



**Code of Student
Community Standards
2022-2023**

Ferris State University does not discriminate on the basis of race, color, religion or creed, national origin, sex, sexual orientation, gender identity, age, marital status, veteran or military status, height, weight, protected disability, genetic information, or any other characteristic protected by applicable State or federal laws or regulations in education, employment, housing, public services, or other University operations, including, but not limited to, admissions, programs, activities, hiring, promotion, discharge, compensation, fringe benefits, job training, classification, referral, or retention. Retaliation against any person making a charge, filing a legitimate complaint, testifying, or participating in any discrimination investigation or proceeding is prohibited.

Students with disabilities requiring assistance or accommodation may contact Educational Counseling & Disabilities Services at (231) 591-3057 ecds@ferris.edu in Big Rapids (including statewide students) or the Director of Counseling and Disability Services for Kendall College of Art and Design (KCAD) at (616) 451-2787 ext. 1136 MarieYowitz@ferris.edu in Grand Rapids. Employees and other members of the University community with disabilities requiring assistance or accommodation may contact the Human Resources Department, 420 Oak St., Big Rapids, MI 49307 or call (231) 591-2150 HumanResources@Ferris.edu. Inquiries and complaints of disability discrimination may be addressed to the Director of Accessibility, Arts, Sciences and Education Commons 1017, 820 Campus Dr., Big Rapids, MI 49307 or by telephone/email at (231) 591-3057 JulieAlexander@ferris.edu or to the Director of Equal Opportunity, 120 East Cedar St., Big Rapids, MI 49307 or by telephone/email at (231) 591-2152 EqualOpportunity@ferris.edu.

Individuals with complaints of sex discrimination, including sexual harassment, may address those complaints to the Title IX Coordinator, 805 Campus Dr., Big Rapids, MI 49307 or by telephone/email at (231) 591-2088 KaitlinZies@ferris.edu or to a Deputy Title IX Coordinator, including the Director of Equal Opportunity, as above; the Extended and International Operations Director of Student Services, 151 Fountain St. NE, Grand Rapids, MI 49503 or by telephone/email at (616) 643-5741 JocelynGoheen@ferris.edu.

Other inquiries or complaints of discrimination may be addressed to the Director of Equal Opportunity, as above.

CODE OF Student Community Standards

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Office of Student Conduct Overview



Office of Student Conduct Overview



(231) 591-3619



Ferris Student Code
ferris.edu/studentcode



theosc@ferris.edu



129 David L. Eisler Center

Office of Student Conduct Mission

The mission of the Office of Student Conduct is to enhance student learning, personal development, and a student's role as a responsible citizen in an ethical community that is conducive to and focused on academic and personal success.

University "Bulldog" Values

Your commitment to being a student at Ferris State University begins with an understanding of and appreciation for the Core Values of the institution which are:

- Collaboration
- Diversity
- Ethical Community
- Excellence
- Learning
- Opportunity

Embodied in the University's Core Values are certain expectations of you as a member of our learning community, including, but not limited to, the following:

As a Ferris State University student, you will be an active learner. You are at Ferris to learn and grow.

- It is expected that you attend class. Appropriate class attendance includes being on time, coming prepared, and being attentive.
- It is expected that you study. Studying is an intentional, deliberate act requiring hard work. This includes seeking out the various resources designed to help you be academically successful.
- It is expected that you will treat your professors and fellow classmates with courtesy and respect.
- It is expected that you will be ethical in your scholarship and will practice academic integrity. This includes properly crediting others for their ideas that you may find useful.

As a Ferris State University student, you will take responsibility for your health and wellness. Your holistic health and wellness contribute to your learning and growth.

- Eating properly, getting adequate sleep and exercise are all factors in maintaining your health and that good health is conducive to your success.
- The use/abuse of alcohol and other drugs is detrimental to your health and a potential barrier to your success.
- Your well-being is your responsibility and to make use of appropriate University resources to assist you as needed.

As a Ferris State University student, you will be an ethical member of the University community. Your actions can impact your educational experience and the experience of others in your community.

- It is expected that you respect the rights and property of others, recognizing that this includes the larger community of Big Rapids.
- It is expected that you will discourage bigotry and strive to learn from differences in people, opinions, and ideas.
- It is expected that you abide by the Student Code of Community Standards and the laws of the State of Michigan.
- It is expected that you involve yourself in leadership, service, and/or personal development opportunities outside of the classroom as part of your comprehensive educational experience.

Educational Philosophy & Priority for Conduct

The Office of Student Conduct at Ferris State University is **oriented toward educational goals and outcomes**. The conduct process at Ferris is designed to encourage students to consider the impact of their choices and behavior on their life and learning goals, as well as the greater academic and Big Rapids community.

The Office of Student Conduct works collaboratively with a variety of jurisdictions and campus services in and around the Ferris and Big Rapids community to provide a safe, educational and ethical community where respect, responsibility, accountability, dignity, diversity, and fundamental fairness are valued.

Student Conduct Learning Outcomes

The Office of Student Conduct believes in providing community education through the conduct process and community programming. As a result of these educational efforts, students will be able to...

1. Explain the effect of their behavior on the community and their responsibility to play an important role in creating a positive community for everyone.
2. Recognize the impact of their choices and behavior on their life and learning goals, as well as the greater academic community and Big Rapids community.
3. Propose alternative life choices and evaluate those decisions as they relate to their role in the community and their own goals as a member of this community.
4. Demonstrate personal responsibility for actions, take ownership for decisions, and become increasingly invested in their social and educational experiences.
5. Recognize various campus resources that can help them better prepare for success in the educational environment, including their Conduct Case Manager.

Section I: Mission & Definitions



Code of Student Community Standards

Section I: Mission & Definitions

Educational Mission

Ferris State University exists to afford quality educational programs and experiences for the benefit of the students and communities it serves. In order to operate effectively, the University community requires a system of order in which its members, including the faculty, students, administration, and staff, support the educational functions and objectives of the University. It is the responsibility of each member of the University to promote standards of personal integrity that are in harmony with the educational mission of the institution.

Rights & Freedoms

As a member of the University community, students are expected to respect and value the rights of others, support the academic environment, and encourage the proper use of University facilities. Students are expected to observe national, state, and local laws as well as University rules, regulations, and policies. However, in developing this policy, the University wishes to reaffirm its traditional support of freedom of speech, freedom of inquiry, and freedom to dissent.

Code of Student Community Standards

The Code of Student Community Standards, the “Code” which is the official policy of the University, is comprised of principles and policies on Student Rights, Student Dignity, Misconduct, Victims’ Rights, Alcohol and Other Drug Policies, Disciplinary Procedures, and other principles and procedures.

Implementation

The 2022-2023 Code of Student Community Standards was implemented on August 12, 2022.

Definition of Terms in the Code

For the purposes of this code, the following definitions shall apply.

1. The term “**University**” means Ferris State University.
2. The term “**student**” includes the following:
 - a. A person who has been notified of their acceptance for admission to Ferris State University, who is admitted and enrolled in any credit-bearing course or program in any school or division of Ferris State University, or who is a continuing student between academic periods.
 - b. A person who resides in Ferris State University housing, whether or not that person is enrolled in any school or division of Ferris State University.
 - c. A person was enrolled at the University at the time of the incident, but has since withdrawn while disciplinary matters are pending.
3. The term “**faculty member**” means any person hired by the University to conduct classroom responsibilities.
4. The term “**Director of Student Conduct**” means the Director and all designees as assigned, including Conduct Case Manager. The Director of Student Conduct has experience and extensive training on issues related to dating violence, domestic violence, sexual assault, and stalking as well as the procedures for conducting investigation and conduct conference processes that protect the safety of the complainants and promote accountability.

5. The term “**Vice President for Student Affairs**” means the Vice President and all appropriate designees as assigned.
6. The terms “**University official**” or “**staff member**” includes any person employed by the University, performing assigned administrative, professional, or para-professional responsibilities.
7. The term “**Campus Security Authority**” is defined as "An official of an institution who has significant responsibility for student and campus activities.¹"

Students can report crime to any campus security authority, including, but not limited to, University police, local police, Vice Presidents, Associate Vice Presidents, Deans, Associate Deans, Directors, Assistant Directors, Department Heads, Educational Counselors, Registered Student Organization Advisors, Hall Directors, Residence Hall Advisors, Coordinator of Student Life, Inter Fraternity Council Advisor, Student Recreation Center staff, PTM Director/Manager Racquet & Fitness Center, PTM Administrative Assistant, Athletic Coaches and Assistant Coaches, Athletic Director, Associate Athletic Director, Director of Student Conduct, and Student Conduct Specialist.

8. The term “**Title IX**” refers to Title IX of the Education Amendment of 1972 and the related regulations and guidance, specifically as it relates to sexual harassment, gender discrimination and harassment, sexual assault, and sexual violence. The Title IX Office and the Office of Student Conduct have adopted specific procedures for ending the discrimination, preventing its recurrence, and remedying the effects of the discrimination.
9. The term “**Complainant**” is defined as any person or group who submits a complaint alleging that a student violated this Student Code of Community Standards. When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under this Student Code of Community Standards as are provided to the complainant when required by law, even if another member of the University community submitted the complaint itself². Although the term complainant is used throughout the Code, the University recognizes it is not a term that is all-encompassing of an individual’s experiences, particularly when an act of violence is involved.
10. The term “**Respondent**” is defined as a student (as previously defined by Ferris State University) who is alleged to have violated the Code of Student Community Standards.
11. The term “**Witness**” is defined as an individual who has had direct presence/involvement in an incident and/or who was provided with information regarding the incident directly from the respondent(s), alleged complainant(s), or both. This also may include individuals, who in their professional capacity, have contributed information which led to allegations and subsequent charges.
12. The term “**Advisor**” is defined as any individual chosen by the complainant or respondent to provide support before, during, and after the conduct conference process. This person may be an attorney, but at no point may this individual represent in place of the individual they are there to support.
13. The term “**Conduct Case Manager**” is defined as any University official who is authorized by the Director of Student Conduct to meet with students regarding alleged violations of the Code of Student Community Standards, to recommend appropriate charges and outcomes, and to monitor the completion of assigned educational and/or administrative outcomes.

¹ As defined by the Ferris State University business policy 2013:10, Clery Act Compliance

² As defined in the “Model Code” by Ed Stoner & John Lowery

14. The term “**Student Conduct Appeals Officer**” is the Vice President of Student Affairs or their designee who is authorized to determine the merits of an appeal request, and to uphold, modify, or dismiss a decision made by the Office of Student Conduct.
15. The term “**day(s)**” is defined as calendar days, unless otherwise noted, excluding those when the University is considered closed.

Time Limitations

1. Time limitations that are specified in the following sections of this code may be extended for a reasonable period of time if an extension is justified by good cause under the totality of circumstances.
 - a. A respondent in a conduct conference may make a request for an extension of a specific time limitation.
 - b. A request for an extension must be submitted in writing to the Office of Student Conduct.
2. If a time limitation is not specified for a particular action under this code, the action must be taken or conducted promptly or within a reasonable period of time as determined from a consideration of the totality of the circumstances.
 - a. A respondent in a conduct conference may make an appropriate objection concerning the promptness or reasonableness of the time within which an action is taken or a proceeding is conducted.
 - b. An objection must be made to the person conducting the conduct conference regarding the matter.

Student Rights & Responsibilities

Student Rights

Each Ferris State University student has the right to the following:

1. The freedom to exercise all of their citizenship rights, without University interference or fear of University disciplinary action for such activity.
2. All the rights guaranteed by the Constitution and laws of the United States and the State of Michigan.
3. Freedom from discrimination or harassment on the basis of race, sex, age, religion, national origin, disability, sexual orientation, or gender identity under federal and state laws. For more information on the Ferris State University Non-Discrimination Statement, please visit the following website: <https://www.ferris.edu/non-discrimination>.
4. Information pertaining to their academic standing, graduation requirements, and course requirements.
5. Confidentiality of their records, consistent with federal and state laws, and University policies.
6. Join associations of their common interest(s).
7. Peacefully protest, demonstrate, or picket as long as it does not disturb the functions or operations of the University.

8. Initiate a complaint that may bring about an investigation and/or disciplinary action involving another member of the University academic community.
9. Be provided all pertinent information that may be considered part of their conduct conference.
10. Not to be falsely accused of violating policies of the *Code of Student Community Standards*.

Student Responsibilities

1. Free Inquiry and Expression

Ferris State University, like all academic institutions, exists for the advancement of knowledge, the pursuit of truth, the development of students, and the promotion of the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. Students are expected to exercise their freedom to learn with responsibility and to respect the general conditions that maintain such freedom. Enjoyment of the freedoms described here depends in part on a student maintaining effective communication with the University.

2. Maintaining Local and Permanent Address

Ferris State University expects all students to maintain a current local and permanent address. Addresses may be updated online at MyFSU.ferris.edu (select the "Student" tab, the "MyRecords" icon, then the "Verify/Update Address" link) or in person at the Timme Center for Student Services.

3. Regularly Check & Respond to University Notices via Email

It is the student's responsibility to regularly check their Ferris State University email and respond to University notice appropriately. The University has developed general regulations concerning student conduct, which safeguard the right of every individual student to exercise fully the freedom to learn without undue interference.

4. Abide by University Policies

By entering into Ferris State University's educational community, you are agreeing to abide by Ferris policies. Our policies maintain a safe and educational environment for you and others to learn and grow in. This responsibility includes the responsibility to comply with directives from university officials and to be honest.

Section II: University Disciplinary Procedures



Code of Student Community Standards³

Section II: University Disciplinary Procedures

Due Process & Equal Protection

Ferris State University's procedures for imposing administrative and educational outcomes are designed to:

1. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made through a conduct conference,
2. Provide students the guarantees of due process and procedural fairness,
3. Ensure equal protection for all students,
4. And provide for the imposition of similar outcomes for similar acts of misconduct.

At the same time, the procedures reflect the need to be concerned about the individual student involved in a particular case. The procedures therefore provide that the imposition of disciplinary outcomes must also be based upon a consideration of all the circumstances in a particular case, including a student's prior record of misconduct, if any.

Jurisdiction

On and Off Campus. The Ferris State University Code of Student Community Standards shall apply to conduct that occurs on Ferris State University property, at Ferris State University sponsored activities, and to off campus conduct that adversely affects the health and safety of the Ferris State University community and/or the pursuit of its objectives.

From Admission to Graduation. Each student shall be responsible for their conduct from the time of their admission at Ferris State University through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, and even if the conduct is not discovered until after a degree is awarded.

After Withdrawal if Incident Occurred While Student. Additionally, the Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Director of Student Conduct shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis, at their sole discretion.

Registered Student Organizations. Individuals who are a part of an RSO which violates university policy may be held responsible for their own individual conduct. Information regarding policies and procedures applying to Registered Student Organizations (RSO) may be found in the *Registered Student Organization Handbook* published by the Center for Student Involvement (CSI). Any individual involved with an RSO is encouraged to read the RSO Handbook.

Disciplinary Procedures for Individual Misconduct⁴

Applicability of Procedures

- a. Disciplinary proceedings for acts of individual misconduct are governed by the following procedures.

³ Portions of the Ferris State Code of Student Community Standards is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.

⁴ For more information about the differences between the Ferris State University student conduct system and the court system, please see Appendix A.

- b. Disciplinary proceedings for an act of individual misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the Vice President for Student Affairs and the Vice President for Academic Affairs agree otherwise.
- c. The disciplinary procedures in this section do not supersede proceedings involving the alleged violation of campus motor vehicle and Housing and Residence Life contractual provisions, though violations of related policies may be referred for disciplinary action. The procedures likewise do not govern proceedings involving the university's use of "registration holds" to collect money from students.
- d. The Sexual Harassment and Related Title IX Grievance Process is the exclusive process for addressing complaints of sexual harassment involving students and occurring on campus and/or in the University's educational programs, or activities. Complaints of sexual harassment/misconduct that do not fall within the scope of the Sexual Harassment and Related Title IX Grievance Process involving student respondents will be addressed through the procedures set forth in Section III of the Code of Community Standards.

Amnesty

For complainants and witnesses

Ferris State University encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many individuals as possible choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, individuals who in good faith report conduct prohibited by this policy, either as a complainant or a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol, drugs, or other minor policy violations at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

For medical emergencies

In instances in which a student calls Public Safety, contacts Housing staff, or another health and safety entity for assistance with an alcohol or other drug related emergency, the individual calling, those present in the immediate vicinity or the student in need of assistance, will not be subject to disciplinary action by the University for their own personal consumption of alcohol, drugs, or other minor policy violations at or near the time of the incident. In order to qualify for medical amnesty, medical attention must be received at the time of the incident.

Abuse of amnesty requests can result in a decision by the Director of Student Conduct not to extend amnesty.

To support student wellbeing, students involved in situations that qualify for amnesty related to medical emergencies may be expected to engage in required educational tasks after the incident. Failure to complete educational requirements may result in a student conduct process for failing to comply with university directives.

