitant to report to College officials or to participate in any proceeding 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 immunity from
policy violations related to the reported incident to complainants and witnesses who are students. 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 sexual misconduct.

Preserving Evidence
In cases of alleged sexual assault, preserving evidence found on or in the body is vitally important for a fair and impartial investigation and resolution process. At the very least, the employee or student should consider not immediately taking a shower or washing or destroying the clothes worn at the time of the assault. The employee or student can seek medical treatment from the organizations noted below or from her/his own medical doctor to collect evidence of the sexual assault.

Mankato Clinic Urgent Care
1230 East Main Street, Mankato, MN  56001
507-625-7684
Monday-Friday: 8 a.m. - 8 p.m.
Saturday: 8 a.m. - 5 p.m.
Sunday: 11 a.m. - 5 p.m.

Mayo Clinic Health System (emergency room)
1025 Marsh Street, Mankato, MN  56001
507-625-4031 OR 800-327-3721

Evidence found in phone records (texting), e-mails, and/or social media (Facebook, Pinterest, etc.) should also be preserved.
INVESTIGATION AND RESOLUTION
The College will use the protocol outlined below to investigate and resolve, in a prompt, fair, and impartial process, all allegations of misconduct brought to the Title IX Coordinator. The College reserves the right to adjust the protocol as dictated by the circumstances.

The College’s Title IX Coordinator oversees the handling of all Title IX reports and complaints of sexual misconduct. The Coordinator is also responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Paulette Tonn Booker
Manager of Human Resources
217 Old Main
titleix@blc.edu
Office: 507-344-7840
Emergencies: 507-344-7888 (ask Security to contact Ms. Booker)

In addition to the Title IX Coordinator, the College has identified employees whose responsibilities include reporting, investigating, adjudicating, and providing counseling and support services. See Title IX Directory at the end of this document (page R-24) for contact information.

Conflict of Interest
Students and employees who wish to raise an issue regarding a potential conflict of interest with the investigators and/or adjudicators responsible for resolving the complaint should submit the concern in writing to the Title IX Coordinator at the time that the investigators and adjudicators are identified. If the conflict of interest is deemed valid, the College will appoint another adjudicator to resolve the complaint.

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 sexual misconduct 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 the Title IX Coordinator (507-344-7840; titleix@blc.edu).

Investigation Protocol
All allegations of sexual misconduct brought to the attention of the Title IX Coordinator will be investigated and resolved within a 60-day period once the formal complaint is submitted, using the protocol outlined below, unless the complainant requests and is granted confidentiality. In general, the steps and anticipated timelines are as follows. Both the complainant and respondent
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will be notified in writing in a timely manner of the need to change the timeline, including the reason for the delay and the expected timeframe for completing the process.

Investigation: 20 business days (3 weeks)
Review and response to statements: 14 calendar days (2 weeks)
Adjudication: 5 business days (1 week)
Additional investigation (if requested by adjudicator): 10 business days (2 weeks)
Resolution: 5 business days (1 week)

Employees and students must understand that if they request and are granted confidentiality, the College may be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the alleged respondent. However, if the College determines that the alleged respondent(s) poses a serious and immediate threat to the College community, Campus Security may be called upon to issue a timely warning to the community which will not include any information that identifies the victim. The College may also take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged respondent or revealing the identity of the complainant.

The College reserves the right to adjust the time period as dictated by circumstances and will notify the complainant and respondent simultaneously in writing of any adjustment and the reason for the adjustment. For example, if the complainant, respondent, or witnesses are not available to be interviewed, the investigation’s timeline may have to be adjusted.

In the case of a police investigation, and upon request by the police department, the College may temporarily delay its investigation until the police have finished gathering evidence, with the understanding that the College will proceed with its own investigation apart from any police investigation or court proceedings.

The purpose of the investigation will be to gather facts that the adjudicator(s) will use to determine whether the College’s sexual misconduct policy was violated.

During the investigation and resolution stages of the complaint process, the College will, in cooperation with law enforcement authorities, shield the employee or student from unwanted contact with the alleged respondent by assisting him/her in seeking a restraining, protective, or judicial no-contact order when requested. In addition, the student or employee can request interim measures, even if she/he chooses not to pursue a complaint. See Options for Assistance Following an Incident of Sexual Assault for additional information (page R-9).

