

Bethel University's Policy on Sexual Misconduct Prevention and Response in Athletics

I. Introduction

Bethel University ("Bethel" or the "University") is committed to promoting a campus free from sexual misconduct. On April 27, 2021, the NCAA issued a revised Policy on Campus Sexual Assault, which applies to all NCAA members, including Bethel. Bethel has adopted this Policy on Sexual Misconduct Prevention and Response in Athletics to comply with the NCAA's requirements and to further its commitment to preventing sexual misconduct.

This policy is intended to incorporate and supplement Bethel's other policies and resources related to this issue. For information about the University's expectations to pursue a campus free from sexual misconduct, the steps for recourse for those individuals who have been subject to sexual misconduct, and the procedures for determining whether a violation of University policy has occurred, see the University's Title IX Policy and Procedures ("Title IX Policy") and Sexual Misconduct Policy and Procedures ("Sexual Misconduct Policy") available at: <https://www.bethel.edu/people-culture/complaints-concerns/sexual-misconduct/>.

The Title IX Policy and Sexual Misconduct Policy and Bethel's efforts to prevent and respond to sexual misconduct are overseen by Bethel's Title IX Coordinator, Abby Woodley. Abby's contact information is below:

Abby Woodley
Bethel University
Student Life Office
3900 Bethel Drive
St. Paul, MN 55112
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II. Definitions

For purposes of this Policy, the following definitions apply.

Respondent refers to an individual who has been reported to be the perpetrator of conduct that would constitute sexual, interpersonal, or other acts of violence.

Title IX Proceeding refers to any Title IX or other institution disciplinary proceeding.

Interpersonal Violence as used in the NCAA Policy on Campus Sexual Violence and this Policy refers to violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence as defined by the University's Title IX Policy and Sexual Misconduct Policy.

Sexual Violence as used in the NCAA Policy on Campus Sexual Violence and this Policy is a term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape, including Sexual Assault as defined by the University's Title IX Policy and Sexual Misconduct Policy.

Other Acts of Violence as used in the NCAA Policy on Campus Sexual Violence and this Policy refers to crimes including murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury.

III. Policy and Resources Related to Sexual Misconduct

Bethel's Athletics Department is informed on, integrated in, and compliant with the University's Title IX Policy and Sexual Misconduct Policy, including the policy and process regarding sexual misconduct prevention and proper adjudication and resolution of acts of sexual and interpersonal violence. The Athletics Department cooperates with investigations in compliance with the University's Title IX Policy and Sexual Misconduct Policy.

Additionally, the Athletics Department annually reviews the NCAA's most current Checklist Recommendations of the NCAA Sexual Violence Prevention Toolkit, and uses it as a guide for resources to conduct ongoing, comprehensive education for student-athletes, coaches and athletics administrators.

Bethel has designated Associate Athletic Director, Gretchen Hunt, to oversee the Athletics Department's strategies, in conjunction with the Title IX Coordinator and other campus administrators, to implement and evaluate sexual misconduct prevention efforts for athletics staff, coaches and student-athletes. Contact information for Gretchen is below:

Gretchen Hunt
Bethel University
Office RC 200
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(651) 638-6790
gretchen-hunt@bethel.edu

The University's Title IX Policy and Sexual Misconduct Policy are readily available on the University's website and are provided to student-athletes.

In addition to its Title IX Coordinator and Associate Athletic Director, Bethel has many other resources available for sexual misconduct prevention, and to assist individuals who believe they may have been subject to or are concerned about an act of sexual misconduct, including sexual violence and interpersonal violence as defined by this policy. More information about these resources can be found in the University's Title IX Policy and Sexual Misconduct Policy. Bethel's Athletics Department is informed on and integrated with these resources.

IV. Training Related to Sexual and Interpersonal Violence Prevention, Intervention, and Response

All student-athletes, coaches, and staff affiliated with the Athletics Department are required to undergo annual training related to sexual and interpersonal violence prevention, intervention, and response. The Athletics Department/Title IX Office offers annual programming related to these topics. If you have not undergone this training, or have not yet scheduled this training, please contact the Associate Athletic Director to promptly arrange for this training.

V. Mandatory Annual Disclosures for Student-Athletes

All incoming, continuing, or transfer student-athletes must annually complete a disclosure form (the "Disclosure Form") and a FERPA release (the "Release") prior to the commencement of their athletic season. The Disclosure Form requires student-athletes to inform the University:

- Whether they have been disciplined through a Title IX proceeding for sexual violence, interpersonal violence, or other acts of violence (as those terms are defined above);
- Whether they left a former institution while they were a respondent in a Title IX proceeding regarding allegations of sexual violence, interpersonal violence, or other acts of violence prior to the completion of the pending proceeding; or
- Whether they have been criminally convicted of sexual violence, interpersonal violence, or other acts of violence.

Each incoming, continuing, and transfer student-athlete must return the Disclosure Form and the Release provided by the Associate Athletic Director prior to the start of their respective athletic season. Student-athletes will not be allowed to participate in their respective athletics team or program prior to confirmation of receipt of the completed Disclosure Form and Release for that year. Students should contact the Associate Athletic Director or the Title IX Coordinator with any questions regarding completing the Disclosure Form and Release.