Initiation of Proceedings

- a. A report that a student has committed an act of individual misconduct may be filed by any person.
- b. A report that a student has committed an act of individual misconduct must be submitted in writing to the Director of Student Conduct or appropriate designees.
- c. After reviewing a complaint, the Director of Student Conduct has the discretion to decide whether disciplinary proceedings should be instituted.
- d. If the Director of Student Conduct decides to initiate proceedings, the case will be assigned to a Conduct Case Manager.

- e. A student may request that the case be or not be assigned to a specific Conduct Case Manager or committee member, with the understanding that the Director of Student Conduct has complete discretion over the eventual assignment.
- f. Due process⁵ will be afforded to all Ferris State University students when charged with violating University regulations or policies.

Notice of Conduct Conference

- a. The Director of Student Conduct shall send notice of the conduct conference to the student's Ferris email account. In rare circumstances, the Director may also send notice of the conduct conference to the student's local or permanent address as it appears in the official records of the University to be delivered by U.S. postal service or campus mail. ***The University considers it a student's responsibility to check their Ferris email regularly and respond to disciplinary notification in a timely manner no later than the date requested in the notification.***
- b. The notice shall inform the student of the following:
 - 1. The **opportunity to read all written reports and findings** from any investigation regarding the circumstances and allegations of the case.
 - 2. The **opportunity to attend a conduct conference**. A student's conduct conference shall be scheduled minimally three days after the date of the notice. However, a student may waive their right to this three day period to prepare.
 - 3. The **opportunity to give a response** to the reports and to offer any additional information which might help in the resolution of the case.
 - 4. The **opportunity, during the conduct conference, to review all information and ask questions** (or choose NOT to ask questions) related to the case information that may adversely affect the student.
 - 5. The **opportunity to present witnesses** who may substantiate information related to the incident. A list of witnesses must be submitted no later than one business day before the conduct conference. The Director of Student Conduct or Conduct Case Manager reserves the right to limit the number of witnesses based on the relevancy to the facts of the case. Character witnesses are generally not considered relevant.
 - 6. The **opportunity to have an advisor** present during the conduct conference; the advisor may not participate in presenting the case, question witnesses, or make statements during the conduct conference.
 - 7. Lastly, a **student is not required to attend their conduct conference or answer any questions** asked during the conduct conference; the choice to remain silent will not be taken as an admission of responsibility. However, a decision will be made in the student's absence and based on information available at the scheduled time of the conduct conference.

Conduct Conference

- a. A conduct conference shall be conducted before a Conduct Case Manager at the discretion of the Director of Student Conduct, or their designee. Conduct conferences are closed to the public.⁶
- b. A Conduct Case Manager is generally an employee of the University who has received training to act in such capacity.

⁵ For more information, please see Appendix C: What is Proper Due Process

⁶ The NCHERM Group Model Code Project, 2013.

- c. In certain circumstances, a second conduct case manager or a conduct case manager contracted with from outside of Ferris may be used because of their expertise or ability to provide insight.
- d. The Conduct Case Manager shall maintain necessary order and shall make all rulings necessary for a fair, orderly, and expeditious conduct conference.
- e. The Conduct Case Manager may question any witnesses.
- f. When it appears necessary to avoid undue hardship, the Conduct Case Manager may, at their discretion, grant a reasonable postponement of the conduct conference, especially in circumstances where additional immediate support services are required (i.e. medical or mental health/emotional support).
- g. The decision of the Conduct Case Manager shall be based upon matters presented and introduced at the conduct conference and must be based upon a preponderance of the evidence (A determination whether the violation was more likely to have occurred than not).
- h. The Conduct Case Manager shall make a finding as to whether the student has committed only the violation(s) as charged based on a preponderance of the evidence. If the Conduct Case Manager or committee reaches a finding of "responsible", the Conduct Case Manager or committee shall, after review of any disciplinary record the student may have, require one or a combination of the disciplinary outcomes (Administrative and Educational) enumerated under this code.
- i. A student will receive written notice of a decision and any applicable outcomes within a reasonable time frame. Cases requiring additional investigation may require additional time.
- j. If the student fails to attend their conduct conference after proper notification by the Office of Student Conduct, the conduct conference will proceed and a decision may be made in their absence. Or if the accused student withdraws from the institution prior to the adjudication of their case and the former student chooses not to appear, the conduct conference will proceed and a decision may be made in their absence. A representative may not appear in lieu of the respondent.

Rights of the Respondent

In the interest of providing a fair and equitable process, Ferris State University has policies established to ensure the rights of the respondent/alleged. For cases involving allegations of sexual misconduct, these policies mirror the rights afforded to the complainant (See Code of Student Community Standards: Section III).

The University has established the following applicable rights for the respondent:

- a. A written notice of the alleged violation(s)
- b. The right to be advised of proper channels for support and appropriate resolution.
- c. The right of the respondent to have an advisor accompany them throughout disciplinary proceedings. An advisor is any individual chosen by the complainant or respondent to provide support before, during, and after the conduct conference process. This person may be an attorney, but at no point may this individual represent in place of the individual they are present to support.
- d. The right of the respondent to determine their level of involvement in the conduct conference process. However, it is always preferable that the respondent be present during the conduct conference process.
- e. The right to challenge any individual serving as a Conduct Case Manager on the basis of bias.
- f. The right not to have irrelevant past conduct discussed during the conduct conference and only considered as part of the outcome determination process, where appropriate.

- g. The right to review all reports and relevant information that is to be considered during the conduct conference or conduct conference process. Evidence will be available to the complainant, when required by law.
- h. The opportunity to present material witnesses (those with firsthand knowledge of the incident) who may substantiate information related to the incident. A list of witnesses must be submitted no later than one business day before the conduct conference. The Director of Student Conduct or Conduct Case Manager reserves the right to limit the number of witnesses based on the relevancy to the facts of the case. Character witnesses are generally not considered relevant.
- i. The right to receive written notice of a decision and any applicable outcomes within a reasonable time frame. Written notice of a decision will be sent concurrently to the complainant, when required by law.
- j. The opportunity to submit an appeal, subject to the conditions of the appeal process, by the deadline date stated in the written outcome of the conduct conference. The respondent will also be apprised that, when required by law, the complainant may appeal the initial decision.
- k. The right to be treated with dignity and respect throughout the process.

Notice of Decision & Opportunity for Appeal

- a. The respondent will receive written notification of the decision of the conduct conference within a reasonable time frame.
- b. The respondent, if found responsible, will have the opportunity to submit an appeal, subject to the conditions of the appeal process, within seven (7) calendar days of receiving the written decision letter provided to the student via Ferris State University student email.
- c. All appeals must be submitted in writing to the Office of Student Conduct in David L. Eisler Center 129, or electronically by following the instructions provided on the decision letter received by the respondent or complainant.

Compliance Letters

The University is committed to maintaining a healthy and safe environment in our campus community while respecting and preserving individual rights. Compliance letters are typically sent to student(s) in situations where items or circumstances observed on campus, fail to comply with Housing and Residence Life or other administrative policies. Compliance Letters are not commonly used when the item or circumstance pose an active and/or imminent risk to the campus community.

- a. A compliance letter shall be emailed to the student's Ferris email account and include the concern(s) observed and the date they need to be resolved by.
- b. If the concern(s) are addressed by the date specified, and this is verified by a University official, no further action is taken and disciplinary proceedings are not initiated.
- c. Disciplinary proceedings may be initiated if the concern(s) are not addressed in their entirety by the date specified.

Disciplinary Records

All conduct records are maintained by the University for at least seven (7) years from the time of their creation except those that result in suspension or dismissal, which are maintained indefinitely.⁷

⁷ The NCHERM Group Model Code Project, 2013.

Outcomes

The Director of Student Conduct or their designee is authorized to impose any one or a combination of the following administrative and educational outcomes for behavior found to be in violation of the Code of Student Community Standards.

The University may impose other outcomes singularly or in combination with any of those listed below. The University recognizes two kinds of outcomes: administrative and educational, and they are often combined in an effort to hold students accountable while also providing resources to aid in a student's success.

Administrative Outcomes

1. *Administrative Warning*

An administrative warning is an official written warning issued by the University. This warning is meant to inform the student that they have been found in violation of the University policy and that they should understand that future violations could result in further disciplinary action. With an administrative warning, a student should have a clear understanding of the University's expectations for their future behavior.

2. *No Contact Order*

A student may be expected to not have contact with another member of the Ferris community to ensure the safety or security of a specific person(s) and/or address a conflict/concern.

3. *Housing Assignment Change*

An on-campus student may be required to transfer to a different residence hall or apartment when there exists a need to ensure the safety or the security of a specific person(s) or location where it does not warrant removal from Housing.

4. *Housing Contract Termination*

An on-campus student may lose their housing contract due to the severity of the incident and/or community impact. Decisions regarding removal from housing will be made in consultation with Housing & Residence Life.

5. *Ban/Trespass*

A ban prohibits a student from being in a particular location on campus to ensure the safety or the security of a specific person(s) or location.

A trespass prohibits an individual from being on University property. Failure to comply with the trespass may result in law enforcement action.

6. *Disciplinary Probation*

Probation is intended to convey to the student that their conduct is unacceptable by University standards. Further violation of University policies at any point during the probationary period will be viewed not only as a violation based upon the act itself, but also as a violation of the probation. This shall result in further action up to, and including, suspension or dismissal from the University.

7. *Suspension*

A student may be prohibited from participating in all aspects of University life for a specified period of time, usually one or more semesters/full academic years. When a student is suspended from the University, the suspension applies to all campuses of the University and prohibits that student from entering the grounds of all University campuses. When the term of the suspension has ended, the student may apply for readmission. Should a student choose to reapply and be readmitted to the University, the student would be placed on Disciplinary Probation for the remainder of their academic career at Ferris. In situations that a student has a disability, they may notify the Educational Counseling and Disability Services (ECDS) Office for support, accommodation, and/or advocacy. If requested, the University's section 504/Title II

coordinator and other appropriate persons knowledgeable about the student's condition will be involved when that student seeks a return to the University.

A Conduct Case Manager may, in limited cases, decide to defer suspension until the end of the academic term when appropriate.

8. *Dismissal*

A student may be prohibited from participating in all aspects of the University permanently. When a student is dismissed from the University, the dismissal applies to all campuses and prohibits that student from entering the grounds of all University campuses. Furthermore, the student may not petition the University for readmission.

Further Information on Suspension or Dismissal

For those individuals who are either suspended or dismissed from Ferris, an AW (Administrative Withdraw) will be placed on the student's transcript if the suspension or dismissal is effective prior to the deadline for withdrawal from classes published by the University. This means that no grades A through F will be issued for that semester in which the student was suspended or dismissed. If the suspension or dismissal is effective after the deadline for withdrawal, an AWF (Administrative Withdraw Fail) will be assigned in the same manner as other students who withdraw after the deadline. That is, after the withdrawal deadline, a suspended or dismissed student would receive a grade of F for the semester in which they were suspended or dismissed.

Effective Enforcement of Administrative Outcomes

Administrative Outcomes do not become final until the opportunity to appeal has passed (7 calendar days after notification). Students who choose to appeal suspension or dismissal decisions may continue to go to class and engage in customary University activities until an appeal decision is made, unless there is an interim suspension already in force through the Dean of Student Life Office or is otherwise stipulated through the conduct process.

Educational Outcomes

Education and Safety are the two primary priorities for the Office of Student Conduct. To accomplish these goals, the Office of Student Conduct provides opportunities for students to reflect on and learn from their past experiences. Educational outcomes include, but are not limited to the following:

1. *CREW Alcohol Check-In*

This in-person program is provided by Ten16 Recovery Networks' FS/CREW office on campus. The goal of the CREW Alcohol Check-In is to have a judgement free conversation regarding a student's alcohol usage, and its impact on their success as a student. Students only attend one program session that lasts approximately 45 minutes. There is a **\$100 programming fee** for this in-person program.

2. *CREW Cannabis Check-In*

This in-person program is provided by Ten16 Recovery Networks' FS/CREW office on campus. The goal of the CREW Cannabis Check-In is to have a judgement free conversation regarding a student's cannabis and/or THC usage, and its impact on their success as a student. Students only attend one program session that lasts approximately 45 minutes. There is a **\$100 programming fee** for this in-person program.

3. *Nicotine 101*

Nicotine 101 is an online nicotine education course that strives to provide tools for students to make healthy choices about tobacco use and vaping. Students will explore their personal use of nicotine and associated behaviors and learn which diseases are associated with tobacco use and vaping. This course aims to address the behaviors of those who use nicotine and to provide valuable information on long-term use and adverse health effects. Presented in a motivational interviewing style, it empowers students to make their own decisions about nicotine use. There is an **\$80 programming fee** for this on-line program.

4. *AOD Wellness Program*
This program is for students who have run into recurrent and/or serious difficulty related to alcohol and other drugs on or off campus. The AOD Wellness Program consists of two sessions that are both approximately 50 minutes. The program gives students the opportunity to consider their own ideals and goals around alcohol and other drugs (AOD) There is a **\$200 programming fee** for this in-person program.
5. *Prime for Life*
This program is for students to learn a set of practical strategies that reduce negative consequences of alcohol and other drug use. The Prime for Life program is in collaboration with the Mecosta County Ten16 Recovery Network. There is a **\$200 programming fee** for the cost of administering this program.
6. *Community Service*
The student may have the opportunity to choose the type of service they would like to perform and have the opportunity to work with staff at the Volunteer Center to find service opportunities that are meaningful to them, or they may perform service through in-hall service.
7. *Educational and Career Counseling Referral*
A student may be in the disciplinary process as a result of academic and personal challenges. Through a discussion with their conduct case manager, it may be determined that the student may benefit from participating in a two-part strategies program with an Educational Counselor.
8. *Individual Counseling Assessment*
In limited circumstances, a student may be required to visit with Ferris State University's Personal Counseling Center for an individual assessment. Generally, students will not be required to participate "counseling" as that process requires an individual willing to participate to produce positive outcomes. However, students are often strongly encouraged to seek out support and a referral for voluntary counseling support may be made. These situations are handled confidentially.
9. *Mediation*
Mediation is an opportunity to appropriately resolve differences with another individual or individuals through the assistance of a trained, unbiased, third-party facilitator. A student or student organization(s) may be encouraged or required to attend mediation in lieu of formal adjudication or as a result of formal adjudication.
10. *Reflection Paper*
A student may be required to write a paper on a given topic(s) assigned by their conduct case manager. Reflection papers are typically designed to provide further opportunities for students to reflect on the incident they met about and to explore alternative behaviors in the future.
11. *Restitution*
A student may be required to pay the costs for the replacement or repair of any University property damaged by the student (not typically applied for off-campus conduct as restitution is often required through any court proceeding).
12. *Parental/Guardian Notification*
A letter may be sent home to the parents or guardians of any student found in violation of an alcohol or drug policy violation. The intent of this letter is to ensure that the student, parent, and institution are able to work in partnership to foster student success. This letter informs the parent or guardian that future behavior of a similar nature may jeopardize the student's status at the University.
13. *Additional Educational Task*

A student may be required to complete other types of educational tasks related to the type of misconduct they were found responsible for and/or their specific learning and developmental needs. These educational tasks may take the form of attending a class or workshop or completing an independent study.

Parental/Guardian Notification

As allowed under exception from the Family Education Right to Privacy Act (FERPA) a letter may be sent home to the parents or guardians of any student under 21 found in violation of any alcohol or drug violation.

The intent of this letter is to ensure that the student, parent/guardian, and institution are able to work in partnership regarding individual student success. The parental/guardian notification letter informs the parent or guardian that a student's relationship with the University is tenuous and may be severed if the student's behavior is not altered.

Failure to Comply with Student Conduct Outcomes Registration Hold

Students who have failed to complete their assigned outcome(s) by the assigned deadline may receive notice of failure to comply. This communication will serve as notification that a registration hold may be placed on their account pending completion of assigned outcome. The registration hold may not be lifted until the student has successfully completed their outstanding assigned outcome(s).

Students sanctioned to an in person program through FS/CREW who schedule, but do not attend their appointment, may be referred back to the Office of Student Conduct for failing to comply with a Student Conduct outcome. This may result in a registration hold being placed on the student's account and/or being reassessed the programming fee.

Housing Contract Termination

An on-campus student may be removed from University Housing, rescinding the student's contract with Housing. A student removed from University Housing may be banned from entering any University Housing facilities.

Appeal Procedures

A student found responsible through the conduct process may appeal the outcome of the conduct conference by submitting a written appeal within seven (7) calendar days of receiving notification of the decision. The written appeal must include the grounds for appeal and the remedy that the person appealing is requesting. Only the student may submit an appeal on their behalf. Appeals submitted by any other party will not be considered.

- *Appeals of Suspension or Dismissal:* Reviewed by the Vice President of Student Affairs or their designee.
- *Appeals of LESS than Suspension or Dismissal:* Reviewed by the Dean of Student Life or their designee.
- **All appeals should be submitted to the Office of Student Conduct.** Written appeals can be delivered in person (David L. Eisler Center 129) or electronically by email at theosc@ferris.edu or via the provided link in the student's decision letter.