The Title IX Coordinator will, upon receipt of a complaint:
• assess the immediate safety and well-being of the complainant and the campus, in consultation with appropriate campus officials,
• notify the complainant of her/his rights to contact (or not to contact) law enforcement and to seek medical treatment,
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- notify the complainant of the importance of preserving evidence,
- identify resources available to the complainant,
- offer accommodations/interim measures,
- discuss complaint resolution options (informal; formal with full investigation; mediation is not appropriate for complaints of sexual assault), and
- initiate investigation process.

The investigator(s) will:
- maintain confidentiality to the extent possible under the parameters of the sexual misconduct policy,
- conduct interviews, gather and review available evidence, and
- prepare a fact-finding report for the adjudicator(s).

Resolution Protocol
Bethany Lutheran College will use an administrative proceeding to resolve all sexual misconduct complaints.

The Title IX Coordinator will consult with College administration to identify appropriate adjudicators whose responsibility will be to determine whether the sexual misconduct policy was violated and, if the policy was violated, to assign relevant sanctions and/or remedies. To avoid potential conflicts of interest, more than one adjudicator may be identified.

In general, the Dean of Students will serve as the primary adjudicator in resolving student-student complaints. The Dean reserves the right to appoint a review panel to assist in the decision-making and sanctions process.

In cases of student-employee and employee-employee complaints, a vice president will serve as the primary adjudicator, again reserving the right to appoint a review panel. In cases where a vice president is named as a respondent or as a witness in a complaint, the president serves as the adjudicator. If the president is named as a respondent or as a witness, the matter will be referred to the Board of Regents for resolution.

Adjudicator(s) will use the *preponderance of evidence* standard (more likely than not…) in reviewing the evidence and investigator report to determine whether the College’s sexual misconduct policy was violated and, if the policy was violated, what sanctions, if any, will be imposed. The adjudicator may request that the investigator(s) collect additional information as needed.

Upon final decision and sanction determination, if any, the adjudicator will notify the complainant and respondent simultaneously in writing of the result (initial, interim, and final), any relevant sanctions and/or remedies, the rationale for the result and sanction, and the appeal process.
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The College will not require the complainant or respondent to abide by a non-disclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the result of the proceeding.

Possible results of the adjudication process
Sanctions
Employees
• oral or written warnings
• probationary status
• suspension
• demotion
• termination
• mandatory counseling or training

Students
• warning (oral or written or reprimand)
• probation
• required compliance with a sanctioning directive
• restriction of privileges
• housing suspension or expulsion
• suspension
• expulsion
• withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions
• revocation of admission to the College

Remedies, accommodations, protective measures for complainant
To the extent possible, the College will take appropriate, reasonable steps to protect the safety and well-being of the complainant, including but not limited to:
• separation from respondent (changes in work schedules or job location, course schedules, and/or living arrangements)
• academic support services (tutoring)/accommodations
• course withdrawal or retake without penalty
• counseling services

Additional remedies for the college community
The College will undertake, to the extent possible, additional remedies as dictated by the circumstances, such as increased training to prevent sexual misconduct; additional written education materials (policies and resources); reviewing campus security relative to monitoring, supervision, or security at locations where the reported sexual violence occurred; and/or revisiting other policies and practices.
Appeal
The complainant and respondent have the right to appeal the adjudicator’s decision, with the exception of the president of the college serving as the adjudicator, in which case no appeal is granted. Grounds for an appeal include presentation of new evidence, concerns about procedural errors and/or an unfair investigation, or concerns about the severity of the sanction(s).

The written appeal, including the basis for the appeal, must be submitted to the Title IX Coordinator within five (5) business days (employees) or five (5) class days (students) after the complainant and respondent are notified of the adjudicator’s decision. If the notification occurs during the last 5 class days of the academic year, a five (5) business-day timeframe will be used for both employee and student complaints.

A copy of the appeal will be delivered to the complainant or respondent, as appropriate, who will be given an opportunity to respond in writing and to provide additional evidence. Upon receipt of the response, the Title IX Coordinator will forward the appeal and response to an appropriate decision-maker (vice president or the president) who will review the file. The decision maker may elect to appoint an Advisory Committee (faculty and/or staff) that would review the original findings and recommendations and submit its findings and/or recommendations in writing to the decision-maker in a timely manner. At the discretion of the decision-maker and/or the request of the Advisory Committee, the Title IX Coordinator may be asked to provide additional information.