Every student-athlete is obligated to disclose all relevant information, fully and honestly. If it is discovered that a student-athlete omitted or failed to disclose relevant information (including covered discipline, a transfer prior to the completion of the pending proceeding, or a conviction) or failed to provide truthful information, the failure to fully and truthfully disclose could result in sanctions, including but not limited to the loss of eligibility to participate in athletics as determined by the Associate Athletic Director and Title IX Coordinator.

A student-athlete's truthful disclosure of responsive information is not necessarily a bar to admission or participation in Bethel athletic programming. Bethel will carefully assess all disclosed information and make an individualized assessment consistent with Bethel's commitment to preventing sexual misconduct, considering the nature and gravity of any disclosed conduct, the accuracy of the disclosure, the relevance of any disclosed information to the campus community and educational activities, and whether the student-athlete engaged in any mitigating or rehabilitative efforts related to the disclosed information.

All information disclosed in the Disclosure Form and pursuant to the below ongoing obligation will be considered private and will only be shared with other Bethel employees on a need to know basis or with others as needed to carry out this policy, as permitted by law.

VI. Student-Athletes' Ongoing Obligation to Disclose Relevant Information

If, after submitting a Disclosure Form for a given athletic season, a student-athlete is disciplined through a Title IX proceeding for sexual violence, interpersonal violence, or other acts of violence or is criminally convicted of sexual violence, interpersonal violence, or other acts of violence, the student-athlete must promptly self-disclose this information to the Associate Athletic Director. Failure to promptly self-disclose pursuant to this section may result in sanctions, including but not limited to the loss of eligibility to participate in athletics as determined by the Associate Athletic Director and Title IX Coordinator.

If a student-athlete is disciplined through a Bethel Title IX and/or Sexual Misconduct proceeding for sexual violence, interpersonal violence, or other acts of violence, the Title IX Coordinator will

contact the Associate Athletic Director to confirm the student-athlete has appropriately self-disclosed this information.

VII. Reasonable Steps to Confirm Disclosures

Bethel will take reasonable steps to confirm whether incoming, continuing, and transfer student-athletes have been disciplined through a Title IX proceeding for sexual violence, interpersonal violence, or other acts of violence, left an institution prior to the completion of a pending Title IX proceeding for sexual violence, interpersonal violence, or other acts of violence, or were criminally convicted of sexual violence, interpersonal violence, or other acts of violence.

a. Student-Athlete's Prior Institution

For all transfer student-athletes, when it is known that the individual will be a student-athlete at Bethel, the University will request relevant information from the student-athlete's prior higher education institution.

b. Additional Reasonable Steps

In instances when a student-athlete discloses they have been found responsible during a Title IX proceeding for sexual violence, interpersonal violence, or other acts of violence, transferred prior to the completion of a pending Title IX proceeding into allegations of sexual violence, interpersonal violence, or other acts of violence, or has been criminally convicted of sexual violence, interpersonal violence, or other acts of violence and in instances when information has been brought to the attention of the University that a student-athlete may have been untruthful in their Disclosure Form, the Associate Athletic Director, Title IX Coordinator, or their designee will take reasonable steps to confirm information provided on the student-athlete's Disclosure Form. Additionally, Bethel reserves the right to take reasonable steps to confirm the accuracy of a Disclosure Form when a student-athlete indicates they have nothing to disclose, even if the University has not received information suggesting that the student-athlete has been untruthful.

When deciding whether further methods of information gathering are warranted and deciding how to conduct any additional information gathering, Bethel will adhere to all applicable state and federal laws and will apply its information gathering methods in a fair and equitable manner.

All information gathered during these reasonable steps will be considered private and will only be shared with other Bethel employees on a need to know basis or with others as needed to carry out this policy, as permitted by law.

c. Student-Athlete Obligation to Cooperate

In addition to the disclosure requirements described above in sections V. and VI. of this policy, each student-athlete is required to cooperate with any reasonable steps undertaken by the University to confirm the information provided on the Disclosure Form. This includes truthfully answering any follow-up questions related to the disclosure, responding to requests for additional information and/or documentation, and consenting to the disclosure of information from other educational institutions or other sources as applicable. A student-athlete's failure to cooperate with any follow-up requests may result in sanctions, including but not limited to the loss of eligibility to participate in athletics as determined by the Associate Athletic Director and Title IX Coordinator.

VIII. Cooperation with Other Institutions

Consistent with federal and state law, Bethel will share relevant discipline information and information regarding pending Title IX proceedings with other NCAA member institutions when a student-athlete attempts to transfer or enrolls at a new college or university.

IX. Recordkeeping

The University will maintain all completed Disclosure Forms, as well as any records from any information gathering process pursuant to this policy in compliance with the University's record retention policies. The Associate Athletic Director and Title IX Coordinator are responsible for maintaining these records. The records will be treated as confidential and shared only on a need-to-know basis, as required by law, or to carry out this policy.