Criteria for Appeal:

The appeal must be filed in writing by the appeal deadline date stated in the written outcome of the conduct conference. **Appeals must meet one of the following criteria:**

- a. Failure by the conduct case manager or committee to afford the student due process, or a procedural error in the conduct conference which may have been substantial enough to change the case outcome; and/or

- b. The discovery of substantive new evidence which was unknown to the conduct case manager at the time of the conduct conference that could have a significant effect on the case outcome.
- c. The hearing officer had a conflict of interest or bias against Respondents generally or the individual Respondent, that affected the outcome.
- d. The severity of the outcome (ONLY in cases that result in *suspension* or *dismissal* from the University).

Procedure for when appeal is received

- a. An appellate officer or board shall review appeals as designated by the Vice President for Student Affairs or designee.
- b. Upon review of the written appeal material, the appellate officer or board may recommend one of the following options for approval by the Vice President for Student Affairs or their designee.
- c. If the grounds for appeal *have been* sufficiently satisfied and the appeal is accepted, one of the following will occur:
 - 1. The case shall be remanded back to the original Conduct Case Manager or committee with specific instructions to correct a procedural error and reconsider the case.
 - 2. The case shall be remanded back to the Office of Student Conduct for a new conduct conference before a different Conduct Case Manager or committee; or
 - 3. The outcome may be modified.
- d. If the grounds for appeal *have not been* sufficiently satisfied, the original decision is upheld and outcomes are enforced.
- e. Each student shall be limited to one appeal and shall not be entitled to appeal their case from one appellate officer to another. The decision of the appellate officer shall be final.
- f. In cases where suspension or dismissal is applied, if a student has submitted an appeal, they may continue to go to class and engage in customary University activities (unless otherwise stipulated, typically by order of an interim suspension instituted by the Office of the Dean of Student Life) until an appeal decision is made.

Interim Measures

a. Authority for Interim Actions

Should there be reasonable cause, the Dean of Student Life or their designee may act immediately without following the conduct process procedures established by the University and impose interim actions to mitigate the effects of the alleged misconduct and otherwise promote the safety of University community members and/or property. Failure to comply with the requirements is a violation of the Code and may result in further action. Interim Actions may include:

- No Contact Orders,
- Residential reassignments or removal,
- Changes to employment assignments,
- Restriction of the student's presence in University buildings, on University property, and/or at University events.

Included in the notice of interim action will be information on how students can request an interim action review to be conducted. The student's request for the review must be submitted to the Office of Student Conduct in writing and include an explanation as to why they believe there is no cause for the interim action, or that the cause no longer exists. The

student may include additional information not available at the time the interim measure was imposed in their written statement.

b. Authority for Interim Suspension

Should there be reasonable cause, the Dean of Student Life or their designee may act immediately without following the conduct process procedures established by the University and impose an interim suspension in situations where (a) the student engaged, or threatens to engage in behavior which constitutes a direct threat to others, (b) the student has caused or likely will cause significant property damage, or (c) the student's behavior has or likely will significantly disturb normal university operations and/or the educational process.

c. Direct Threat

In determining whether an individual poses an imminent danger or a direct threat to the health or safety of others, the University will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk without fundamentally altering the nature of the service, program or activity. Absent exigent circumstances creating an imminent risk of harm, the assessment will be made prior to a decision to remove a student based on the threat they pose to others.

In situations involving a student with a disability, the student may notify the Educational Counseling and Disability Services (ECDS) Office for support, accommodation, and/or advocacy. If requested, the University's section 504/Title II coordinator and other appropriate persons knowledgeable about the student's condition may be involved where students are removed or seek a return to the University.

d. Notice of Interim Suspension

A student who is issued an interim suspension and excluded from the University shall be required to leave the property of the University immediately and shall be notified that they will thereafter be treated as a trespasser if they return to University property without proper authorization. Written notice will be sent to the student informing the student of the following:

1. That the student has been issued an interim suspension from the University;
2. That the student has been excluded from being on University property;
3. That the student will be considered a trespasser if they return to University property without proper authorization;
4. The reasons for the interim suspension from the University and the exclusion from University property;
5. Date, time, and location of an Interim Suspension Review Meeting; and
6. That the Director of Student Conduct will be initiating disciplinary action against the student.

e. Disciplinary Process after Interim Suspension

The Director of Student Conduct shall initiate the disciplinary process for a student who has been issued an interim suspension and excluded from the University. The disciplinary process is the formal set of procedures the University has in place for allegations of student misconduct and occurs after the interim suspension has been issued and reviewed. The notification for the conduct conference will be issued separately of the interim suspension and exclusion from University property.

1. The student shall thereafter be permitted to enter the University campus only for the limited purpose of participating in the disciplinary proceedings conducted under this section.
2. The Director of Student Conduct may require that the student be escorted to and from the disciplinary proceedings by members of the University police department.
3. Every attempt will be made to act expeditiously with the disciplinary proceedings. Typically, proceedings are held within 30 days absent exigent circumstances.

f. **Review of Interim Suspension**

Within five (5) days after a student has been notified of the interim suspension and exclusion from University property, the student may request an interim suspension review meeting to determine whether the interim suspension should continue or whether the student should be reinstated and allowed to return to University property, pending their conduct conference. Exceptions to this timeline may be made in circumstances where a student is unable to respond (i.e. incarceration).

1. If the student attends the review meeting, they shall be given an opportunity to present their version of the events.
2. The Vice President for Student Affairs or designee shall conduct the review meeting and decide whether or not to cancel or continue the suspension.
3. The suspended student shall not have the right to confront or question witnesses or call their own witnesses.
4. The suspended student is entitled to be accompanied at the review meeting by one advisor. The advisor shall have no role at the review meeting other than to advise the student and shall not be permitted to ask or to answer questions or to make oral arguments.

Section III: Sexual Misconduct Resolution Process



Code of Student Community Standards

Section III: Sexual Misconduct Resolution Process

This Sexual Misconduct Resolution Process applies to the resolution of all Formal Complaints of Sexual Harassment and related sexual misconduct allegations, including sexual exploitation, that do not apply within the scope of the Ferris State University Sexual Harassment and Related Title IX Policy and when the respondent is a student. The Sexual Misconduct Resolution Process was adapted from the University's Title IX Policy to address sexual harassment and sexual misconduct allegations that are outside of the Title IX Policy, usually when the behavior occurs off campus, in a private setting, and outside the scope of the University's Education Programs and Activities or that occurs outside the geographic boundaries of the United States even if it occurs in the University's Education Programs and Activities.

Administration

The Director of Student Conduct or their designee shall have responsibility to oversee and administer the Sexual Misconduct Resolution Process. The Director of Student Conduct may consult with other University administrators and counsel as needed.

Fairness and Impartiality

The Director of Student Conduct, Investigating Officer, Conduct Case Manager, appeals officer, and alternative resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these University officials has a material conflict of interest or material bias must raise the concern to the Dean of Student Life promptly so that the University may evaluate the concern and find a substitute, if appropriate. The standard to be used in determining whether recusal is warranted is whether the individual would be able to evaluate the case fairly and impartially given the individual's knowledge of the matter or personal or professional relationship with any party. In cases involving allegations of Sexual Harassment, the University prohibits the use of medical experts that have an actual or apparent conflict of interest.

The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

Participation in Investigations and Adjudications

All members of the University Community are encouraged to fully cooperate with any investigation and adjudication under this Student Respondent Sexual Misconduct Resolution Process. In the event an alleged complainant refuses to participate, the Title IX Coordinator may file a Formal Complaint. In the event a Respondent refuses to participate, the Sexual Misconduct Resolution Process will be completed despite the Respondent's lack of participation and may result in a finding of misconduct *in absentia*.

Relationship with Criminal Process

Some instances of Sexual Harassment may also constitute criminal conduct. In such instances, the Complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the University will assist the Complainant in doing so. The pendency of a criminal investigation, however, does not prohibit the University from having a fair and reasonable disciplinary process to maintain the orderly function of the University. Therefore, while the University may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the University will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

Definitions

- a. **“Coercion”** includes intimidation, deception, and/or express or implied threats of physical, reputational, academic, financial, or emotional harm or restraint, that would reasonably place an individual in fear of immediate or future harm and that is used to persuade or compel someone to engage in sexual contact. This includes threatening to “out” someone based on sexual orientation, gender identity, and/or gender expression.
- b. **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- c. **“Consent”** is the voluntary agreement to engage in sexual contact. Additional information about how the University evaluates consent is available under Understanding Consent and Incapacitation listed below.
- d. **“Conduct Case Manager”** is defined as any individual University official who is authorized by the Director of Student Conduct to meet with students regarding alleged violations of the Code of Student Community Standards and Student Respondent Sexual Misconduct Procedures, to recommend appropriate charges and outcomes, and to monitor the completion of assigned educational and/or administrative outcomes.
- e. **“Dating Violence”** is violence committed by a person –
 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
- f. **“Director of Student Conduct”** means the Director and all designees as assigned, including the Conduct Case Manager. The Director of Student Conduct has experience and extensive training on issues related to dating violence, domestic violence, sexual assault, and stalking as well as the procedures for conducting investigation and conduct conference processes that protect the safety of the complainants and promote accountability.
- g. **“Domestic Violence”** is an act of violence¹ committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Michigan, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Michigan.²
- h. **“Force”** is the use or threat of physical violence and/or strength or intimidation to overcome an individual’s freedom of will to choose whether to participate in sexual contact. Force is not limited to physical violence, but also includes threats, intimidation, abuse of power, duress, or any combination of these behaviors. When determining whether or not force was involved, there is no requirement that a Complainant resist the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.
- i. **“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment in accordance with this policy.

- j. **“Hostile Environment Sexual Harassment”** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University’s education programs and activities.
- k. **“Incapacitation”** is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why, or how” of the sexual interaction) and/or is physically or mentally helpless.
- l. **“Investigating Officer”** means the Title IX Coordinator or their designee. The Investigating Officer may be a third-party Investigating Officer or attorney retained for that purpose by the University.
- m. **“Quid Pro Quo Sexual Harassment”** is an individual conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual contact.
- n. **“Retaliation”** is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or conduct conference under this policy.
- o. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- p. **“Sexual Assault”** includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
 - 1. **“Rape”** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or anus by the sex organ of the other person. Attempted Rape is included.
 - 2. **“Sodomy”** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - 3. **“Sexual Assault with an Object”** is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 - 4. **“Fondling”** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - 5. **“Incest”** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law.
 - 6. **“Statutory Rape”** is sexual intercourse with a person who is under the statutory age of consent as defined by Michigan law.

- q. **“Sexual Harassment”** is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking. Sexual Harassment does not depend on the gender, gender identity, or sexual orientation of the Complainant and Respondent. Thus, Sexual Harassment can occur between persons who consider themselves to be of the same gender, the opposite gender, or to otherwise have differing gender identities. This term is used throughout this process and the Title IX Grievance Process when collectively referring to these types of conduct.
- r. **“Sexual Exploitation”** is taking non-consensual, sexual advantage of another person for the purpose of sexual gratification, financial gain, personal benefit or advantage, benefit or advantage of a third party, or any other non-legitimate purpose. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods, or devices):
1. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s consent
 2. Indecent or lewd exposure or inducing others to expose themselves when consent is not present
 3. Recording any person engaged in sexual or intimate activity in a private space without that person’s consent
 4. Distributing personal sexual information, images, or recordings about another person without that person’s consent (applies even if the videos were obtained with consent)
 5. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation
 6. Inducing incapacitation in another person with the intent to engaging sexual conduct, regardless of whether prohibited sexual conduct actually occurs
 7. Prostituting another person
 8. Knowingly transmitting a sexually transmitted disease to another person through sexual activity when that person has not consented to engaging in such sexual activity despite being expressly, verbally, and understandably informed of the sexually transmitted disease
- s. **“Stalking”** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for their safety or the safety of others; or
 2. Suffer substantial emotional distress.
- t. **“Student”** includes the following:
1. A person who has been notified of their acceptance for admission to Ferris State University, who is admitted and enrolled in any credit-bearing course or program in any school or division of Ferris State University, or who is a continuing student between academic periods.
 2. A person who resides in Ferris State University housing, whether or not that person is enrolled in any school or division of Ferris State University.

3. A person was enrolled at the University at the time of the incident but has since withdrawn while disciplinary matters are pending.
- u. **“Title IX Coordinator”** means the University’s Title IX Coordinator and all designees as assigned, including Deputy Title IX Coordinators. The Title IX Coordinator is generally made aware of all reports of sexual harassment on and off campus, and ensures the University response to complaints of sexual harassment adhere to all state and federal requirements.

Understanding Hostile Environment Sexual Harassment

In determining whether a hostile environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The University encourages members of the University Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation. Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person’s dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Disseminating sexual pictures or videos of another person without consent regardless of whether the pictures or videos were obtained with consent
- Insulting, demeaning, or degrading another person on the basis of gender or gender stereotypes
- Understanding Consent and Incapacitation

Understanding Consent and Incapacitation

Consent

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is the voluntary agreement to engage in sexual contact. Consent to engage in sexual contact must demonstrate that it meets the following four components: (1) informed, (2) freely and actively given, (3) mutually understandable words or actions, (4) indicating a clear agreement to engage in sexual contact of any kind.

It is the responsibility of the person who wants to engage in sexual contact to make sure that they have received consent from any person(s) involved. If an individual initiating sexual contact is not sure if they have received consent, they have an obligation to seek additional clarification.

Informed:

1. Consent includes each person(s) having a clear and mutually understanding of the nature and scope of the sexual contact;
2. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact;
3. Informed consent cannot be given by anyone under the legal age of consent (anyone under age 16).

Freely and Actively Given:

1. Consent cannot be given by an incapacitated person(s) (see definition of incapacitation above).
2. Consent cannot be achieved through force (see definition of force above), threat, deception, intimidation, or coercion (see definition of coercion above).
3. Consent cannot be assumed or implied by a current or previous dating or sexual relationship.

Mutually Understandable Words or Actions:

1. Consent consists of clear communication (words or actions) that indicates each person(s) unambiguous willingness to engage in sexual contact from the beginning to end of each instance of sexual contact and for each form of sexual contact;
2. Consent cannot be assumed or implied by silence, passivity, or the lack of an objection. A person who does not physically resist or verbally refuse sexual contact is not necessarily giving consent.

Indicating a Clear Agreement to Engage in Sexual Contact:

1. Consent can be withdrawn at any time through clear communication (words or actions) that indicates each person(s) is no longer willing to engage in sexual contact.
2. In the absence of a clear agreement to engage in sexual contact, consent does not exist.

Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why, or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

1. Decision-making ability
2. Awareness of consequences
3. Ability to make informed judgments

4. Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

Analyzing Domestic Violence, Dating Violence, and Stalking

Domestic Violence, Dating Violence, and Stalking (often called “intimate partner violence”) are considered to be a violation of this Policy, no matter the motivation behind them. Domestic and Dating Violence occur on a continuum and can vary in frequency and severity. Domestic and Dating Violence often take the forms of threats, assaults, or property damage.

Stalking includes cyberstalking, which is a form of stalking occurring in electronic media such as the Internet, social networks, blogs, cell phones, texts, or emails that are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. Examples of stalking include: unwelcome and repeated visual or physical proximity to a person; repeated oral or written threats; and unwelcomed/unsolicited written communications, including letters, cards, texts, emails, instant messages, or messages on social media or message bulletin boards.

Investigation

Commencement and Timing

Upon receiving a Formal Complaint, the Investigating Officer will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties. The investigation will culminate in a written investigation report, that will be submitted to the Office of Student Conduct. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within ninety (90) business days.

During the course of the investigation, the Investigating Officer may receive counsel from University administrators, the University’s attorneys, or other individuals as needed.

Documentation of Investigation

The Investigating Officer will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the Investigating Officer’s notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the Investigating Officer in the Investigating Officer’s sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

Content of the Sexual Misconduct Investigation

During the investigation, the Investigating Officer will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence, and to describe the effect of the alleged incident on their opportunity to benefit from the University’s programs or activities. Except for circumstances where the University has determined that alternative resolution may be appropriate and the parties have agreed to participate in such a process, the Investigating Officer will not concurrently interview the Complainant and Respondent and/or require the parties to discuss, mediate, or otherwise resolve the complaint.

Notwithstanding the foregoing, the Investigating Officer retains discretion to limit the number of witness interviews the Investigating Officer conducts if the Investigating Officer finds that testimony would be unreasonably duplicative, irrelevant to the allegations under investigation, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The Investigating Officer will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the conduct conference absent a showing of mistake, inadvertence, surprise, or excusable neglect.

Formal rules of evidence do not apply to the conduct conference or any alternative resolution processes. Nonetheless, evidence that is irrelevant or whose prejudicial effect substantially outweighs its probative value may be excluded from consideration.

The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review physical evidence and/or materials, review electronic transmissions, review records and other documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Information relevant to the investigation may include the severity, pervasiveness, and chronology of alleged conduct; the relationship, if any, existing between the parties prior to and after the alleged conduct; patterns of conduct; consent and co-involvement of the parties; effects of drug or alcohol use; and the effect of intervening measures taken by the University.