Upon review of the file and Advisory Committee findings/recommendations (if such committee is appointed), the decision-maker will render a decision and notify the complainant and respondent simultaneously in writing in a timely manner. The decision-maker will also give a copy of the notification to the Title IX Coordinator for placement in the official records.

The appeal decision shall be final.
PREVENTION AND EDUCATION
The College’s primary prevention and awareness programs and ongoing campaigns consist of the following:

New Student Orientation (primary prevention; new students)
All students participate in orientation sessions including “Staying Safe @ BLC” which addresses the risk factors inherent in the college experience, smart decision making, and available supportive resources.

Specific information includes:
1. Resources in personal safety including campus security, counseling, campus nurse, etc.
2. References to the Student Guidebook and where information can be found on sexual misconduct policy, sexual misconduct reporting, and bystander information
3. Definitions including sexual misconduct, stalking, relationship violence
4. Information about making wise choices in a new environment
5. Risk factors related to sexual assault, including alcohol, drugs, and new environment
6. Video training clips from ‘360 Stay Safe’ with discussion before and after each clip
   • Title 3: Protecting Possessions and ID
   • Title 4: Sexual Assaults
   • Title 7: Every Day Safety
   • Title 8: Common Sense Defense
7. Bystander intervention training
   • Reference and discussion regarding on-line resources and Student Guidebook
   • Video training from assorted YouTube clips
8. Resources available to students for reporting and support

Printed Poster Campaign (primary and ongoing prevention; students and employees)
Printed posters stating that Bethany Lutheran College does not tolerate sexual misconduct, relationship violence, or stalking, are placed in public restrooms (Fine Arts Center, Honsey Hall, Memorial Library, Meyer Hall, Old Main, Sports and Fitness Center, Trinity Chapel, Tweit Hall) and in prominent student areas such as bathrooms and residence halls. Additional information includes what to do, reporting options, and resources.

On-line (primary and ongoing prevention; students and employees)
The complete sexual misconduct policy, resources, and bystander intervention information can be found at http://blc.edu/student-guide/sexual-misconduct (students) or https://secure.blc.edu:8888/human-resources/employee-handbook (Appendix R; employees).

Course Embedded (primary prevention/new students; ongoing, supports earlier training)
Freshman Seminar (FRSM101) includes one entire class session dedicated to sexual misconduct awareness and education. The class period occurs around the fourth week of classes and enhances what was presented in the “Staying Safe @ BLC” videoclips and discussion during new student orientation. This time period was selected because it is still early in the new student
experience, and research suggests that this is a time when new students are statistically more vulnerable (first 8-9 weeks).

Topics covered include bystander intervention; defining sexual misconduct, relationship violence, and stalking; and information about resources available to students for reporting and support. An assessment instrument is used at the end of the class to collect data on value and effectiveness, and to enhance future presentations.

**Video Campaign** (primary and ongoing prevention; students)
“*It’s On Us*” video campaign, designed and produced by students as a peer-to-peer educational tool, with launch tentatively scheduled for Fall 2015.

**Residential Life Staff**
Training is embedded into the annual resident assistant training and covers the sexual misconduct policy, bystander intervention, and procedures to follow should RAs encounter students who may be the object of sexual misconduct.

**Fall Workshop** (ongoing prevention; employees)
Each August during the Fall Workshop, the College reviews the sexual misconduct policy, bystander intervention, and procedures to follow should someone encounter students or employees who may be the object of sexual misconduct.

**Assessment for Value, Effectiveness and Outcome** (yet to be developed)
A brief survey will be electronically administered to all participants following training sessions asking for appropriate and actionable feedback on each training session to help guide future educational outreach to increase value and effectiveness.

