

# Racial and Ethnic Harassment Policy

## Bethel University and Bethel University Foundation

### Purpose and Policy

Bethel University and the Bethel University Foundation (hereinafter referred to as Bethel) are committed to principles that enable the educational and professional enhancement of men and women of all ethnic and racial groups. Bethel seeks to emphasize the importance of being an authentically diverse community in pursuit of growth, awareness, and appreciation of both our own diversity as well as that which exists in the broader world. Bethel will not tolerate racial or ethnic harassment by or against its students, faculty, or staff. All community members must comply with this policy, whether on campus or off campus, when engaged in activities sponsored by Bethel, or otherwise related to Bethel or its business. Such activities include, but are not limited to classes, seminars, meetings, and study abroad programs. In addition, visitors, volunteers, vendors, consultants, third parties, or any person that provides services to Bethel are required to comply with the provisions of this policy.

If a member of the Bethel community has a concern or has become aware of an instance of possible racial or ethnic harassment involving a student, faculty or staff member, the Compliance Officer must be contacted immediately. Bethel will investigate and take prompt corrective action against any racial or ethnic harassment by or against its community members. Bethel has adopted the following harassment policy and procedures as a basis for community guidance, education, and complaint resolution.

All complaints will be taken seriously and no one who acts in good faith to report racial or ethnic harassment, including third parties (e.g., vendors), will suffer actual or threatened retaliation or reprisal. Complaints of harassment will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and take corrective action.

If it is determined through an appropriate and prompt investigation that racial or ethnic harassment has occurred, effective corrective action will be taken to eliminate the harassment, attempt to ensure that it does not recur, and appropriately care for those who may have been harmed. Depending on circumstances and the severity of the conduct, corrective action will vary. Resolution steps could include one or more of the following for students: training, advising or coaching from student life or campus ministry professionals, reflection paper, behavioral probation, suspension, dismissal, or expulsion. For employees resolution steps could include one or more of the following: training, advising or coaching from a professional, verbal or written warning, or termination.

The purposes of this policy include:

- Prohibiting all forms of harassment based on race or ethnicity,
- Creating and promoting a positive work environment that is free from any form of harassment,
- Encouraging good faith complaints when harassment based on race or ethnicity has occurred, and
- Providing options for addressing and resolving complaints of racial and ethnic harassment.

### Definitions

#### **HARASSMENT BASED ON RACE OR ETHNICITY**

Racial harassment is a form of discrimination which violates federal and state law, including Title VII of the Civil Rights Act of 1964; the Minnesota Human Rights Act and Bethel policy.

"Racist and discriminatory conduct" means any behavior or communication that implicitly or explicitly demeans the race, color, ethnicity, ancestry, or national origin of an individual or individuals, and creates an intimidating, hostile, or demeaning environment for education, work, or other activity authorized by Bethel.

Harassment based on race or ethnicity is behavior that intentionally or unintentionally reflects prejudice by demeaning, belittling, or excluding any person or persons on the basis of racial or ethnic identity. To the extent that one group exercises power over other groups, or members of one group claim privileges over individuals of other groups on the basis of racial identity, their behavior is racist.

Examples of racist and discriminatory behaviors by a student, employee, official, or guest (including vendors) include:

1. Physical contact or attacks for racist and discriminatory reasons directed toward a Bethel student, employee, official, or guest.
2. Intimidation through the express or implied threat of force or violence directed toward the person, possessions, or residence of a Bethel student, employee, official, or guest.
3. Verbal assaults or comments based on ethnicity that demean the color, culture, or ancestry of a Bethel student, employee, official, or guest, and perpetuate stereotypical beliefs about and attitudes toward ethnic groups. Such behaviors may include name-calling, racial slurs, slang references, derogatory comments and jokes.
4. Nonverbal behavior that demeans the color, culture, or ancestry of a Bethel student, employee, official, or guest, and perpetuates stereotypical beliefs about and attitudes toward ethnic groups. Such behaviors may include gestures, portrayals, graffiti, offensive objects, or acts of exclusion or microaggressions.

### Terms

**COMMUNITY MEMBER**

Community member refers to Bethel's students, faculty, staff, visitors, volunteers, vendors, consultants, third parties, and any person that provides services to Bethel.