Throughout the investigation, parties will be granted an opportunity to review and comment, in writing, any statements or evidence provided by the other party, or any information independently developed by the Investigating Officer. The University will respect determinations made by the Complainant and Respondent regarding their level of participation in the investigation. However, parties shall be advised that non-participation in the process shall not preclude the University from appropriate remediation of complaints, including completing of its fact finding and imposition of corrective or disciplinary action if determined appropriate.

All parties and witnesses involved in the investigation are expected to provide complete and truthful information. University Community members are expected to comply with reasonable requests from the Investigating Officer for records, documentation, and/or other materials and to cooperate in the investigatory process, including the timely arrangement of meetings, evidence production, and following Investigating Officer directives. Students who disrupt or obstruct the investigation may be subject to corrective and/or disciplinary action.

Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any conduct conference and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) business days in which to submit to the Investigating Officer a written response, which the Investigating Officer will consider prior to completing the investigation report.

Investigation Report

After the period for the parties to provide any written response to the evidence has expired, the Investigating Officer will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the Investigating Officer will transmit a copy to the Title IX Coordinator. The investigation report will be transmitted to each party and their advisor, in either electronic or hard copy form at least ten (10) business days prior to a conduct conference if a conduct conference is required.

Emergency Removal

At any time after receiving a report of Sexual Harassment, the Dean of Student Life may remove a student Respondent from the University's Education Programs and Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety

of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the University imposes an emergency removal, the University must offer to meet with the Respondent within the next business day and provide the Respondent an opportunity to challenge the emergency removal.

Student Respondent Adjudication Conduct Conference Process

Conduct Case Manager

Upon receipt of the final investigation report, the Title IX Coordinator or designee will promptly refer the matter to the Office of Student Conduct who will oversee the conduct conference process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the conduct conference process. The Title IX Coordinator will see that the Office of Student Conduct is provided a copy of the investigation report and a copy of all evidence, and the evidence is transmitted to the parties by the Investigating Officer.

Conduct Conference and Response to the Investigation Report

After the conduct case manager is designated by the Director of Student Conduct, the parties will receive written notice of the conduct case manager's appointment; the deadline for the parties to submit any written response to the investigation report; a date for the pre-conference meeting; the date and time for the conduct conference; and a copy of the applicable conduct conference procedures. Neither the pre-conference meeting, nor the conduct conference itself, may be held any earlier than ten (10) business days from the date of transmittal of the written notice specified in this section.

A party's written response to the investigation report must include:

1. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
2. Any argument that evidence should be categorically excluded from consideration at the conduct conference based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history, or for any other reason;
3. A list of any witnesses that the party contends should be requested to attend the conduct conference pursuant to an attendance notice issued by the conduct case manager;
4. A list of any witnesses that the party intends to bring to the conduct conference without an attendance notice issued by the conduct case manager;
5. Any objection that the party has to the conduct conference procedures;
6. Any request that the parties be separated physically during the pre-conference meeting and/or conduct conference;
7. Any other accommodations that the party seeks with respect to the pre-conference meeting and/or conduct conference;
8. The name and contact information of the advisor who will accompany the party at the pre-conference meeting and/or conduct conference;
9. If the party does not have an advisor who will accompany the party at the conduct conference, a request that the University provide an advisor for purposes of conducting questioning.

A party's written response to the investigation report may also include:

1. An argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
2. An argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

Pre-Conference Meeting

Prior to the conduct conference, the conduct case manager will conduct a pre-conference meeting with the parties and their advisors. The pre-conference meeting will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-conference meeting will be conducted with the conduct case manager, the parties, the advisors, and other necessary University personnel, including the Title IX Coordinator or their designee, together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the conduct case manager's discretion, the pre-conference meeting may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-conference meeting, the conduct case manager will discuss the conduct conference procedures with the parties; address matters raised in the parties' written responses to the investigation report as the conduct case manager deems appropriate; discuss whether any stipulations may be made to expedite the conduct conference; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the conduct conference without a notice of attendance; and resolve any other matters that the conduct case manager determines, in the conduct case manager discretion, should be resolved before the conduct conference.

Issuance of Notices of Attendance

After the pre-conference meeting, the conduct case manager, or a University Official acting on their behalf, will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the conduct conference as a witness. The notice will advise the subject to appear for the conduct conference at the specified date and time and advise the subject to contact the conduct case manager immediately if there is a material and unavoidable conflict.

Conduct Conference

After the pre-conference meeting, the conduct case manager will convene and manage a conduct conference pursuant to the applicable conduct conference procedures. The conduct conference will be audio recorded or transcribed. The audio recording or transcription will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The conduct conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. The conduct case manager shall maintain necessary order and shall make all rulings necessary for a fair, orderly, and expeditious conduct conference. By default, the conduct conference will be conducted with the conduct case manager, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the conduct case manager's discretion, the conduct conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the conduct conference procedures and rulings from the conduct case manager will govern the particulars of the conduct conference, each conduct conference will include, at a minimum:

1. Opportunity for each party to address the conduct case manager directly and to respond to questions posed by the conduct case manager;
2. Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions of the other party and any witnesses, including questions that support or challenge credibility;
3. Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the conduct case manager and a reason for the ruling provided;
4. Opportunity for each party to submit evidence that the party did not present during the investigation due to a mistake, an inadvertence, a surprise, or an excusable neglect;
5. Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the conduct case manager, the conduct conference will be closed to all persons except the parties, their advisors, the Investigating Officer, the conduct case manager, the Title IX Coordinator or designee, and other necessary University personnel. With the exception of the Investigating Officer and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the conduct conference, the parties and their advisors will have access to the investigation report and evidence that was transmitted.

While a party has the right to attend and participate in the conduct conference with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the conduct conference and/or engages in other behavior that is materially disruptive, may be barred from further participation and/or have their participation limited by the discretion of the conduct case manager.

Subject to the minimum requirements specified in this section, the conduct case manager will have sole discretion to determine the manner and particulars of any given conduct conference, including with respect to the length of the conduct conference, the order of the conduct conference, and questions of admissibility. The conduct case manager will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The conduct conference is not a formal judicial proceeding and strict rules of evidence do not apply. The conduct case manager will have discretion to modify the conduct conference procedures, when good cause exists to do so, and provided the minimal requirements specified in this section are met. When it appears necessary, the Conduct Case Manager may, at their discretion, grant a reasonable postponement and/or recess of the conduct conference.

Subjection to Questioning

In the event that any party or witness refuses to attend the conduct conference or attends but refuses to submit to questioning by the parties' advisors, the testimony of that party or witnesses, as the case may be, whether given during the investigation or during the conduct conference, will be given appropriate evidentiary weight by the conduct case manager in reaching a determination of responsibility.

In applying this section, the conduct case manager will not draw an inference about the determination regarding responsibility based solely on a party or a witness absence from the conduct conference and/or refusal to submit to questioning by the parties' advisors.

Deliberation and Remedies

After the conduct conference is concluded, the conduct case manager will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the conduct conference, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The conduct case manager will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-conference meeting or during the conduct conference. The conduct case manager will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Discipline and Remedies

In the event the conduct case manager determines that the Respondent is responsible for violating this policy, the conduct case manager will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. In cases where the conduct case manager does not work within the Office of Student Conduct, they will consult with the Office of Student Conduct. The conduct case manager will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether, and to what extent, ongoing support measures or other remedies will be provided to the Complainant.

The University will impose discipline commensurate with the severity or pervasiveness of the offense and the threat it poses to the community. The conduct case manager is authorized to impose any one or a combination of administrative and educational outcomes for behavior found to be in violation of the Code of Student Community Standards ranging from an administrative warning to permanent dismissal from the institution.

Written Decision

After reaching a determination, the conduct case manager will prepare a written decision that will include:

1. Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
2. A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the conduct conference;
3. Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
4. A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
5. The discipline determined by the appropriate University official and any ongoing support measures or other remedies as determined by the Title IX Coordinator;
6. A description of the University's process and grounds for appeal.

The conduct case manager's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the conduct conference process, subject to any right of appeal as listed below.

Although the length of each adjudication by conduct conference will vary depending on the totality of the circumstances, the University strives to issue the conduct case manager's written determination within fifteen (15) business days of the conclusion of the conduct conference.

Dismissal After Referral or During Adjudication

The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

1. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined by this section;
2. The Complainant provides the Office of Student Conduct written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case, those discrete allegations may be dismissed);
3. The Respondent is no longer enrolled at the University, as the case may be; or
4. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case, those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in this section. A dismissal pursuant to this section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

1. A procedural irregularity affected the outcome;

2. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
3. The Title IX Coordinator, Investigating Officer, or conduct case manager had a conflict of interest or bias for or against Complainants or Respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

The appeal must be submitted in writing, within ten (10) business days of the notice of determination or dismissal being sent by the University and must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer, or a University Official acting on their behalf, will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within ten (10) business days. The appeal officer shall also promptly obtain from the Office of Student Conduct any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within fifteen (15) business days of an appeal being filed or the opposition statement being received, whichever is later.

Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and the conduct conference that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

The advisor may provide support and private counsel to the party. However, except for the questioning of witnesses during the conduct conference, the advisor may not advocate on behalf of a party, be actively involved in any proceedings, or directly address the Investigating Officer, conduct case manager, or appeal officer. The support person/advisor must agree to maintain the confidentiality of the process.

The University reserves the right to remove or dismiss an advisor who fails to follow this process and applicable provisions of the Sexual Misconduct Resolution Process, in which case the party will be allowed to select a different advisor.

In the event a party is not able to secure an advisor to attend the conduct conference, and requests the University to provide an advisor, the University will provide the party an advisor, without fee or charge,

who will conduct questioning on behalf of the party at the conduct conference. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney.

The University is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the conduct conference specified and requests that the University provide an advisor.

Treatment Records and Other Privileged Information

During the investigation and adjudication process, the Investigating Officer and/or adjudicator are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use the following records or information unless the University has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process:

1. A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
2. Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;

Notwithstanding the foregoing, the Investigating Officer and/or adjudicator may consider any such records or information otherwise covered by this section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

Sexual History

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this section.

Alternative Resolution⁸

At any time after the parties are provided written notice of the Formal Complaint as specified in this process, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or another form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

The specific manner of any alternative resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the alternative resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

1. Describes the parameters and requirements of the alternative resolution process to be utilized;
2. Identifies the individual responsible for facilitating the alternative resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);

⁸ Full Alternative Resolution Process available at <https://www.ferris.edu/title-ix/docs/AlternativeResolutionProcess8.4.22.pdf>.

3. Explains the effect that participating in alternative resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
4. Explains any other consequence resulting from participation in the alternative resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the alternative resolution may commence.

During the pendency of the alternative resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach an agreed resolution through the alternative resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct, or where required to avoid a manifest injustice to either party or to the University. A resolution reached pursuant to this section is not subject to appeal.

A party may withdraw their consent to participate in alternative resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator any alternative resolution process must be completed within twenty (20) business days. If an alternative resolution process does not result in a resolution within twenty-one (21) business days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the alternative resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the alternative resolution.

Other language in this section notwithstanding, alternative resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the University may evaluate, consider and address it, if appropriate.

Outside Appointments, Dual Appointments, And Delegations

The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University, including, but not limited to, conduct case manager, alternative resolution officer, and appeals officer.

The University retains discretion to appoint two or more persons to jointly fulfill the role of conduct case manager, alternative resolution officer, and/or appeals officer.

Disciplinary Records

All conduct records are maintained by the University for at least seven (7) years from the time of their creation except those that result in suspension or dismissal, which are maintained indefinitely.

Section IV: General University Conduct Policies



Code of Student Community Standards

Section IV: General University Conduct Policies

A. Academic Integrity Violations⁹

Academic misconduct is managed in part through the conduct process in collaboration with faculty at Ferris State University. Most alleged academic integrity violations are addressed via the Academic Affairs Academic Misconduct Process

(https://www.ferris.edu/administration/academicaffairs/Forms_Policies/Documents/Policy_Letters/AA-Academic-Misconduct-Resolution-Process.pdf). Students involved in egregious and/or repeated acts of academic misconduct are referred to the Office of Student Conduct by their faculty for allegations of academic misconduct. It is under the purview of each faculty member, in collaboration with their respective department and college, to spell out in their syllabus and enforce an academic outcome for academic integrity violations.

Additionally, upon review of the allegation, the Office of Student Conduct may schedule the student for a conduct conference relating to the allegation of academic misconduct, which is defined as any activity that tends to undermine the academic integrity of the institution. A violation of the University policy on academic integrity includes, but is not limited to, the following:

1. Cheating/Copying/Unauthorized Collaboration

A student may not use, or attempt to use unauthorized assistance, materials, information, or study aids in any academic exercise, nor should a student give assistance, materials, information, or study aids to another student in any academic exercise.

2. Fabrication

A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citations of the sources of information.

3. Facilitating Academic Dishonesty

A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct.

Additionally, each student is responsible for taking reasonable precautions to ensure their work is not accessed by or transferred to another individual wherein it may then be used to commit a violation of the University academic integrity policy.

4. Interference

- a. A student must not steal, change, destroy, or impede another student's work. Impeding another student's work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.
- b. A student must not give or offer a bribe, promise favors, or make threats with the intention of affecting a grade or the evaluation of academic performance.

5. Plagiarism

- a. *Proper Acknowledgement.* A student must not adopt or reproduce ideas, images, words, or statements of another person, including previous work of their own submitted for previous course credit, without appropriate acknowledgment.

⁹ Adapted from Indiana University's Code of Student Rights, Responsibilities, and Conduct and The Pennsylvania State University Code of Conduct.

- b. *Requirement for Acknowledgement v. Common Knowledge.* A student must give credit to the originality of others and acknowledge indebtedness whenever they quote or paraphrase another person's words, either oral or written and whenever they use facts, statistics, or other illustrative material, unless the information is common knowledge.
- c. *Sources used Verbatim.* In instances where students are using content directly quoted from a source, that content MUST be indicated through the use of quotations AND properly cited both in-text and at the end of the document.

6. Violation of Course Rules

A student must not violate course rules as contained in a course syllabus which are rationally related to the content of the course or to the enhancement of the learning process in the course.

7. Violation of Professional Standards and Ethics

A student must not violate the professional standards or ethical code related to one's intended profession as defined by the academic program or department.

B. Individual Misconduct On or Off University Property

On-Campus Misconduct

The University may discipline a student for the following acts of reported individual misconduct which occur on University property or at a University-sponsored function.

Off-Campus Misconduct

Additionally, the University may discipline a student for the following acts of reported individual misconduct that are *not* committed on University property, acts that arise from University activities that are being conducted *off* the University campus, or acts that occur online, if the misconduct:

- a. Undermines the security of the University community,
- b. Adversely affects the health and safety of the Ferris State University community and/or the pursuit of its objectives, or
- c. Compromises the integrity of the educational process.

Such acts include but are not limited to:

1. Acting as an Accessory

Acting as an accessory to any unlawful act or the violation of any University policy. Threatening or attempting to engage in any unlawful act or violation of any University policy or being present when a violation of policy occurs.

2. Advertising/Solicitation

- a. Any posting of advertising materials must be done by authorized University staff only. For any posting of advertising materials within Ferris' Housing facilities, approval must be given by the Center for Student Involvement (CSI), with the final approval authority resting with the Housing and Residence Life Office. Refer to CSI for posting policy procedures. The stuffing of mailboxes is not permitted.
- b. Solicitation is not permitted in University buildings and/or grounds, excluding any approved University sponsored charity fundraiser programs. University Housing reserves the right to individually approve or deny activities. University housing may not be used for business purposes.

3. Actions That Endanger

Actions that endanger the student, the University community, or the academic process. These actions include, but are not limited to the following:

- a. *Attempts to Cause Fear or Alarm*: Behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in University sponsored activities and causes the person to have a reasonable apprehension that such harm is about to occur.
- b. *Expressed or Implied Threats*: An expressed or implied threat is behavior that interferes with an individual's personal safety, academic efforts, employment, or participation in University sponsored activities and causes a person to have a reasonable apprehension that such harm is about to occur.
- c. *Creating a Condition that Endangers*: Engaging in behavior that creates a condition that endangers others.

- d. *Throwing Objects*: Throwing objects with the potential for disruption or danger.

4. Animals

Animals that are not service animals are not permitted in university buildings (residential students are permitted to have fish in their residence, not exceeding 20-gallons total capacity per room). Emotional Support Animals (ESAs) are only allowed in university housing with an accommodation from Educational Counseling and Disability Services and approval from Housing/Residence Life; ESAs are not permitted in other campus buildings. Students who have an animal on campus are expected to properly pick up and dispose of the animal's waste.

