

Ferris State University

BUSINESS POLICY

To: All Members of the University Community 2019:02

Date: October 10, 2018

RELATIONSHIP VIOLENCE AND SEXUAL MISCONDUCT POLICY

(Supersedes 2001:05; 2013:06; 2019:01)

I. POLICY

Ferris State University does not tolerate relationship violence or sexual misconduct in any form with a connection to the University, including domestic violence, dating violence, stalking, sexual harassment, and sexual violence/assault. Relationship violence and sexual misconduct are violations of the dignity and respect policies, as well as other policies and criminal law, and the University will strongly pursue disciplinary action and sanctions against all employee and student perpetrators, up to and including termination of employment or dismissal from the University.

II. DEFINITIONS

Prohibited conduct is further defined in [the Nondiscrimination Grievance Procedure](#).

Consent must be freely and mutually given for each act of sexual contact between adults. Consent is: (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.

- Consent can be withdrawn at any time through clear communication.
- Consent can never be achieved through force, threat, intimidation or coercion.
- Consent must be given for each act of sexual contact.
- Consent is not implied in silence.
- Consent cannot be given by a mentally or physically incapacitated person.
- Consent may be deemed invalid where a person is deemed incapable of giving consent due to the victim's use of drugs or alcohol.
- Consent cannot be given by a minor (anyone under age 16).

III. THE LAW

Relationship violence and sexual misconduct include behaviors which violate Michigan criminal law and may result in criminal charges and sanctions being pursued against the perpetrator in addition to University disciplinary procedures and sanctions. The Crime Awareness and Campus Security Act, renamed the Jeanne Clery Act in 1998, among other things, requires Universities to disclose campus related crime statistics and to draft, publish, and enforce a policy regarding the institution's campus sexual assault programs, including procedures to follow when a sex offense occurs. The University annually publishes a Campus Crime Awareness security and fire report, as required by the law, which is available on the Public Safety web page.

IV. RESPONSIBLE EMPLOYEES

The University has designated that anyone at Ferris State University who has the authority to address sexual misconduct, has the duty to report sexual misconduct to appropriate University officials; and/or anyone at Ferris State University who may be an individual whom a student could reasonably believe has such authority or responsibility as a Responsible Employee. Responsible Employees who become aware either through direct disclosure, or have reason to believe an act of sexual misconduct occurred, are required to report the matter to the Title IX Coordinator. Responsible Employees may also have crime reporting requirements pursuant to Clery, State mandatory reporting laws, or other University policy.

Contact Information

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| Title IX Coordinator (All Locations) (231) 591.2088 UC 129E Big Rapids, MI 49307 | Deputy Title IX Coordinator (KCAD) Dean of Student Success (616) 451.2787 x 1113 Grand Rapids, MI 49503 | Deputy Title IX Coordinator (Statewide) Director of Student Services (616) 451.4777 Grand Rapids, MI 49503 |
| Director of Equal Opportunity (All Locations) (231) 591.2152 McKessy House, 120 Cedar Street Big Rapids, MI 49307 | Associate Vice President – Human Resources (All Locations) (231) 591.2150 Prakken 150 Big Rapids, MI 49307 | |

Individuals reporting incidents of sexual misconduct may be encouraged, but shall not be required to report criminal conduct to law enforcement authorities. The University does retain the right to notify law enforcement authorities where concern exists for conduct threatening the personal safety or well-being of the University community, with or without the reporting individual's participation. The University Department of Public Safety (DPS) takes every report of sexual misconduct seriously. DPS will actively investigate any reports and make available to the reporting individual a variety of services located both at Ferris and in the community. It is the goal of DPS and other reporting officials to treat individuals reporting sexual misconduct with courtesy, sensitivity, understanding, and professionalism.

V. MEDICAL AND COUNSELING ASSISTANCE

Individuals reporting sexual misconduct may be in immediate need of crisis intervention or medical treatment. Medical help and mental health treatment is readily available on campus and in the community. At the [Big Rapids Campus](#), [Kendall College of Art & Design](#), and our [Statewide](#) locations, staff members will be able to assist with direct service or appropriate referral. **Generally, professionals providing medical treatment, mental health treatment, crisis intervention, or counseling take all statements in confidence and are not required to report under this policy.** Check with the professional you contact to verify confidentiality requirements.

VI. ACCOMMODATIONS

Accommodations regarding alternate living, working, and class schedules will be made, as are available and appropriate, through the Office of Academic Affairs, the Office of Human Resources, the Office of Student Employment and the Office of Residential Life and Housing.

VII. VICTIM'S RIGHTS

Victims have the same right as the accused to have the support of an advocate during disciplinary and criminal processes and to be notified of hearings. A victim's irrelevant past sexual conduct will not be discussed during the process. Victims also have the right to make a victim impact statement for consideration in the sentencing or sanction stage of the proceeding. The right to be notified of the outcome of the proceeding, to the extent allowed under law, is also a right afforded a victim. Additional rights are provided by the University and found in the code of student community standards and on the Ferris Home Page.

VIII. INFORMATIONAL RESOURCES

Individuals who report relationship violence or sexual misconduct will be provided with useful information including a description of options, services, and rights to which they are entitled. Further information may be provided in [the Code of Student Community Standards](#) and [the Title IX website](#).

IX. GENDER DISCRIMINATION

Title IX of the Educational Amendments of 1972 prohibits gender discrimination at institutions of higher education. The University prohibits gender discrimination in any of its programs or activities. Sexual harassment, including sexual assault and other kinds of sexual violence, is a form of gender discrimination, and violators of the Student and Employee Dignity Policies, Nondiscrimination Policy, and this Policy are subject to discipline up to, and including dismissal or discharge.

Jerry L. Scoby
Vice President for Administration & Finance
Contact: Director of Public Safety