

## **Alternative Resolution Process for Sexual Harassment**

Ferris State University (“University”) is deeply committed to providing and maintaining a healthy learning and working environment for all members of the University community, free of discrimination and all forms of sexual and gender-based discrimination, harassment, and violence (sexual misconduct). Such acts erode the integrity of the educational process, are contrary to the mission and values of the University and are against University policy.

Formal Complaints of sexual and gender-based discrimination, harassment, and violence, that involve a student respondent, are addressed using the University’s Sexual Harassment Policy and Related Title IX Grievance Process or the Sexual Misconduct Resolution Process in Section III of the Code of Student Community Standards. Both policies allow complaints to be resolved informally at any time after the parties are provided written notice of the Formal Complaint and before the completion of an appeal provided the parties voluntarily consent and the Title IX Coordinator gives their approval, to engage in an alternative resolution process. The Alternative Resolution Process is the University’s process for informally resolving sexual harassment complaints involving a student respondent. The goal of alternative resolution is to enter into a final resolution resolving the allegations raised in the Formal Complaint through mutual agreement by the parties.

### **Procedures for Entering and Exiting Alternative Resolution Process**

Parties who do not wish to proceed with an investigation and/or hearing/conduct conference, and instead seek the University’s assistance to resolve allegations of sexual misconduct, may elect to enter the alternative resolution process. Generally speaking, these resolution options are less time intensive than an investigation and hearing/conduct conference, while still affording students an opportunity to actively participate in a process led by the University for resolution of their complaint(s).

The Parties may elect to enter the alternative resolution process at any time after the filing of the Formal Complaint through an informed written consent. This informed written consent will include all terms of the elected alternative process, including a statement that any agreement reached through the process is binding on the Parties.

No Party will be required to participate in alternative resolution. Ferris will never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to alternative resolution.

The Parties may elect to leave the alternative resolution process at any point until the alternative resolution process is concluded. If a Party elects to leave the alternative resolution process, the

formal resolution process resumes. In participating in the alternative resolution process, the Parties understand that the timeframes governing the formal process temporarily pause, and only recommence upon reentry into the formal process. Absent an extension from the Title IX Coordinator, the alternative resolution process must be completed within twenty (20) business days. If an alternative resolution process does not result in a resolution within twenty (20) business days, the formal process will resume. The party electing to leave the alternative resolution process must notify the Title IX Coordinator of their decision to leave in writing. Information obtained during the course of an alternative resolution process will not be available for use during the Formal Resolution Process, including the investigation or hearing.

### **Determination to Approve Entry into Alternative Resolution Process**

Even where the Parties agree to submit a matter to alternative resolution, the Title IX Coordinator or other designated official must approve the decision and may determine that alternative resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the alternative resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is alleged to have engaged in similar behavior in the past, and whether the parties are participating in good faith. The Title IX Coordinator or other designated official may revisit this determination even after the alternative resolution process begins. This determination is not subject to appeal.

### **Role of the Facilitator**

Alternative resolution processes are managed by facilitators. The facilitators will not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators are trained in the definition of sexual misconduct, the scope of the education program or activity, how to conduct alternative resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

### **Alternative Resolution Options**

The Title IX Coordinator, or their designee, will review the requested alternative resolution option for appropriateness prior to the facilitator beginning that process. Parties are permitted to bring an advisor of their choice to any meetings they have as part of this process. Ferris offers

the following alternative resolution options for addressing formal complaints of sexual misconduct involving student respondents:

#### Shuttle Agreement:

This facilitated process does not require direct interaction between the parties. Parties meet separately with a neutral facilitator to explore interests and work towards meeting expressed needs. The goal of the process is for participants to create a mutual agreement to resolve the concern. Prior to finalization, the mutually agreed upon terms are subject to approval by the Title IX Coordinator, or their designee.

#### Facilitated Dialogue:

A structured and facilitated conversation between two or more individuals, most often the Parties, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome. A facilitated dialogue may also be an agreed upon outcome of a shuttle agreement. Prior to finalization, the mutually agreed upon terms are subject to approval by the Title IX Coordinator, or their designee.

#### Administrative Resolution

Should the Parties mutually determine to enter the alternative resolution process, and the respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the alternative resolution process, the University may administratively resolve the formal complaint.

Where the respondent admits responsibility, the parties will receive simultaneous written notification of the acceptance of responsibility, and a decision maker will convene to determine the respondent's sanction(s) and other remedies, as appropriate and consistent with institutional policy. The parties will be given an opportunity to submit an impact or mitigation statement for the decision maker's review, and the parties may utilize their advisor throughout this process but questioning of parties or witnesses will not be permitted. The parties will receive simultaneous written notification of the decision regarding sanctions and remedies.

#### **Appeal**

A decision made by a Party or the Title IX Coordinator not to engage in an alternative resolution process or to resume the formal grievance process is not eligible for appeal.

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 through this process is not subject to appeal.

### **Failure to Comply**

Failure to comply with the terms of a finalized alternative resolution option may result in a referral to the Office of Student Conduct for action up to and including dismissal from the University.