5. Computer and Information System Misuse

1. Unauthorized and/or inappropriate use of computers is prohibited. Such use includes, but is not limited to: Any attempt to circumvent any security measure of the University or another entity.
2. Intentional use, distribution, or creation of viruses, worms, or other malicious software.
3. Unauthorized copying or distributing of licensed software, or copyright-protected or patent-protected material.
4. Any attempt to access IT Resources or data without appropriate authorization and authentication.
5. Without authorization, destroying, altering, dismantling, disfiguring, preventing rightful access to, or otherwise interfering with the integrity of IT Resources.
6. Without authorization, invading the privacy of individuals or entities that are creators, authors, users, or subjects of the IT Resources.
7. Use of IT Resources that disables other IT Resources, negatively impacts University business or materially increases the costs of IT Resources, or interferes with the intended use of the IT Resources.
8. Develop or use any unauthorized mechanisms to alter or avoid charges levied by the University, or its service providers, for computing, network, printing, or other services.
9. Use of IT Resources for financial gain and/or commercial purposes, without prior authorization.
10. Using Ferris State University systems to search or purchase firearms, recreational drugs, alcohol, or pornography.
11. Downloading, installing, or running security programs or utilities that reveal passwords, private information, or exploit weaknesses in the security of a system. For example, Ferris State University users must not run spyware, adware, password cracking programs, packet sniffers, port scanners, or any other non-approved programs on Ferris State University information systems.
12. Network scanning, or doing security research (University People, Processes, or Technology), without explicit, written permission from the CIO or Vice President for Administration and Finance is prohibited.

6. Damage To or Destruction of Property

Damage to, destruction, or misuse of property belonging to the University or others.

7. Dishonest Conduct

- a. *False Accusation*: Knowingly presenting a false accusation of misconduct toward another student or individual.

- b. *Misrepresentation*: Intentionally misrepresenting the truth to a university or safety official including providing false information or statements.
- c. *Forgery*: Producing, using, or possessing any falsified university or official document, identification, or form of monetary payment.
- d. *Altered Parking Pass*: Producing, using, or possessing any falsified pass used to obtain parking privileges at Ferris State University.
- e. *Altered Identification*: Producing, using, or possessing any falsified document for the purpose of gaining entry or access, or undue benefits.
- f. *Alteration, or Misuse of any University Document or Record*.

8. Disorderly/Disruptive Conduct

Behavior that unreasonably disturbs the peace of the university or local community and/or obstructs or disrupts the normal operations of the university and/or academic process, or infringes on the rights of others to freely participate in the University's programs or services. Behavior that interferes with teaching, research, administration, or other University or University-authorized activity or that disrupts the University environment either during an event or incident or as a result of an event or incident. This includes instances of classroom disruption that go beyond mere verbalization of dissent.

9. Explicit Images

- a. Obtaining, posting, and/or distribution of another person's nude (full or partial) photos and/or videos without their consent.
- b. Obtaining, posting, and/or distribution of photos and/or videos of sexual activity without the knowledge and consent of all participants.
- c. Possession or distribution of photos, sound recordings, or videos of individuals under the age of 18 engaging in sexual activity and/or nudity (full or partial) is prohibited.

10. Failure to Comply

- a. Failure to comply with the directions of authorized University officials in the performance of their duties.
- b. Failure to comply with the directions of authorized community safety officials in the performance of their duties (i.e. Law Enforcement Personnel, Emergency Medical Personnel, Fire Department Personnel, Emergency Management, etc.).
- c. Failure to identify oneself when requested to do so.
- d. Failure to comply with reasonable requests of other students.
- e. Failure to comply or complete a Student Conduct Outcome.

11. Guests

Students are responsible for the actions of their guests and are responsible for ensuring their guests adhere to all University policies.

12. Harassment

Harassment is behavior that creates a hostile or intimidating environment in which verbal or physical conduct, because of its severity or persistence, is likely to unreasonably interfere with an individual's work environment, education environment, or environment for participation in University activities.

13. Hazing

Hazing is defined as any conduct which subjects another person (whether physically, mentally, emotionally, or psychologically) to anything that may endanger, abuse, degrade, or intimidate the person due to an affiliation with a group or organization, regardless of the person's consent.

14. Initiating or Circulating a Report

Initiating or circulating a report or warning concerning an impending bombing, fire, or other emergency or catastrophe, knowing that the report is false; making a false report or threat concerning a fire or that a bomb or other explosive has been or may be placed in any University building or elsewhere on University property; or transmitting such a report to an official agency, students, or others.

15. Intoxication/Excessive Consumption of Alcohol

Intoxication is defined as being under the influence of alcohol or other drugs, regardless of age, where such behavior causes a disturbance or other concern to the University.

16. Lewd, indecent, or obscene conduct

Behavior that can reasonably be deemed as lewd, indecent, or obscene is not permitted on or off-campus.

17. Personal Identification and Key Security

- a. *Failure to Provide ID on Request:* Ferris students are required to carry their student ID at all times. All students (and their guests) are required to provide identification upon request of a University official, including student staff members.
- b. *Duplicate or Disseminate Student ID and University Keys:* A student may not duplicate and/or disseminate their student ID or any University key.
- c. *Another's ID or Key:* A student may not use or possess another student's ID or key.

18. Physical Misconduct and Violence:

- a. *Physical Harm or Violence:* Physical behavior directed toward another person(s) which may include, but not limited to, assault, fighting, brawling, and/or striking another.
- b. *Behavior That Restricts Freedom:* The use of physical force or violence to restrict the freedom of action or movement of another person.
- c. *Mutual Fights:* Mutual physical behavior between parties which may include, but not limited to, assault, fighting, brawling, and/or striking.

19. Possession of Firearms, Explosives or other Weapons

A weapon, for the purpose of this policy, is defined as: (1) a loaded or unloaded firearm, whether operable or inoperable, (2) a knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon, (3) an object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon, (4) an object or device that is used or fashioned in a manner to lead a person to believe the object or device is a firearm or an object which is likely to cause death or bodily injury, (5) pneumatic devices, including any device that is designed to expel a projectile by the use of air, gas, or spring, to include BB guns, paintball guns, and Airsoft guns.¹⁰

For purposes of this policy, a firearm is defined as any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

- a. No individual may possess a weapon, except as provided by the Ferris State University business policy on weapons, including individuals who hold a concealed weapon permit.
- b. No individual may possess an explosive device, or materials used on the construction of an explosive device.
- c. No individual may possess chemicals or other dangerous substances or compounds.

¹⁰ [2016:04 Campus Violence and Weapons Prohibition Business Policy](#)

- d. No individual may possess any item that could reasonably be viewed as or mistaken for a weapon, such as airsoft guns.

Answers to questions or issues related to firearms or other weapons may be located in the [University's Campus Violence and Weapons Prohibition policy](#).

20. Processing and/or Butchering of Animals/Game

Individuals are not permitted to process (butcher/clean/hang) animals/game (deer, rabbits, fish, goat, etc.) or hides anywhere in or near the residence halls, University apartments/suites, or elsewhere on any property controlled by Ferris State University.

21. Public Urination

Urinating in a public place, including on private property, on buildings, and/or inside a common space of a building.

22. Retaliation

- a. Taking or implying adverse action (verbal or physical) against any individual on the basis of a good faith report/allegation made by such individual is prohibited.
- b. Taking or implying adverse action (verbal or physical) resulting from an individual's (real or perceived) participation in an investigation, hearing, conduct conference, or inquiry by the university or other appropriate authority, or the individual's participation in a court proceeding relating to alleged misconduct is prohibited.

23. Rioting

Rioting is defined as acting with violence and/or aiding, encouraging, and/or participating in a riot.

24. Sexual Misconduct

Sexual Misconduct is a general term that addresses unwanted behavior of a sexual nature, between people who have a dating/domestic relationship, and/or that is related to a person's sex, gender, sexual orientation, and/or gender expression/identity. Sexual misconduct includes:

- sexual harassment
- sexual assault
- sexual exploitation
- dating/domestic violence
- stalking

Detailed policies, definitions, and resolution processes related to sexual misconduct by students can be found in the Code of Community Standards, Section III: Sexual Misconduct Resolution Process. Additional similar policies and processes applicable to students and other members of the Ferris community can be found in the Sexual Harassment and Related Title IX Grievance Process, available at <https://www.ferris.edu/title-ix/policy.htm>.

Students should be aware that sharing information regarding sex discrimination, sexual harassment, or related retaliation with an employee of the University, other than a designated confidential resource, will result in that employee sharing the information with an appropriate University official for review and investigation.

25. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

31. Unauthorized Disclosure of Credentials (such as access codes, passwords, key codes, etc.)

Unauthorized disclosure or revealing your account password or access codes or key codes to others or allowing the use of your account or access codes or key codes by others is prohibited. This includes, but is not limited to, family, friends, and other household members.

32. Unauthorized Entry

- a. Unauthorized entry, use, or occupancy of University facilities including, but not limited to, residence hall space, suite, or apartment.
- b. Refusal to vacate a University facility when directed to do so by an authorized official of the University.
- c. Unauthorized entry into a residential private property, house, or apartment.
- d. Trespassing on private property.

32. Unauthorized Fireworks

Unauthorized possession, use, manufacture, distribution, or sale of fireworks, incendiary devices, flammable or combustible materials, or other dangerous explosives on University Property is prohibited.

*See also, Ferris State University weapons policy

33. Unauthorized Possession/Use or Distribution of Alcoholic Beverages

The use or possession of alcoholic beverages is prohibited by Ferris State University when the following applies:

- a. *Contrary to Law*: On or off University property, or in the course of a University activity or student organization activity, when the possession or use is contrary to law and/or University policy.
- b. *Creates Danger*: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of alcohol.
- c. *Supplying to Minors*: The sale, gift, or transfer of alcohol to minors, or where a party is hosted where underage consumption occurs.
- d. *In Public/Unauthorized area*: In or on any property of the University frequented by the public, except in areas specifically designated by the President of the University.

34. Unauthorized Possession or Use of Illegal Drugs, Cannabis, Controlled Substances, and/or Misuse of Over-the-counter substances (real or implied)

The term "controlled substance" is defined by Federal and Michigan law, and includes, but is not limited to, substances such as cannabis, cocaine, narcotics, certain stimulants and depressants, and hallucinogens. The following actions are prohibited by Ferris State University:

Recreational and Medical Cannabis: The Michigan Regulation and Taxation of Marihuana Act and Michigan Medical Marihuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The state constitutional amendment authorizing individuals over the age of 21 to recreationally use cannabis ("Proposal 1") does not change Ferris' prohibition or authorize a student to use cannabis. Federal law, including the Drug Free Schools Act, continues to prohibit cannabis. Thus cannabis use and possession, even if in compliance with Proposal 1, is prohibited.

- a. *Contrary to Law*: Use or possession of any drug, controlled substance (including cannabis and products containing THC), or drug paraphernalia on or off University property or in the course of a University activity or student organization activity, contrary to law or without a valid and legal prescription for such drugs or controlled substances

- b. *Cannabis and Drug Accessories*: Paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.
- c. *Creates Danger*: On or off University property, when possession or use creates a danger to self or others, including, but not limited to, driving while under the influence of drugs, cannabis, THC based products, or controlled substances that impair one's ability to operate a motor vehicle.
- d. *Use of Facilities*: Use of University facilities to manufacture, process, or distribute any drugs, cannabis, THC based products, or controlled substances contrary to law.
- e. *Distribution*: Sale, attempted sale, gift, transfer, or attempted transfer of drugs, cannabis, THC based products, controlled substances, or drug paraphernalia, whether or not such sale, gift, or transfer occurs on or off University property or in the course of a University activity or student organization activity.
- f. *Manufacture*: Possession, production, manufacture, or use of any substance that is used as a drug on or off University property.
- g. *Prescription Misuse*: Abuse or misuse of any prescription drug, the unauthorized possession of prescription medication, or the sale or attempted sale of a prescription drug.

35. Unauthorized Recording¹¹

Making, attempting to make, transmitting, or attempting to transmit audio or video of any person(s) on or off campus in bathrooms, showers, bedrooms, or other premises where there is an explicit expectation of privacy with respect to nudity (full or partial) and/or sexual activity, without the knowledge and consent of all participants subject to such recordings.

36. Unauthorized Taking or Possession

- a. Unauthorized taking or possession of University property or services (including University Recreation or Dining Services).
- b. Unauthorized taking or possession of the property or services of others.

37. Violation of other published University regulations, policies, or rules

38. Any violation of any local, state, or federal law is against University Policy

¹¹ Policy adapted with permission from Rutgers University.

C. Housing and Residence Life Policies

The following is a list of Housing policies. Knowing these policies and following them are the responsibility of each person from the time they become a resident of University Housing.

Housing/Campus Policies

Individuals/groups who fail to comply with and/or violate these policies may find themselves subject to university discipline. Students are responsible for their assigned living area and any activities that occur therein, including the behavior of their guests. The assigned resident does not need to be present, actively involved, or even aware that an incident involving their guests has taken place in order to be held accountable for that incident.

Taking Responsibility for Confronting Noise and Disruptive Behaviors

Living in the on-campus community helps solidify the educational experience and contributes to the growth of an individual. Thus, students are asked to assume initial responsibility in addressing complaints on their own.

If you have a problem with the noise/behavior of another student, you are expected to ask that student to reasonably change their behavior. If that student is uncooperative, you should then request assistance from a Housing staff member.

Disclaimer

Ferris State University reserves the right to amend or develop additional policies or procedures as necessary to ensure the promotion of safety for the community. University officials will make every attempt to communicate changes in a timely manner to those affected.

Community Standards

In order to meet the educational and social needs of students, the University has established a set of community standards for each residence community. These standards are based upon four (4) fundamental rights of all University Housing students:

- Sleep and study in one's own living space
- Live in a clean and sanitary environment
- Have a means of addressing concerns
- Be free of fear from intimidation and physical or emotional harm

It is important to note that living on campus is a privilege, not a right. The information in this section is intended to communicate clear expectations regarding individual conduct, contractual obligations, and community responsibilities. Students may be charged with violations of these policies through the University's student conduct process.

1. Access Panels

Students may not open, tamper with, or otherwise manipulate pipe chase access doors and panels, or open or gain access to similar spaces of any kind.

2. Activities Resulting in Disturbance, Distress, or Damage

Individual or group activities that may result in a disturbance or distress to others or that cause or may reasonably cause damage or destruction to self or property are prohibited. When individual responsibility cannot be determined, the residents of a living community may become collectively responsible for restoration costs. Examples of behavior covered by this policy include, but are not limited to, damage to building, graffiti, etc.

3. Advertising/Solicitation

- a. Any posting of advertising materials must be done by authorized Housing Staff only. For any posting of advertising materials in or around Ferris State's Housing facilities, approval must be given by the Center for Student Involvement (CSI), with the final approval authority resting with the Office of Housing and Residence Life. See CSI for posting policy procedures. The stuffing of mailboxes is not permitted.

- b. Solicitation is not permitted in any on-campus community nor is it permissible for any student to operate a business from any on-campus living assignment. Individuals or student organizations found in non-compliance with this policy are subject to disciplinary action.

4. Air Conditioners

Air conditioners (including window and floor units) are generally not permitted. Such units may be permitted in an on-campus community if a medical necessity is verified by Disability Services and approval is granted by Housing and Residence Life. Students living in an on-campus community must use a University provided air conditioner unit installed by University staff. A fee is charged for such services.

5. Alcohol Policy

In order to support legal and responsible drinking habits, the use or possession of alcoholic beverages is defined in the following areas:

- a. Consumption of alcohol may only occur in a living space where ALL residents present are 21 years of age or older and ALL guests present are also 21 years of age or older.
- b. Consumption of alcohol is allowed in the shared living space in apartments, suites, and Cramer Hall rooms when the resident who is drinking is 21 years of age or older.
- c. Students under the age of 21 may not be present in a residence hall room or common space where alcohol is present or being consumed.
- d. Residents under the age of 21 may not possess or display empty alcohol containers. Empty containers may be considered evidence of possession, consumption, or both.
- e. Under no circumstances are kegs or other types of "common sources" of alcohol allowed in University housing regardless of age.
- f. Drinking games are prohibited in University housing. Games, such as beer pong, are prohibited regardless of what is being consumed (i.e. water, soda, etc.).

6. Child/Day Care

The Office of Housing and Residence Life recognizes the challenge to find quality day care while attending college. To help relieve this burden the "No Business" policy excludes Licensed Day Care, with the following stipulations:

- a. Daycare must be licensed through the State of Michigan and providers must comply with all state licensing regulations
- b. Daycare is only allowed in the townhouse apartments
- c. Daycare providers may only care for the children of students living in the University Apartments
- d. Number of children being cared for shall not exceed 4 (including their own children)
- e. It is not permissible for any resident to provide child/day care in the residence halls or suites

7. Fire Safety Equipment

Tampering, covering, or otherwise obstructing the normal operation and/or functions of alarms, extinguishers, or smoke detectors is prohibited.

8. Gambling

Gambling of any kind in any form with monetary consequences is prohibited.

9. Guests

A guest is defined as any individual not assigned to that residential hall, suite, or apartment, or a resident's animal.

- a. Residents are responsible for the actions of their guests and are responsible for ensuring that their guests adhere to all University policies.
- b. Guests must be accompanied by a resident of the community they are visiting at all times. Guests are not permitted to be alone in the community they are visiting, this includes occupying a room while a resident is away.

- c. Guests visiting for more than 3 consecutive days must be registered with the Office of Housing and Residence Life at least one (1) week prior to such visit. Requests may be directed to the Office of Housing and Residence Life and sent to housing@ferris.edu. Requests for exception to this policy may be denied at the sole discretion of the Office of Housing and Residence Life. Persons not identified as residents or resident's guests may be considered trespassers at the University's discretion.
- d. Residents who permit guests to reside in their assigned living area for more than 3 consecutive days or more than 10 days out of any month constitutes a violation of the housing contract. Residents found violating this policy may be subject to cancellation of their housing contract.