**VICE PRESIDENT OF DIVERSITY, EQUITY AND INCLUSION**

The Vice President of Diversity, Equity and Inclusion, who is also a Responsible Officer, provides leadership to ensure that the Bethel community advances diversity and dismantles racism and advances intercultural competency from an evangelical Christian orientation so that diversity and cultural competency are woven into the fabric of Bethel.

**COMPLIANCE OFFICER**

The Compliance Officer is the administrator to whom a complaint is reported. The Compliance Officer ensures the complaint is addressed according to policy and procedures. Cara Kuhn, Title IX Coordinator and Compliance Specialist, serves as the Compliance Officer with primary responsibility for oversight and enforcement of this policy, as well as identifying and addressing any systemic problems that arise during the review of complaints. Cara may be reached at [title-ix@bethel.edu](mailto:title-ix@bethel.edu) or 612-322-8908.

**COMPLAINT**

A complaint is an allegation that a student, employee, or applicant for admission or employment has been subjected to discrimination or harassment based on race or ethnicity.

**COMPLAINANT**

A complainant is an individual or group of individuals who believe that discrimination or harassment may have or has occurred.

**ETHNICITY/ETHNIC**

Ethnicity" and "ethnic" are terms used to refer either to a group of people who share certain cultural qualities such as nationality, culture, ancestry, language and beliefs or to those cultural qualities themselves.

**GRIEVANCE OFFICER**

A grievance officer is a faculty member, staff, or administrator appointed by the President, who is trained to respond to formal and informal complaints of harassment.

**PROCEEDING**

The term proceeding includes all activities, including but not limited to proceedings (both informal and formal), related to a non-criminal resolution of an institutional complaint, including: fact-finding investigations and formal or informal meetings. It does not include meetings between victims and officials regarding accommodations or protective measures.

**RACE**

"Race" is a socially defined division of humanity based on a person's physical appearance, such as skin color, eye color, hair texture, bone/jaw structure, etc.

**RESPONDENT**

A respondent is an individual or group of individuals against whom an allegation of racial or ethnic harassment is made.

**RESPONSIBLE OFFICER**

A Responsible Officer is an administrator who, in partnership with the senior administrator as applicable, adjudicates the complaint.

**RESULT**

A result is any initial, interim, and final resolution or decision by any official or entity authorized to resolve complaint matters within an institution. The result must include sanctions imposed. The result also must include the rationale for the result and the sanctions.

## Procedures

### Reporting Racial or Ethnic Harassment

If you have personally experienced any form of racial or ethnic harassment, tell someone as soon as possible. In order to initiate Bethel's response and resolution process under this Policy, you or another person must notify the Compliance Officer. If a member of the Bethel community has a concern or has become aware of an instance of possible racial or ethnic harassment involving a student, faculty or staff member, the Compliance Officer must be contacted immediately. You may also choose to remain anonymous and submit an online anonymous report: <https://www.bethel.edu/people-culture/complaints-concerns/submit-anonymous-report/>. This report is separate from initiating an informal or formal complaint through Bethel University.

### What happens when reporting racial or ethnic harassment also means reporting violation(s) of the Bethel Covenant?

When instances of racial or ethnic harassment have been reported, Bethel's concern is focused solely on learning all that is possible about what happened. In order to have a full and thorough investigation, it is important that all facts are shared with the Grievance Officers, even if some of those facts involve disclosing violations of the Bethel Covenant. It is important for complainants, respondents, and witnesses to know that they will not be disciplined in any manner, during or after the investigation, for reporting facts about the events that include violations of the Bethel Covenant. Bethel's sole focus is learning everything possible about what happened during the incident so that a finding and resolution can be reached.

### Support Services

It is strongly recommended that any individual involved in the resolution of a racial or ethnic harassment complaint seek personal support through relationships with a few trusted family members or friends. Additional support is available through Counseling Services or the Office of Christian Formation and Church Relations. Bethel reserves the right to provide accommodations during the investigation process to create a safe and affirming environment.

## Interim Measures

Interim protective measures, such as changing the work, transportation, living or academic environment, will be considered immediately for a complainant if necessary to address harassing behaviors while the complaint is under investigation. Bethel will make information available to complainants on the right to seek interim measures and will meet with the complainant to discuss any interim measures that are needed. In addition, the complainant may request an interim measure by contacting the Compliance Officer at any time.