**TRAINING**
The college also undertakes the following annual training:
1. Title IX Coordinator training
2. Investigation protocol (Title IX investigation team; off-site training; review training manual)
3. Adjudication protocol (dean of students, vice president of academic affairs; off-site training; review training manual)
4. Reporting protocol (*confidential resources, responsible employees/Campus Security Authorities*; review training manual)
5. Tabletop exercises of the college’s emergency response protocol (administration; review/revise protocol)
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TITLE IX DIRECTORY

Title IX Coordinator

Paulette Tonn Booker
Manager of Human Resources
217 Old Main
titleix@blc.edu
Office: 507-344-7840
Emergencies: 507-344-7888 (ask Security to contact Ms. Booker)

Adjudicators

Ted Manthe
Vice President of Student Affairs
236 Old Main
tmanthe@blc.edu
Office: 507-344-7745

Eric Woller
Vice President of Academic Affairs
221 Old Main
ewoller@blc.edu
Office: 507-344-7790

Investigators

Juel Merseth
Director of Facilities
115 Old Main
juel.merseth@blc.edu
Office: 507-344-7854
Cell: 507-351-3975

Andrew Rustad
Coordinator of Design and Communication
203 President’s Hall
arustad@blc.edu
Office: 507-344-7599
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Mary Jo Starkson
Registrar
228 Old Main
mstarkson@blc.edu
Office: 507-344-7310

Estelle Vlieger
Assistant Director of Admissions
261 Old Main
evlieger@blc.edu
Office: 507-344-7722

REPORTING RESOURCES
Students and employees have several formal and alternative options with different levels of confidentiality and privacy for reporting allegations of sexual misconduct. Employees and students are encouraged to ask about a person’s ability to maintain confidentiality and privacy before offering any information about alleged incidents.

Confidential Resources are faculty or staff who serve as pastoral counselors in that they are formally trained and ordained clergy called by the College and granted certain pastoral privileges. Confidential resources share information only if there is an imminent risk to the student, employee, or others. They may also have reporting or other obligations under state law, mandatory reporting of child abuse and neglect, etc.

Don Moldstad
Director of Spiritual Life/Chaplain
111 Trinity Chapel
donm@blc.edu
Office: 507-344-7312
Cell: 507-387-5456

Mark DeGarmeaux
Professor, Religious Studies/Latin/Norwegian
115 Memorial Library
mgarmeaux@blc.edu
Office: 507-344-7429

Doyle Holbird
Professor, Biology
208 Meyer Hall
dholbird@blc.edu
Office: 507-344-7753
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Responsible Employees (campus security authorities) by job title (action will be taken when report is filed)

IN CASE OF EMERGENCY, CALL 507-344-7888 and ask Security to contact the person with whom you wish to speak.

Assistant Dean of Residential Life
Matt Behmer (interim)
238 Old Main
matt.behmer@blc.edu
Office: 507-344-7600
Cell: 763-516-1967

Assistant Director of Athletics
Ryan Kragh
206B Sports and Fitness Center
ryankragh@blc.edu
Office: 507-344-7868
Cell: 507-304-1690

Building monitors
Meyer Hall monitor desk
507-344-7780
YFAC monitor desk
507-344-7374

Campus Nurse
Lisa Brown
111 Luther Hall
lisa.brown@blc.edu
Office: 507-344-7511
Cell: 507-382-5329

Coordinator of Student Activities and Intramurals
Renee Tatge
203 Sports and Fitness Center
renee.tatge@blc.edu
Office: 507-344-7826
Cell: 507-304-2811
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Dean of Students
Ted Manthe
236 Old Main
tmanthe@blc.edu
Office: 507-344-7745

Director of Athletics
Don Westphal
201 Sports and Fitness Center
dwestphal@blc.edu
Office: 507-344-7320
Cell: 507-381-4703

Director of Facilities
Juel Merseth
115 Old Main
juel.merseth@blc.edu
Office: 507-344-7854
Cell: 507-351-3975

Faculty advisors to student groups

B-Town Drumline
Adrian Lo
112 Ylvisaker Center
alo@blc.edu
Office: 507-344-7372

Bethany Activities Committee
Renee Tatge
203 Sports and Fitness Center
renee.tatge@blc.edu
Office: 507-344-7826
Cell: 507-304-2811

Bethany Business Club
Shane Bowyer
329 Honsey Hall
shane.bowyer@blc.edu
Office: 507-344-7535
Cell: 507-380-9947
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Bethany Law Club
Sara Edwards
233 Honsey Hall
sara.edwards@blc.edu
Office: 507-344-7523
Cell: 507-514-4409

Bethany Organization of Student Scientists (BOSS)
Chad Heins
209 Meyer Hall
chad.heins@blc.edu
507-344-7327

Colleges Against Cancer
Estelle Vlieger
261 Old Main
estelle.vlieger@blc.edu
Office: 507-344-7722