10. Hallway or Lobby Area Usage

Hall Directors must approve any usage of common area facilities by residents, students, recognized student organizations, and/or any other person or group. Generally, residence hall and suites' common area spaces are reserved for the exclusive use of the staff and residents of that building.

11. Health Hazards

Situations or items such as piled, soiled clothing, open food containers, exposed food items, vomit or bodily fluids, unkempt bathroom or kitchen facilities (dirt, mold, pools of algae water), and the noxious odors emanating from such pose serious health hazards in the community and are prohibited.

12. Illegal Drugs, Cannabis and Controlled Substances

In addition to other policies listed in the Code of Student Community Standards, the following policies apply to Residence Halls, West Campus Apartments, and East Campus Suites.

- a. *Present*: Students may not be present in University housing where illegal drugs, cannabis, THC based products, or controlled substances are present or being used.
- b. *Accessories and Paraphernalia*: Cannabis accessories and paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.

13. Keys

Residents are expected to carry their student ID and key at all times. It is expected that students will take proper precautions to ensure the safe keeping of their student ID and University housing key, as well as the safety of their residence hall room, suite, or apartment. The Housing staff should not be expected to key residents into their room. For safety and security issues, a resident should report a lost or missing key or ID immediately.

14. Laundry Facilities Abuse

Abuse of another's possessions or damage to equipment in the laundry room is not permitted. Any use of the equipment by or for a non-resident of that building is not permitted.

15. Lobby Furniture

Public area (lobby, study room, lounge) furniture is not permitted to leave the building or designated space. Such furniture is not permitted in suites or in student rooms.

16. Painting and Wall Coverings

The painting of any living space is prohibited. The University paints on a regular rotating schedule. Similarly, students are not permitted to decorate walls, ceilings or furniture with paint, highlighter, pencils, pens, washable paints, acrylics, laundry detergent, or any other substances. All wall coverings that are manufactured with more than 10% of their surface area covered in adhesive are prohibited.

17. Pets

Pets, unless allowed by law, are not permitted with the exception of fish. Fish tanks may be no larger than 20-gallon total capacity per room. It is not the responsibility of housing staff to feed fish in a student's absence. University staff may confiscate any other pets found in a residence hall, apartment, or suite.

18. Public Property

Possession or use as decoration or possession of stolen property including city, county, or state government property, such as road signs, is not permitted. Possession of stolen property is a violation of state law and University policy. Stolen or unauthorized property is subject to confiscation.

19. Quiet Hours/Courtesy Hours and Noise

Residents have the right to sleep and study in their rooms at any time. When asked by someone to respect this right, residents are expected to demonstrate courtesy and consideration by complying with the request. This policy applies to noise that can be heard from both inside and outside a living area. Alleged violations of this policy may result in the confiscation of items or devices creating the disturbance.

- a. Courtesy hours are in effect 24 hours a day, 7 days a week. As a general rule, at no time should noise be heard from a resident's living area from more than 2 doors away, from another floor, or outside the building.
- b. Quiet hours are in effect Monday thru Thursday from 11:00 PM until 8:00 AM the following day, Saturday quiet hours are from 1:00 AM until 10:00 AM, and Sunday quiet hours are from 1:00 AM until 10:00 AM and 11:00 PM until 8:00 AM the following day. Quiet hours means that sound must not be audible beyond the limits of any individual room, suite, hallway, or lounge.
- c. During finals week, 24-hour quiet hours will be in effect. Any student removing a loft at the end of a semester or academic year must do so before 24-hour quiet hours begin or wait until the final examination period is completed. *During finals week, students in violation of this policy may be asked to vacate their living area prior to the end of the semester.*

20. Rights and Freedoms

Actions that infringe upon the rights and freedoms of others are prohibited, regardless of the intentions behind the act.

21. Satellite Dishes and Antennas

Satellite dishes, antennas, or similar devices are not permitted in the residence halls, suites, or apartments.

22. Smoking

Smoking, including the use of electronic cigarettes or similar items, is prohibited in apartments, residence halls, and East Campus Suites. Students must stand well away (minimum of 25 feet) from all buildings while smoking outside and ensure that smoke is not bothering building residents. The use of any smoking device or any simulated smoking device is prohibited.

23. Sports inside a living community

Running, frisbee throwing, hockey, in-line skating, skate boarding, bouncing balls, riding bikes, and other similar activities are prohibited in the residence halls and suites. No remote-control toys or nerf guns are to be operated in the hallways. Staff members reserve the right to confiscate equipment used in violation of this policy.

24. Trash Removal

Students are responsible for taking out their own trash. Trash must be taken to and deposited in the nearest available industrial dumpster outside the building. Students found to have disposed of any waste inappropriately will receive a fine, face disciplinary action, or both. All trash must be removed from all rooms regularly and before all break periods. Trash bags are available at the residence hall and East Campus Suites desks for residents' use.

NOTE: Medical waste must be disposed of strictly in accordance with the Health and Safety Policy concerning Medical Waste outlined in Section VI: Housing Regulations and Standards.

25. Waterbeds

Waterbeds are prohibited.

26. Weapons

Firearms and other weapons or explosives are prohibited on campus. Firearms are not permitted, regardless of permit. Weapons include rifles, shotguns, handguns, paint guns, laser lights, BB and pellet pistols, rifles which are spring, gas, or air propulsion, sling shots, whips, hunting knives, knives with blades longer than 2.5 inches, bows and/or arrows, ammunition, ammunition loading devices, etc. This includes any other item that is used as a weapon. Weapons will be confiscated and may not be returned to the owner. Ammunition of any kind may not be stored in the buildings.

Answers to questions or issues related to firearms or other weapons may be located in the University's Campus Violence and Weapons Prohibition policy.

27. Windows and Screens

For safety purposes, window screens may not be opened or removed at any time. Removing or opening a window screen for other than emergency purposes may result in a fine. Throwing any object from a window or using a window as an entry or non-emergency exit is a serious safety concern.

D. Fire Safety & Security

The University is committed to maintaining a healthy and safe environment in our residential communities while respecting and preserving individual rights. In order to manage this delicate balance, the University has developed policies and procedures to which all residents should comply.

Included below are the expectations regarding the use of personal and University facilities as they relate to fire safety issues. The University recognizes that these policies may cause individual inconvenience. The policies are intended to protect the health and welfare of the larger community. Any activity that could potentially compromise fire safety is a violation of policy. Withholding information/evidence concerning a fire is a serious offense.

1. Appliances

- a. *Prohibited Items:* Those appliances with exposed elements such as toasters, toaster ovens, pizza ovens, waffle makers, electric pans or griddles, appliances that heat oil such as deep fryers, or those that have the ability to act as a pressure cook, pose a safety hazard and are not permitted in residence halls. Although not a comprehensive list, items such as slow cookers, coffee pots, electric kettles, rice cookers, and air fryers are allowed.
- b. *Microwaves:* The University restricts the size to a maximum of 750 watts per residence hall room or East Campus suite.
- c. *Refrigerators:* The University restricts the size to a maximum of 4.6 cubic feet per room. The East Campus Suites and apartments are provided with the acceptable refrigerator.
- d. *Space Heaters:* Space heaters of any size or style are prohibited.

2. Electrical/Lighting

- a. *Extension Cords/Surge Protectors:* To help protect equipment and prevent electrical fires, all electrical cords must be kept visible and out of walkways. Electrical cords may not be run under rugs or over doorways, and wires may not be hung from the ceiling or pipes.
- b. *Lamps:* Halogen lamps are not permitted due to fire risk.
- c. *Overhead Lighting:* Students are prohibited from installing a black light into the overhead light fixture or otherwise tampering with, altering, or covering the light fixtures in any way.

3. Flammable Materials and Incendiary Devices

- a. *Candles, candle warmers, incense, or open flames:* Candles, decorative or otherwise are not permitted in any campus housing unit. Incense and other items that generate open flame are prohibited. Melted wax, burned wicks, etc., may be considered a violation of this policy. Behaviors that create or present the possibility of creating a fire such as burning candles, incense, igniting door decorations, posters, or other materials regardless of intention, is considered a serious offense that could result in suspension or dismissal from the University. Candle warmers are also prohibited.
- b. *Fireworks:* All fireworks are prohibited on campus.
- c. *Flammable Materials:* Possession of materials or containers holding fluids used for igniting fires is prohibited. Prohibited fluids include, but are not limited to, charcoal lighter, gasoline, propane, and cigarette lighter refueling containers. Possession or storage of motorcycles, motor bikes, or other motorized vehicles is strictly prohibited in University Housing.
- d. *Grills and Outdoor Cooking Appliances:* Are allowed to be possessed and used by West Campus apartment residents provided they are kept outside of the apartment. All lighter fluid and other flammable materials must also remain outside of the apartment space and away from the building.

4. Room/Building Safety

- a. *Hanging Objects:* Objects hung from any ceiling, ceiling light fixture, smoke detector, or any exposed pipe are prohibited.
- b. *Obstruction of Egress:* Students are prohibited from blocking or otherwise obstructing internal or external access to room doors or windows for safety reasons and emergency evacuation needs.

- c. *Obstruction of Heating/Ventilation Systems:* Students are prohibited from blocking or otherwise obstructing access to heating or ventilation systems. Furniture must be at least 12 inches away from all heaters or vents and must not block access to either heater or vents.
- d. *Pipes:* Students are not permitted to tamper with or hang any items from pipes in their rooms. Stress on pipes may cause structural damage resulting in severe water leakage.
- e. *Modification of Water Supply Lines:* Residents are not permitted to make any modifications to the water supply lines in any of the residential spaces. A resident, however, may request accommodations to meet their personal or religious needs by directing their request to the Director of Housing and Residence Life at westcampusapartments@ferris.edu.
- f. *Propping Doors:* Residents may not prop any residence hall or suite door intended to remain closed and/or locked for safety and security reasons. Propped doors compromise the safety and security measures they are designed to meet, including fire safety.
- g. *Room Door Decorations:* Students are not permitted to decorate their doors in any way (inside or out). Materials hung on the door constitute a fire hazard. Artwork on doors, such as painting, drawing, or etching will be considered destruction/damage of property.
 - Residence Hall decorations that can be affixed by masking tape will be permitted only on the concrete area surrounding the doorframe.
 - Weather stripping is not permitted.
 - Residents are responsible for any damage that may result from putting tape or other adhesives on walls or doorframes.
 - Excessive decorations, as determined by Housing staff, are not permitted, as this may constitute a fire hazard.

5. Fire Safety

- a. *Fire Safety and Fire Safety Equipment*
 - Fire Safety equipment is provided to help ensure everyone's safety. Tampering with alarms, extinguishers, or smoke detectors is a violation of local, state, and federal laws, as well as a violation of University policies.
 - Students will be billed a minimum of \$200 for any damages found through annual inspections of the smoke detectors.
 - Covering or otherwise obstructing a smoke detector is prohibited.
 - Any activity that could potentially compromise fire safety is a violation of policy.
 - Withholding information/evidence concerning a fire is a serious offense.
- b. *Fire Evacuation:* When fire alarms are activated, including during scheduled fire drills, all occupants must evacuate the building. Residents must wait outside the building until a member of the staff indicates they may return. Failure to evacuate during a fire alarm is a serious violation of University policy.
- c. *Smoke Detectors:* To enhance the safety and well-being of all students, the University has installed smoke detectors in each room, suite, and apartment.
- d. *Smoking:* Smoking is not permitted in University Housing. Students must stand well away (minimum of 25 feet) from all buildings while smoking outside.

Section V: Administrative Policies



Code of Student Community Standards

Section V: Administrative Policies

Consensual relationships between university employees and students.

Consensual relationships of an amorous or sexual nature, that might be appropriate in other circumstances, are deemed inappropriate when they occur between an employee of the University and a student for whom he or she has a professional responsibility. For example, such a relationship would be inappropriate between a faculty member, administrator, supervisor, advisor, coach, or residential staff member and a student for whom they have professional responsibility. Even when both parties have consented to the development of such a relationship, the relationship can raise serious concerns about the validity of consent, conflicts of interest, and unfair treatment for others and may result in serious consequences. Employees and students of the University are expected to make responsible choices.

It is the policy of the University that any University employee, who has professional responsibility for students, shall not assume or maintain professional responsibility for any student with whom the University employee has engaged in an amorous or sexual relationship. Whether the relationship predated the assumption of professional responsibility or arose out of the professional association, the University employee shall immediately disclose the relationship to the relevant unit administrator. The unit administrator shall immediately arrange a meeting of the parties to the relationship to discuss alternative oversight of the student, and to attempt to reach cooperatively, agreement on changes that will move professional responsibility for the student to another University employee. If no agreement is reached, the unit administrator shall determine and direct the best method to deal with the situation.

Dignity Policy¹²

The University expects all students and employees to conduct themselves with dignity and respect for students, employees, and others. It is each individual's responsibility to behave in a civil manner and to make responsible choices about the manner in which they conduct themselves. Harassment of any kind, including sexual harassment, racial harassment, or harassment based upon any status protected from discrimination under the Policy on Non-Discrimination or state or federal law, is not acceptable at the University. The University does not condone or allow harassment of others, whether engaged in by students, employees, or by vendors or others doing business with the University. Harassment is the creation of a hostile or intimidating environment in which verbal or physical conduct, because of its severity or pervasiveness, is likely to significantly interfere with an individual's work or education, or adversely affect a person's living conditions. It is the responsibility of the President or his/her designee, to establish and administer University policy to support this principle.

Ferris State University Business Policies¹³

The University's Business policies apply to all members of the Ferris community and all campus guests. Business policies include administrative, athletics, facilities, financial, health and safety, information technology, and public safety policies.

¹² Full Dignity Policy is available at <https://www.ferris.edu/administration/Trustees/boardpolicy/Part8/Subpart-8-7rev5-8-15.pdf>

¹³ Full list/text of Business Policies are available at <https://www.ferris.edu/administration/buspolletter/index.htm>

Freedom on the Campus and Uniform Regulations of Campus Activity/Facility

Statement of Principles

The University recognizes, endorses, and abides by the principles of free speech that flow from the First Amendment to the United States Constitution. Protected speech cannot be completely suppressed solely because of the audiences' approval or disapproval of its content. Yet, there is no absolute right to assemble or to make or hear a speech, at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. In addition, the First Amendment will not protect expression where reasonable content-neutral University rules and regulations have not been followed.

Rights Reserved to the University

The University reserves the right to deny permission to University organizations or units and/or community groups that may wish to sponsor lecturers, entertainers, groups, or exhibitions that may be in conflict with the University's policies or local ordinances. The University's Division of Student Affairs shall be responsible for administering policies and procedures to regulate campus activities and to control the use of University facilities in order to, amongst other legitimate purposes, maintain order on campus, avoid disruption of the educational mission, promote an educational atmosphere, and promote safety and security. Such policy shall be issued by the Vice President for Student Affairs and approved by the President.

All events and activities that may be sponsored on the University campus must be pre-registered with the Center for Student Involvement; and the Administration will determine if the activity or event is appropriate and in the best interests of the University. The sponsoring organization, unit, or community group is responsible to provide adequate provision for the health, safety, and welfare of the general public. If the sponsoring agency fails to ensure the proper behavior and conduct of its audiences, the sponsoring agency may be subject to penalty or discipline where applicable, if damages or mishap occur during the course of its sponsored activity. The University must insist on proper conduct and proper use of its facilities in accordance with University policy.

Uniform Regulation of Campus Activity and Facility Use

The University regulates and controls the use of its facilities in order to, amongst other legitimate purposes, maintain order on campus, avoid disruption of the educational mission, promote an educational atmosphere, and promote safety and security. Consistent with these purposes and the requirements of the First Amendment, campus activity and facility use are subject to the following requirements and limitations:

1. The University may place reasonable time, place, and manner restrictions on campus activity/facility use to the extent the restrictions are not based on the content of the presentation, are narrowly tailored to serve a significant institutional interest, and leave open ample alternative channels of communication. Such restrictions may relate to advance notice, security, parking, advertising, indemnification, insurance, health and safety, as well as other areas.
2. A request for a campus activity/facility use may be denied by the University, after proper inquiry, where the activity/event will constitute a clear and present danger to the University's orderly operation because of the speaker's advocacy of such actions as:
 - a. The violent overthrow of the government of the United States, the State of Michigan, or any political subdivision thereof;
 - b. The willful damage to, destruction of, or seizure and subversion of the University's buildings or other property;
 - c. The forcible disruption of, impairment of, or interference with, the University's regularly scheduled classes or other educational functions;

- d. The physical harm, coercion, intimidation, or other invasion of lawful rights of the University's officials, faculty members, or students; or
- e. Other campus disorders of a violent nature.

For purposes of this subpart, "advocacy" means preparing the group addressed for imminent action and steeling it to such action, as opposed to the abstract espousal of the moral propriety of a course of action by resort to force; and there must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purpose of the University.