## Investigation Overview

Bethel shall train all Responsible Officers and Grievance Officers appointed by the President to assist Bethel in responding to informal and formal complaints of racial or ethnic harassment. In addition to both white and persons of color representatives, representatives will include members of staff and faculty from each of the schools to ensure an unbiased investigation. The Compliance Officer shall regularly review all currently trained and appointed Grievance Officers with the President and ensure their training is current.

Bethel shall provide a prompt, fair, and unbiased investigation and resolution. The complainant and respondent are entitled to the same opportunities to have a support person present during a meeting or interview about the complaint. The complainant and respondent shall be simultaneously informed in writing of the outcome of any proceeding, right to appeal, any change in results that occurs prior to the time that such results become final and when such results become final.

There are two procedures to consider for addressing racial or ethnic harassment concerns, the Informal Complaint Procedure and the Formal Complaint Procedure. Both procedures are official and documented. All proceedings of informal and formal complaints are confidential and will be documented. If at any point in the process, the complainant declines to provide information or declines to participate further in the complaint process, Bethel will review the matter based upon all of the information gathered. All those involved in the process (complainant, respondent, witnesses, Responsible Officers, Grievance Officers, and others) are required to keep all information confidential, except as may be required by applicable law or court order.

## Informal Complaint Procedure

In the Informal Complaint Procedure, a complainant may discuss a racial or ethnic harassment concern with the Compliance Officer without putting the complaint in writing. During this meeting, the Compliance Officer will provide the complainant with a copy of the policy, discuss the informal and formal complaint procedures, and discuss the support assistance and interim measures available. A complainant has the right to access their description of the incident as it was reported to Bethel at any time. A complainant may elect to discontinue the informal complaint procedure and commence a formal complaint at any time.

If the complainant elects to move forward with the informal complaint procedure, in order to promptly respond, the Compliance Officer should ensure the following procedure is completed within ninety (90) calendar days of the date the complaint is received:

1. At least two (2) Grievance Officers, will meet with the complainant to understand the nature of the concern, collect any evidence, and obtain a list of witnesses. A written report of this meeting is completed and shared with the complainant for amendment.
2. The Grievance Officers will then meet with the respondent to understand the respondent's response to the complaint, collect any evidence, and obtain a list of witnesses. A written report of this meeting is completed and shared with the respondent for amendment.
3. The Grievance Officers will meet with any witnesses as necessary. A written report of each witness meeting is completed and shared with that witness for amendment.
4. The Grievance Officers will then meet with the complainant again to review any information gathered and to ask additional questions as needed.
5. The Grievance Officers will then meet with the respondent again to review any information gathered and to ask additional questions as needed.
6. The Grievance Officers provide a written summary of their recommended finding and resolutions to the Compliance Officer.
7. The Compliance Officer shares the Grievance Officers' finding and resolutions with the appropriate Responsible Officer(s) to determine the finding and resolutions.
8. The findings and resolutions are communicated to the complainant and respondent in writing.
9. If the parties agree, the resolutions are implemented and the informal process is concluded. If the parties do not agree upon a resolution, or at any time during the informal process, the complainant or respondent may initiate a formal complaint.

Whether or not the complainant files a formal complaint and/or the parties reach a resolution, Bethel may at its sole discretion initiate a formal investigation and take appropriate actions to attempt to fully resolve any harm that occurred and prevent any further harm.

The Compliance Officer shall keep a written record of the investigation and resolution.

## Formal Complaint Procedures

When informal complaint procedures are not possible or appropriate or fail to satisfactorily resolve the concern of racial or ethnic harassment, the complainant may file a formal written complaint with the Compliance Officer. The formal complaint procedure begins with an initial meeting between the complainant and the Compliance Officer in which the Compliance Officer will provide the complainant with a copy of the policy, discuss the formal complaint procedures, and discuss the support assistance and interim measures available. A complainant has the right to access their description of the incident as it was reported to Bethel at any time.

The following outlines the steps and timeline for the formal complaint procedure:

1. The complaint should describe in detail the alleged racial or ethnic harassment and the action the complainant requests to resolve the matter. All written complaints must be signed and dated by the complainant and, where known, should contain the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, a detailed description of the actions constituting the alleged racial or ethnic harassment, and any other relevant information. If possible, names, addresses, and phone numbers of witnesses or potential witnesses and any other evidence should also be included.
2. Within five (5) working days after receipt of the signed complaint, the designated Grievance Officers will review the complaint to determine if the complaint sufficiently describes the alleged racial or ethnic harassment.
  - If the complaint does not sufficiently describe a concern within the definition of racial or ethnic harassment under this policy, the complaint will be returned and other assistance may be recommended.