Cross Terrain Sports Club
Ted Manthe
236 Old Main
tmanthe@blc.edu
Office: 507-344-7745

Paul Ylvisaker Center for Personal and Public Responsibility
Djem Ferkenstad
Edgewood Place
dferkenstad@blc.edu
Office: 507-382-4312

Psychology Club
Jonathan Stadler
325 Honsey Hall
jonathan.stadler@blc.edu
Office: 507-344-7837

Scholastic Leadership Society (SLS)
Shane Bowyer
329 Honsey Hall
shane.bowyer@blc.edu
507-344-7535
Cell: 507-380-9947
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Sigma Tau Delta
Lars Johnson
221 Honsey Hall
Lars.johnson@blc.edu
507-344-7731

STORM

Student-Athlete Advisory Committee

Student Senate
Ted Manthe
236 Old Main
tmanthe@blc.edu
Office: 507-344-7745

World Club
Susan Harstad
110 Ylvisaker Center
Susan.harstad@blc.edu
Office: 507-344-7365
Cell: 651-399-9585

Head Coaches

Basketball (men)
Greg Holzhueter
202 Sports and Fitness Center
greg.holzhueter@blc.edu
Office: 507-344-7436
Cell: 507-327-2127

Basketball (women)
Lyle Jones
148 Tweit Hall
lyle.jones@blc.edu
Office: 507-344-7352
Cell: 507-317-7081
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**Baseball**
Ryan Kragh
206B Sports and Fitness Center
ryan.kragh@blc.edu
Office: 507-344-7868
Cell: 507-304-1690

**Country Country** (men and women)
204 Sports and Fitness Center
Office: 507-344-7426

**Golf** (men)
Daniel Mundahl
204 Old Main
dmundahl@blc.edu
Office: 507-344-7739

**Golf** (women)
Ryan Kragh
206B Sports and Fitness Center
ryan.kragh@blc.edu
Office: 507-344-7868
Cell: 507-304-1690

**Indoor/Outdoor Track** (men)
204 Sports and Fitness Center
Office: 507-344-7426

**Indoor/Outdoor Track** (women)
205 Sports and Fitness Center
Office: 507-344-7792

**Soccer** (men)
Rob Pipal
146 Tweit Hall
r.pipal@blc.edu
Office: 507-344-7861
Cell: 507-382-6827
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Soccer (women)
Derick Lyngholm
208 Honsey Hall
dlyngholm@blc.edu
Office: 507-344-7384
Cell: 763-242-9090

Softball
Renee Tatge
203 Sports and Fitness Center
renee.tatge@blc.edu
Office: 507-344-7826
Cell: 507-304-2811

Tennis (men and women)
Andrew Krueger
319 Honsey Hall
andy.krueger@blc.edu
Office: 507-344-7358

Volleyball
John Olmanson
207 Sports and Fitness Center
john.olmanson@blc.edu
Office: 507-344-7724
Cell: 651-470-9137

Manager of Human Resources
Paulette Tonn Booker
217 Old Main
ptbooker@blc.edu
Office: 507-344-7840

Resident and Apartment Managers

Anderson Hall
Jessica Zimmerman
jzimmerman@blc.edu
507-344-7600
Cell: 507-217-7519
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Edgewood Place  
Aaron and Djem Ferkenstad  
aaron.ferkenstad@blc.edu 
djem.ferkenstad@blc.edu  
Cell: 507-382-4312

Gullixson Hall  
Greg Holzhueter  
greg.holzhueter@blc.edu  
507-344-7450  
Cell: 507-327-2127

Teigen Hall  
Matt and Beth Behmer  
matt.behmer@blc.edu  
beth.behmer@blc.edu  
507-344-7600  
Cell: 763-516-1967

Resident Assistants  
Resident assistant contact information is given directly to students who reside in their assigned buildings, as well as posted at the RA stations on each floor.

Title IX Coordinator  
Paulette Tonn Booker  
Manager of Human Resources  
217 Old Main  
titleix@blc.edu  
Office: 507-344-7840  
Emergencies: 507-344-7888 (ask Security to contact Ms. Booker)

Vice President of Academic Affairs  
Eric Woller  
221 Old Main  
ewoller@blc.edu  
Office: 507-344-7790

Vice President of Student Affairs  
Ted Manthe  
236 Old Main  
tmanthe@blc.edu  
Office: 507-344-7745