3. Expression that does not constitute protected speech is not protected by the First Amendment and may be regulated or suppressed. Where it is patently clear, after investigation, that the activity/event will result in such unprotected expression, the University may restrict or exclude the event. Such unprotected expression includes the following (these are terms of art that must be applied according to the definitions established by the United States Supreme Court):
 - a. Defamation: Oral or written falsehoods communicated to third parties that would harm the reputation of another.
 - b. Fighting Words: Insulting or fighting words – those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.
 - c. Obscenity: The material in question is patently offensive, appeals to prurient interests, and taken as a whole, lacks serious literary, artistic, political, or scientific value.
4. Where a request for a campus activity or facility use is denied by the University, the sponsoring organization will be given notification of the reason(s) for the denial. Any aggrieved sponsoring organization may appeal the denial in writing within five (5) working days to the Vice President for Student Affairs. If requested, the Vice President for Student Affairs, or their designee, will provide an informal hearing within three (3) working days of the filing of the appeal. No later than five (5) working days after the filing or after the hearing, whichever is later, the Vice President for Student Affairs will decide the appeal and notify the sponsoring organization of their decision and the reason(s) for that decision. The decision of the Vice President for Student Affairs is final.

Prohibition of Certain Conduct by Campus Speakers

A speaker must not urge the audience to take action which is prohibited by the rules of the University or which is illegal under federal or Michigan law. Advocating or urging the modification of the government of the United States or of the State of Michigan by violence or sabotage is specifically prohibited. It is the responsibility of the sponsoring student organization to inform speakers of these prohibitions.

Sponsorship of Campus Speakers

Sponsorship of a campus speaker must be by a student organization which has been recognized under the general regulations approved by the appropriate University authorities.

Responsibilities of the Sponsoring Organization

For purposes of preserving a record of all such public meetings and of coordinating them with the business of other activities taking place on University property, the sponsoring organization must (a) make all arrangements for reservation of space with the appropriate University officials, and (b) complete a form to be furnished by the appropriate University office indicating, among other things, the subject to be discussed, the names of all speakers and the time and place of the meeting, and the form is to be certified by the signature of a faculty advisor. All rules for administration of requests from recognized student organizations must conform to the requirements of this subpart. It shall be the responsibility of the institutional officer under whom the program is administered to certify that all appropriate steps have been taken before the event is officially scheduled.

Violation of this Policy

Any student organization violating this policy is subject only to the procedures and penalties applicable to students and student organizations that violate other University rules.

Notification of Rights under the Family Educational Rights and Privacy Act (FERPA)¹⁴.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. **The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.** Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. **The right to request the amendment of the student's education records that the student believes is inaccurate or misleading or otherwise in violation of the student's privacy rights under FERPA.** Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student in writing of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. **The right to provide written consent before the University disclosures of personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.** The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, collection agent, contract employee, or a clinical/internship facility); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by Ferris State University to comply with the requirements of FERPA.** The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

As outlined by the Act, at the discretion of the University, "directory information," as defined as academic college or program/major, addresses, admission status, athletic participation, class level, dates of attendance, degrees/honors/awards received, enrollment status, name, previous schools attended and telephone, may be released without your consent. However, you may request that all of the items identified as directory or public information be withheld and considered restricted information. To exercise this option, you must file a written request at the

¹⁴ To view the FERPA waiver used by Student Conduct, please see Section VI, Appendix D: FERPA Waiver Trustees; or Section IV: Administrative Policy

Timme Center for Student Services. The request for non-disclosure must be filed by the end of the first week of fall term to assure information will not be published in the student directory. A request for non-disclosure will be honored by the institution and remain active until you notify the Record's Office in writing to remove the restriction.

Ferris State University regards all student records as protected by FERPA. Parents requesting access to their child's records (grades, billing, etc.), including minors (children under the age of 18), are encouraged to ask their son(s) and/or daughter(s) to fill out an Authorization to Disclose Information form at the first floor service counter in the Timme Center for Student Services.

Assumption of Risk, Consent & Release

All residents acknowledge opportunities throughout the school year to participate in a variety of extracurricular activities and events not required as part of the student academic curriculum, including, but not limited to: using fitness rooms, housing facilities, equipment and saunas; athletic events; educational, recreational, and social activities and programs that occur in housing facilities, and on or off campus property; consumption and/or participating in the distribution or selling of food and beverages by students, student organizations, and/or non-University individuals; and travel to and from and participation in events, conferences, and other activities on and off campus.

As a student, you recognize that your participation in such extracurricular activities may involve physical exertion and/or actions or omissions which could cause or result in injuries and/or health problems; contact with a variety of individuals, including non-University persons; risk of loss or damage to property; inconvenience and discomfort; exposure to circumstances and presence in locations with no supervision or protection; and other risks inherent in the particular activity or event in which you may be participating.

In consideration of being permitted to utilize these facilities and equipment, and to participate in the activities and events available to our students, signing the housing contract means that: You understand the above risks may occur; you assume all risks inherent in and which from your participation in travel, activity, and connected activities and other consequences or events that occur in conjunction with such extracurricular activities or events.

To the fullest extent permitted on behalf of you and your heirs, assigns and all other, by law, you knowingly and intentionally release and waive any and all claims of whatsoever kind of nature against Ferris State University, its Board of Trustees, President, officers, employees, advisors, agents, and representatives which may arise out of your participation in these activities and events, including, but not limited to acts, omissions, or negligence of other students, advisors, and other individuals or organizations except for the University's gross negligence or willful and wanton misconduct.

You further agree to be responsible for your own safety, well-being, and conduct, and that neither Ferris State University, its Board, President, officers, employees, agents, or representatives will be liable or responsible if you suffer bodily injury, property damage, personal injury, death, and/or other damages or losses, except if caused by their gross negligence or willful misconduct.

You also understand and agree you are solely responsible and assume all risk for damage, loss, or theft of personal belongings (equipment, cameras, keys, jewelry, clothes, etc.) brought with you when participating in and traveling to and from such activities or events. Ferris State University is not responsible for these personal items and they are not covered by Ferris State University's insurance coverage.

You also authorize being taken to a medical facility for treatment in the event of an emergency, and consent to emergency medical treatment being administered to you in the event you are unable (or your parent or guardian, if applicable, cannot be reached) to authorize treatment.

You recognize that you may appear in photographs, video tapes, recordings, motion pictures, and other records of the extracurricular activities or events in which you participate, and you consent to Ferris State University using, at its discretion, such photographs, video tapes, motion pictures, recordings, and other

recordings in which you may appear, unless you inform the photographer that you do not wish to be filmed. You also understand that FSU cannot control filming between students.

Important Contact Numbers

| | |
|--------------------------------------|----------------------|
| Immediate Emergency | 911 |
| Ferris Department of Public Safety | (231) 591-5000 |
| Mecosta County Sheriff's Department | (231) 592-0150 |
| Big Rapids Public Safety | (231) 527-0005 |
| Grand Rapids Police Department | (616) 456-3403 |
| Dean of Student Life Office | (231) 591-5916 |
| KCAD Dean of Student Success | (616) 451-2787 x1113 |
| Birkam Health Center | (231) 591-2614 |
| Personal Counseling Center | (231) 591-5968 |
| KCAD Personal Counseling Center | (616) 451-2787 x1136 |
| Housing and Residence Life | (231) 591-3745 |
| Spectrum Big Rapids Hospital | (231) 796-8691 |
| W.I.S.E. Women's Information Service | (231) 796-6600 |
| Office of Student Conduct | (231) 591-3619 |
| Community Mental Health Services | (231) 592-3161 |

Reporting Officials

| | |
|--|----------------------|
| Department of Public Safety | (231) 591-5000 |
| Office of Student Conduct | (231) 591-3619 |
| Vice President of Student Affairs | (231) 591-3578 |
| Equal Opportunity Director | (231) 591-3894 |
| Director of Housing | (231) 591-3745 |
| Athletic Director | (231) 591-2863 |
| Academic Affairs | (231) 591-2300 |
| Dean of Student Life | (231) 591-5916 |
| KCAD Dean of Student Success | (616) 451-2787 x1113 |
| Vice President of Administration & Finance | (231) 591-2164 |
| Director of Center for Student Involvement | (231) 591-2606 |
| Title IX Coordinator | (231) 591-2088 |

Section VI: Registered Student Organization Misconduct Policies and Procedures



Code of Student Community Standards

Section VI: Registered Student Organization Policies and Procedures

The Office of Student Conduct may initiate disciplinary proceedings against Registered Student Organizations (RSO) in any situation involving allegations of misconduct. The University requires RSOs to adhere to all University policies, RSO handbook policies, and local, state, and federal laws. Additionally, members may also be referred individually to the conduct process for alleged violations of the Code of Student Community Standards.

Section I: Overview and Definitions

Group Accountability

Ferris State University has always emphasized the importance of individual responsibility and accountability in the lives of its students. Additionally, the rights and duties of Registered Student Organizations also carry with them an obligation on the part of their members, collectively, to uphold the Ferris State University Code of Student Community Standards.

This statement of group accountability acknowledges that unacceptable behaviors by individuals functioning as members or officers of a student organization may have consequences for those individuals as well as for the organization itself. Also, the privilege of being an officer of a student organization carries with it responsibility for the reasonable anticipation and prevention of foreseeable violations of University policies, resulting from either deliberate or negligent behavior of the organization's members or guests.

RSOs may be held accountable for the behavior of its members and guests on its premises, at events sponsored (or co-sponsored) by the organization, or when an event would be perceived as an RSO event by an outside party violates University policies. Organizations that violate University policies are subject to the disciplinary process. It is the responsibility of organizational officers, or those in charge of an event, to identify foreseeable problems that may arise and to take timely corrective action.

University Policies

The Registered Student Organization Conduct Process is an official policy of the University and is comprised of policies and procedures relating to the misconduct of any Registered Student Organization.

Jurisdiction and Applicability of Procedures

Groups of students and student organizations are expected to comply with all University policies, including the Code of Student Community Standards and all additional policies pertaining to groups and organizations, whether on campus or off. A group or organization may be held responsible for the actions and behaviors of its members and guests. RSOs shall be responsible for the behavior of its collective group members from the time membership begins until membership has ended or the member has been awarded their degree. In the case of RSO conduct violations involving members who have since disaffiliated or graduated before the

conduct violation is reported, the current RSO will still be subject to endure any sanctions from such report.

The decision to hold a group or organization responsible as a whole is ultimately determined by examining all the circumstances of a situation and by taking into account factors including, but not limited to, whether the actions:

- Were committed by one or more officers or authorized representatives acting in the scope of their group or organizational capacities;
- Occurred at or in connection with an activity or event funded, sponsored, publicized, advertised, or communicated about by the group or organization;
- Occurred at a location over which the group or organization had control at the time of the action;
- Occurred at or in connection with an activity or event that a reasonable person would associate with the group or organization;
- Would be attributable to the organization under the group's own policies (including local or national risk management guidelines); or
- Were taken by individuals who, but for their affiliation with the organization, would not have been involved in the incident.

Definitions

For the purpose of this document, the following definitions shall apply.

1. The term "University" means Ferris State University
2. The term "student" includes the following:
 - A. A person who has been notified of his/her acceptance for admission to Ferris State University, who is admitted and enrolled in any credit-bearing course or program in any school or division of Ferris State University, or who is a continuing student between academic periods.
 - B. A person who resides in Ferris State University housing, whether or not that person is enrolled in any school or division of Ferris State University.
 - C. A person who has withdrawn after allegedly violating the policies regarding misconduct, who is not officially enrolled in any credit-bearing course or program but who has a continuing relationship with Ferris State University.
3. The term "Director of Student Conduct" means the Director and all appropriate designees, including hearing committees.
4. The term "CSI" refers to the Center for Student Involvement at Ferris State University.
5. The term "Dean of Student Life" means the Dean of Student Life and all appropriate designees.
6. The term "University official" includes any person employed by the University, performing assigned administrative, professional, or para-professional responsibilities.
7. The term "Registered Student Organization" or "RSO" or "Organization" refers to any group meeting the criteria in the RSO handbook.

8. The term “RSO President” means the president of a student organization on record with the CSI office. If the RSO president is not representing the RSO in the conduct process, they may delegate their representation to another member (must be a current Ferris student) and the RSO must notify the Office of Student Conduct of that change as soon as possible and at least one (1) day before the conduct conference.
9. The term “Witness” is defined as an individual who has had direct involvement in an incident and/or who was provided with information regarding the incident directly from the respondent, alleged victim, or both. This also may include individuals, who in their professional capacity, have contributed information which led to allegations and subsequent charges.

Section II: Disciplinary Procedures

Ferris State University’s procedures for imposing administrative and non-administrative sanctions are designed to:

1. Provide RSOs the guarantees of due process and procedural fairness,
2. Ensure equal protection for all students,
3. And provide for the imposition of similar sanctions for similar acts of misconduct.

At the same time, the procedures reflect the need to be concerned about the RSO involved in a particular case. The procedures therefore provide that the imposition of disciplinary sanctions must also be based upon a consideration of all the circumstances in a particular case, including the RSO’s prior record of misconduct, if any.

Due Process

Due process will be afforded to all Ferris State University Registered Student Organizations when charged with violating University regulations or policies. Due Process for Registered Student Organizations includes: notice in writing of the allegation, notice of any proceeding, an explanation of the allegation, an opportunity to respond to the allegation, and an opportunity to appeal the decision.

Compliance Letters

At the discretion of the Director of Student Conduct, RSO renewals and other administrative management complaints may be informally addressed through a letter requiring compliance by a specified date. Failure to comply with the outlined requirement(s) by the deadline will result in the complaint being referred to the RSO Conduct Process for formal resolution.

Initiation of Proceedings

1. A report that a Registered Student Organization has committed an act of misconduct and/or is in violation of RSO/University policy may be filed by any individual.
2. A report that an RSO has committed an act of individual misconduct must be submitted in writing to the Director of Student Conduct or appropriate designees. Although not required, an official complaint form is available online at ferris.edu/studentcode.
3. After reviewing the complaint, the Director of Student Conduct has the discretion to decide whether disciplinary proceedings should be instituted. If the Director of Student Conduct decides to initiate proceedings, the case will be assigned to the appropriate conduct case manager.

Interim Action

After reviewing the complaint, the Director of Student Conduct may impose interim action(s) if it is determined that the organization (a) engaged or threatens to engage in behavior which jeopardizes the safety of others, (b) has caused or likely will cause significant property damage, or (c) has or likely will significantly disturb normal University operations and/or the educational process. Interim actions are temporary actions, ranging from specific loss of privileges to interim suspension, pending the outcome of a conduct conference. This action will remain in effect until the conduct process is complete.

1. When an interim action is imposed, the Director of Student Conduct shall notify the RSO via email to the Ferris assigned email account of the President of record. Other University officials or International Headquarters professionals may be copied in this letter at the Director of Student Conduct's discretion.
2. Any organization faced with an interim action has the opportunity to appeal the interim action to the Dean of Student Life within 7 days of the issuance of the interim action letter.

The appeal must be issued in writing and address one of the following criteria:

- a. The reliability of the information concerning the RSO's alleged misconduct including the matter of their identity,
- b. Whether the alleged misconduct can reasonably be associated with the organization,
- c. Whether lesser actions can sufficiently address the Director of Student Conduct's concerns regarding the organization's continued presence and/or activities.

Investigation

After reviewing the complaint, the Director of Student Conduct has the discretion to decide whether an investigation is needed.

1. The Department of Public Safety shall have the responsibility of the investigation of acts that involve potential violation of federal, state, and local laws or University policies that occur on the Big Rapids campus.
2. The Director of Student Conduct may also investigate allegations of RSO misconduct.

Notice

1. The Director of Student Conduct shall send notice of the conduct conference to the RSO President of record's Ferris email account. Other University or organization affiliated professionals may be copied in this letter at the Director of Student Conduct's discretion.
2. These notices shall inform the RSO of the following:
 - a. A summary of the allegations of the case.
 - b. The requirement to schedule a Conduct Conference with The Office of Student Conduct within seven (7) days of the notice.
 - c. The opportunity to respond to the reports and to offer any additional information which might help in the resolution of the case.
 - d. The opportunity to present witnesses who may substantiate information related to the incident. The conduct case manager reserves the right to limit the number of

witnesses based on the relevancy to the facts of the case. Character witnesses are generally considered irrelevant.

Conduct Conference

1. The RSO president will be required to schedule a Conduct Conference with the Office of Student Conduct within seven (7) days of the notice being issued. The RSO on-campus Advisor and/or additional members of the RSO may be asked to attend per discretion of the conduct case manager and relevance to the case. Conduct conferences are closed to the public.
2. A Conduct Case Manager is generally an employee of the University who has received training to act in such capacity.
3. In certain circumstances a second conduct case manager or a conduct case manager contracted with from outside of Ferris may be used because of their expertise or ability to provide insight.
4. The Conduct Case Manager shall maintain necessary order and shall make all rulings necessary for a fair, orderly, and expeditious conduct conference.
5. The Conduct Case Manager may question any witnesses.
6. When it appears necessary to avoid undue hardship, the Conduct Case Manager may, at their discretion, grant a reasonable postponement of the conduct conference, especially in circumstances where additional immediate support services are required.
7. The decision of the Conduct Case Manager shall be based upon matters presented and introduced at the conduct conference and must be based upon a preponderance of the evidence (a determination whether the violation was more likely to have occurred than not).
8. The Conduct Case Manager shall make a finding as to whether the RSO has committed only the violation(s) as charged based on a preponderance of the evidence. If the Conduct Case Manager reaches a finding of “responsible”, the Conduct Case Manager shall, after review of any disciplinary record the RSO may have, require one or a combination of the disciplinary sanctions (Administrative and Non-administrative).
9. If the RSO fails to schedule or attend their conduct conference after proper notification by the Office of Student Conduct, the conduct conference will proceed, and a decision may be made in the absence of the RSO.