- If the complaint does not sufficiently describe the factual details of the concern so that a determination of racial or ethnic harassment can be made, the complaint will be returned and the complainant may submit an amended complaint providing enough factual details to allow a determination to investigate.
3. Within ten (10) working days of receiving a complaint or amended complaint, the Compliance Officer will notify the respondent that a formal complaint has been received and an investigation has begun. A copy of the written complaint and a copy of this policy will be provided to the respondent.
  4. Within the next ten (10) working days, the Grievance Officers will meet with the complainant to review the nature of the complaint and identify the scope and nature of the investigation. The Grievance Officers will also meet with the respondent to receive the respondent's response to the complaint, request names of witnesses, request evidence, and to review with the respondent the scope and nature of the investigation. A written report of each meeting is completed and shared with the individual being interviewed for amendment.
  5. The Grievance Officers shall thoroughly investigate the complaint. Prior to completing the investigation, the Grievance Officers shall meet again with the complainant and the respondent separately to give an overview of the steps taken during the investigation, to ask the complainant and the respondent for the names of any others the investigators should speak with, and to request any additional information. A written report of each meeting is completed and shared with the individual being interviewed for amendment.
  6. After completion of the investigation, the Grievance Officers shall meet with the Responsible Officer(s) and the senior administrator(s) responsible for the involved student, faculty or staff member to review the Grievance Officers' report and reach conclusion based on a preponderance of evidence (i.e., more likely than not standard) regarding the allegations and appropriate corrective action(s), if any.
  7. It is the goal of these procedures that, to the extent possible, the above steps be completed within ninety (90) calendar days of receiving the formal complaint. The Responsible Officer(s) and senior administrator(s) shall forward to the complainant and respondent all of the following:
    - a summary of the investigative report including the conclusion reached as to whether racial or ethnic harassment did or did not occur with respect to each allegation in the complaint and the rationale for that conclusion,
    - a description of resolutions, if any, to resolve any racial or ethnic harassment that occurred, and to prevent similar issues from occurring in the future, and
    - a description of the complainant's and respondent's right to appeal either the finding or the appropriateness of the corrective action(s).

## Sanctions

Depending on circumstances and the severity of the conduct, corrective action will vary. Resolution steps could include one or more of the following for students: training, advising or coaching from student life or campus ministry professionals, reflection paper, behavioral probation, suspension, dismissal, or expulsion. For employees resolution steps could include one or more of the following: training, advising or coaching from a professional, verbal or written warning, or termination. Sanctions may be imposed on an individual who knowingly provided false information or initiated in bad faith a claim of racial or ethnic harassment.

## No Retaliation

Federal and state law, as well as Bethel policy, prohibits retaliation, threats of retaliation, suspension, or discharge against persons for raising good faith concerns regarding racial or ethnic harassment. Any retaliatory conduct is subject to disciplinary actions.

## Appeal Rights

1. If the complainant or respondent is not satisfied with the results of the formal procedures and the final determination, the complainant or respondent may submit a written appeal to the University President, or his or her designee, within ten (10) calendar days of the receipt of the determination.
2. The appeal will be considered by a committee appointed by the President, or his or her designee, comprised of five (5) different Responsible Officers and/or Grievance Officers not involved in the formal investigation. The complainant and respondent may each propose one committee member for consideration.
3. Within thirty (30) calendar days after receipt of the appeal, the committee will meet to review and evaluate the investigative report and determination, reach its conclusion by majority vote, and communicate its conclusion in the form of an advisory recommendation to the President, or his or her designee. At the discretion of the committee, any party or witness may be asked to appear before the committee to clarify or supplement the record.
4. The President, or his or her designee, shall issue a decision in writing to the complainant and respondent within ten (10) calendar days of the receipt of the committee's recommendation. Such decision shall be Bethel's final decision in the case.

**Regardless of whether a complaint has been received, Bethel may, at any time and at its sole discretion, initiate an investigation of or take action against any racial or ethnic harassment occurring within the Bethel community. In the event that the complainant does not wish to pursue the complaint process, any response by the University may be hindered by the complainant's wishes for anonymity and/or inaction.**