Notice of Outcome and Sanctions

1. The Conduct Case Manager will send a decision letter detailing the outcome of the Conduct Conference. All follow up communication and/or notice of sanctions will be sent via email to the Ferris email account of the RSO President of record. Other University or organization affiliated professionals may be copied in this letter at the Director of Student Conduct’s discretion.
2. An RSO that has been found responsible for violating University policy will be issued sanctions as appropriate to ensure the safety of its members and the campus community, along with sanctions that will provide educational benefits to prevent reoccurring violations.

3. When required by law, a complainant may also be notified of the outcome and sanctions of a Conduct Conference.

Sanctions

The Director of Student Conduct or their designee is authorized to impose any one or a combination of the following administrative and educational sanctions for behavior found to be in violation of University Policy. The University may impose other sanctions singularly or in combination with any of those listed below. Sanctions are assigned to promote accountability and set RSOs up for future success.

Administrative Sanctions

1. Written Warning

A written warning is an official warning issued by the University. A written warning is the lowest level sanction an RSO may receive and is meant to inform the RSO that they have been found in violation of the University policy and that they should understand that future violations could result in further sanctions. With a written warning, an RSO should have a clear understanding of the University's expectations for their future behavior.

2. Probation

Probation is the highest administrative sanction an RSO may receive while still being recognized by the University and is intended to convey to the RSO that their behavior has seriously impacted the community, and should further violations occur, their RSO may face suspension from the University.

Further violation of University policies at any point during the probationary period will be viewed not only as a violation based upon the act itself, but also as a violation of the probation. This shall result in further action up to, and including, suspension from the University.

3. Suspension of Recognition

The University no longer considers the group to be a Registered Student Organization at Ferris State University. Suspension bans RSOs from participating in all aspects of University life for a specified period of time, measured in semesters. During the suspension period, organizations are required to refrain from planning, participating, or otherwise engaging in organizational activities and return any University allocated funds to the originating funder.

When the term of the suspension has ended, the RSO may apply to return and will be required to complete the reactivation process in accordance with the RSO handbook.

4. Inactive Status

The University no longer considers the group to be an active Registered Student Organization at Ferris State University. There is no minimum amount of time an RSO must remain inactive and if/when they desire to come back, they can do so in accordance with the RSO handbook. These sanctions are commonly assigned in cases where an RSO has failed to renew their Bulldog Connect profile.

Effective Enforcement of Administrative Sanctions

Administrative sanctions do not become final until the opportunity to appeal has passed. RSOs who choose to appeal suspension may continue to engage in University activities until an appeal

decision is made, unless there is an interim suspension already in force through the Office of Student Conduct or is otherwise stipulated through the conduct process.

Non-Administrative Sanctions

Education and Safety are the two primary priorities for the Office of Student Conduct. To accomplish these goals, the Office of Student Conduct provides opportunities for RSOs to reflect on and learn from their past experiences. Non-Administrative sanctions include, but are not limited to the following:

1. Community Service

The RSO may have the opportunity to choose the type of service they would like to perform and have the opportunity to work with staff at the CAPS Volunteer Center to find service opportunities that are meaningful to them.

2. Restitution

The RSO is required to pay the costs for the replacement or repair of any University property damaged by the organization.

3. Educational Workshop/Class

The RSO is required to complete or attend an educational workshop, class, or training. The topic and attendance requirements are at the conduct case manager's discretion.

4. Restriction of Privileges

The RSO is restricted from engaging in specific privileges for the period detailed by the conduct case manager. Privileges that may be restricted include, but are not limited to:

- Reserving University facilities and outdoor space for activities, practice, games, and meetings;
- The use of a campus mailbox located in the CSI Office;
- Participation in campus events such as Bulldog Bonanza and Homecoming;
- A portal in Bulldog Connect for organization documentation, member communication, surveys, or promotional opportunities;
- Eligibility to sponsor and co-sponsor campus events;
- Promotion in University presentations and publications, including Student Organization Directories in Bulldog Connect;
- Eligibility to advertise and promote sponsored events;
- Use of the RSO resource room in the CSI Office;
- Receiving or retaining University funds.

Failure to comply with assigned sanctions

Registered Student Organizations who are assigned sanctions as a result of the student conduct process for RSOs and fail to comply with those sanctions are subject to further disciplinary action.

Appeals

Should the RSO wish to appeal the decision of the conduct conference they may do so in writing to the Dean of Student Life or their designee based on the following criteria:

1. Failure to be provided due process, or a procedural error in the conduct process which may be substantial enough to change the outcome; and/or
2. The discovery of substantive new evidence which was unknown to the Conduct Case Manager at the time of the conduct conference that could have a significant effect on the outcome; and/or
3. The severity of the sanction (only in cases involving RSO suspension).

The Dean of Student Life will review the appeal and if the appeal is granted, they may choose to render a decision on the appeal based on the appeal criteria or institute a hearing conducted by a different conduct case manager.

Procedure for when appeal is received

- A. Upon review of the written appeal material, the Dean of Student Life will render a decision using one of the following options.
 1. If the grounds for appeal have been sufficiently satisfied and the appeal is accepted, one of the following will occur:
 - i. The case shall be remanded back to the original Conduct Case Manager or committee with specific instructions to correct a procedural error and reconsider the case.
 - ii. The case shall be remanded back to the Office of Student Conduct for a new conduct conference before a different Conduct Case Manager or committee; or
 - iii. The sanction may be modified.
 2. If the grounds for appeal have not been sufficiently satisfied, the original decision is upheld, and sanctions are enforced.
- B. Each RSO shall be limited to one appeal and shall not be entitled to appeal their case after an appeal decision is rendered. The decision of the appellate officer shall be final.

Fraternity/Sorority Disciplinary Proceedings

1. Fraternities and sororities are considered RSOs and are subject to the same rules and processes as any other RSO.
2. An alleged violation may also be independently adjudicated by the appropriate governing council, such as the Black Greek Council (BGC), Interfraternity Council (IFC), Panhellenic Council (PC), or United Greek Council (UGC).
3. The organization's national headquarters may also be notified.
4. The decision or final outcome of the formal disciplinary process of the governing council or national organization may be supported by the University; thus, alleviating the necessity to continue with additional proceedings.

Section VII: Appendices



Code of Student Community Standards

Section VII: Appendices

Conduct Process vs. Court Process

What are the differences between the Ferris State University Student Disciplinary System and the Court System?

The purpose of the following is to clarify the basic differences between the Ferris State University student disciplinary system and the court system. The FSU student disciplinary system (like *all* college disciplinary systems) uses a different "standard of evidence" than is required by the criminal court systems. Additionally, the purposes of the systems are very different. For example:

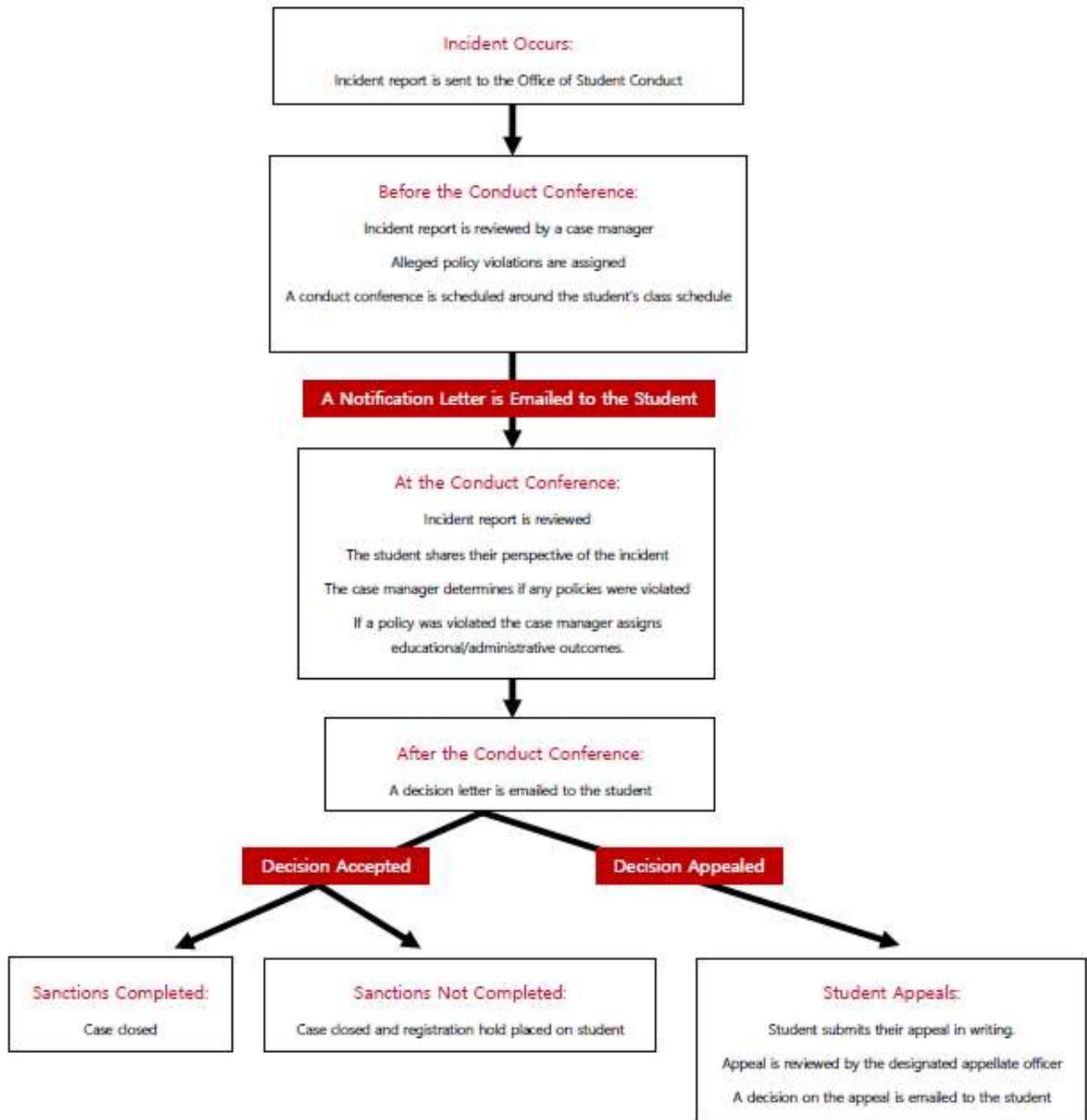
- In the criminal court systems, the standard of evidence is generally "beyond a reasonable doubt."
- In college disciplinary systems, the standard of evidence is "preponderance of the evidence." In other words, is it "more likely than not" that a student violated the student code of conduct.
- Both systems must ensure that proper "due process" is followed.
- The two systems run independently of each other.
- The student disciplinary system cannot put students in jail and has no relation to the criminal court system.
- Colleges *DO* have the legal right and responsibility to determine if their students are responsible for violating their student code of conduct, *regardless of* what the court system does or does not do.
- The student disciplinary system is intended to be an educational and remedial process, while the criminal court systems are often punitive.

Student Conduct Process Flow Chart



Office of Student Conduct

Conduct Process Flow Chart



What is Proper Due Process?

Proper due process requires the following:

1. The **opportunity to read all written reports and findings** from any investigation regarding the circumstances and allegations of the case.
2. The **opportunity to attend a conduct conference**. A student's conduct conference shall be scheduled minimally three days after the date of the notice. However, a student may waive their right to this three-day provision.
3. The **opportunity to give a response** to the reports and to offer any additional information which might help in the resolution of the case.
4. The **opportunity, during the conduct conference, to review all information and ask questions** (or choose NOT to ask questions) related to the case information that may adversely affect the student.
5. The **opportunity to present witnesses** who may substantiate information related to the incident. The Director of Student Conduct or Conduct Case Manager reserves the right to limit the number of witnesses based on the relevancy to the facts of the case. Character witnesses are generally not considered relevant.
6. The **opportunity to have an advisor** present during the conduct conference; the advisor may not participate in presenting the case, question witnesses, or make statements during the conduct conference.
7. Lastly, a **student is not required to attend their conduct conference or answer any questions** asked during the conduct conference; the choice to remain silent will not be taken as an admission of responsibility. However, a decision will be made in the student's absence and based on information available at the scheduled time of the conduct conference.

Interim Suspension vs. Suspension

An **Interim Suspension** is a *temporary* removal of a student from campus *pending the outcome of a conduct conference*. Every attempt will be made to act expeditiously with the disciplinary proceedings.

A student who has been issued an interim suspension is denied access to University housing, to the campus (including classes) and to all other University activities or privileges for which the student might otherwise be eligible.

An interim suspension may be imposed by the Dean of Student Life or their designee when:

- a. the student engaged, or threatens to engage in behavior which constitutes a direct threat to others,
- b. the student has caused or likely will cause significant property damage, or
- c. the student's behavior significantly disturbs normal university operations, or may interfere with the educational process and/or the operations of the University

Suspension is one outcome of the student conduct process. Any student who has been suspended from the University has been afforded due process including the opportunity to participate in a conduct conference to determine the appropriate consequence(s) of their behavior.

A suspension is for a specific period of time, typically a semester or a full academic year. When the term of the suspension has ended, the student may apply for readmission. If the student is readmitted, they will remain on Disciplinary Probation for the remainder of their career at Ferris. In situations involving a student with a disability, the student may notify Educational Counseling and Disability Services (ECDS) for support, accommodation, and/or advocacy. If requested, the University's section 504/Title II coordinator and other appropriate persons knowledgeable about the student's condition may be involved when that student seeks a return to the University.

Dismissal is another possible outcome of the student conduct process. Any student who has been dismissed from the University has also been afforded due process including the opportunity to participate in a conduct conference to determine the appropriate consequence(s) of their behavior.

A student who has been dismissed from the University *is not eligible for re-admission* to Ferris State University. A dismissal is a permanent separation between the University and the student.

Student Complaint Processes

The University has established processes for students to file a formal complaint, when necessary, to address and resolve their concerns. Complaints against another student that allege a violation of University policy should be submitted to the Office Student Conduct or the Department of Public Safety. Although not an exhaustive list, students with complaints of another nature should explore the following possible avenues.

- a. *Academic Programs* (such as advising, instruction, the library, or course requirements).
Please refer to the Academic Affairs policy for student complaints at this location:
<http://www.ferris.edu/htmls/administration/academicaffairs/policyLetters.html>
- b. *Student Affairs* (such as Admissions and Records, Birkam Health Center, Commencement, Dean of Student Life, Enrollment Services, Institutional Research and Testing, Multicultural Student Services, Orientation, Personal Counseling Center, David L. Eisler Center, Scholarships and Financial Aid, Student Conduct, Student Employment, Center for Student Involvement, Career and Professional Services, and University Recreation).
Please refer to *The Guide to Helping Students Resolve Their Complaints* at this location:
http://www.ferris.edu/htmls/administration/StudentAffairs/vpstudentaffrs/studentcomplaint/stuafrs_studentcomplaintsguide.pdf
- c. *Dining Services*.
Please call the Department of Dining Services at 231-591-2210.
- d. *Housing* (such as residency requirement exceptions and housing contract issues).
Please call 231-591-3745 or visit:
<http://www.ferris.edu/htmls/studentlife/reslife/homepage.htm>
- e. *Department of Public Safety* (parking ticket appeals, citizen's complaints).
Please call 231-591-5000.

Student Conduct Family Educational Rights and Privacy Act (FERPA) Waiver

FERRIS STATE UNIVERSITY

AUTHORIZATION TO DISCLOSE INFORMATION (Family Educational Rights and Privacy Act)

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, provides for the confidentiality of student education records. Institutions may not disclose information about students nor permit inspection of their records without their permission unless such action is covered by certain exceptions as stipulated in the Act.

THIS AUTHORIZATION MAY BE REVOKED AT ANY TIME.

Name of Student: _____ Student Number: _____

I, _____, allow Ferris State University Administrators, Faculty and Staff to speak with or
(name of student or parent)

release _____ records
(describe education records)

to _____
(name of individual/party/parties to speak to or release records to)

for the purpose of _____
(describe the reason for the disclosure)

I understand further that (1) I have the right not to consent to the release of my education records; (2) I have the right to receive a copy of such records upon request; (3) and that this consent shall remain in effect until revoked by me, in writing and delivered to Ferris State University, but that any such revocation shall not affect disclosure previously made by Ferris State University prior to the receipt of any such written revocation.

Date

Student's Signature

Date

Parent's Signature if Student Under 18

Please return this form to:

