

Non-Discrimination Grievance Procedures

Table of Contents

I. Introduction/Purpose - 2

II. Reporting & Support Options - 2

- University Reporting of Discrimination - 2
- Criminal Reporting - 4
- Coordination of University Complaint Investigation with Public Safety Investigations - 5
- Responsible Employees - 5
- Confidential Reporting - 6
- Third Party & Anonymous Reporting - 6

III. Interim Measures - 7

IV. Investigation Process - 7

- Confidentiality of the Investigation Process - 10
- Investigatory Findings and Conclusions - 10

V. Appeal of Investigation Findings and Conclusions - 11

VI. Non-Retaliation - 12

VII. External Complaint Resolution - 14

VIII. Training - 15

Appendix 1: Definitions - 16

- Definitions Relating to Misconduct - 16
- General University Definitions - 17
- Role Definitions - 18

Appendix 2: University and Community Services, Support Resource Listing - 18

Appendix 3: Statutory References - 19

I. Introduction/Purpose

Ferris State University (the University) takes seriously its responsibility to provide an educational environment free from unlawful discrimination. To that end the University has established policies prohibiting discriminatory conduct within the University community. This procedure is designed to provide a mechanism by which members of the University community, including employees, students, third parties, and all other University community members, can report or grieve discrimination carried out by other University community members. The [Policy on Non-Discrimination](#) expressly prohibits unlawful discrimination in connection with any aspect of Ferris State University's educational programs or opportunities, services to the public, or employment. The [Employee and Student Dignity Policy](#) expressly prohibits harassment and disrespectful conduct within the University community. The University has also established equal opportunity policies pertaining to [employment, education, and services to the public](#), nondiscrimination policies for persons with disabilities and policies prohibiting sexual violence, dating violence, domestic violence, stalking, harassment, assault, and other forms of misconduct.

This procedure describes the process for notifying the University of concerns for conduct prohibited by these policies, as well as the process the University will administer to investigate and respond to such complaints. This procedure supersedes all prior reporting and investigatory protocols pertaining to matters of discrimination within the University community. The intent of this procedure is to outline reporting, investigatory, and remedial actions taken by the University in response to complaints of discrimination and to advise the University community on processes for reporting complaints or otherwise seeking assistance with matters of discrimination. Grievance procedures of [collective bargaining agreements](#) entered into by the University remain unaltered by the adoption of this procedure, as it shall be applied in alignment with those procedures.

This procedure provides informative guidance to the University community, but is not intended to be applied in ways which limit the University's business judgment in determining appropriate investigatory steps, remedial efforts, or other responses to discrimination within the University community.

Committed to the principle of equal opportunity in education and employment, the University recognizes that discrimination comes in many forms, and its occurrence impacts educational programs and opportunities, services to the public, employment, and other University functions and operations. Discrimination, 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 prohibited by applicable State or federal laws or regulations is prohibited at the University.¹

II. Reporting & Support Options

University Reporting of Discrimination

Complaints of discriminatory conduct occurring within the University community should be reported as follows:

¹ See Appendix 3 for a listing of applicable State and federal non-discrimination laws, compliance with which is coordinated through this procedure.

Title IX and other complaints of discrimination based on sex, including sexual harassment, sexual violence, sexual assault, dating violence, domestic violence, stalking or gender discrimination:

Title	Receives Complaints From	Address	Phone
Title IX Coordinator/ Associate Dean of Student Life	Students Employees Community Members	University Center Building 805 Campus Drive Big Rapids, MI 49307	231-591-2088
Associate Dean of Student Life/Deputy Title IX Coordinator	Big Rapids Campus Students	University Center Building 805 Campus Drive Big Rapids, MI 49307	231-591-2949
Associate Vice President for Human Resources/Deputy Title IX Coordinator	Employees	Prakken Building 420 Oak Street Big Rapids, MI 49307	231-591-2150
Director of Equal Opportunity/Staff Attorney	Students Employees Community Members	McKessy House 120 E Cedar St Big Rapids, MI 49307	231-591-2152
Dean of Student Success/Deputy Title IX Coordinator	KCAD Campus Students	KCAD 17 Fountain Street NW Grand Rapids, MI 49503	616-451-2787 ext. 1113
Director of Student Services/Deputy Title IX Coordinator	Statewide Students	Ferris Statewide 151 Fountain Street NE Grand Rapids, MI 49503	616-643-5741

Rehabilitation Act, ADA, and Persons with Disabilities Civil Rights Act and other complaints of discrimination based on disability:

Title	Receives Complaints From	Address	Phone
504 Coordinator/Educational Counselor	Big Rapids Campus Students	Educational Counseling & Disabilities Services Starr Building Big Rapids, MI 49307	231-591-3057
Associate Vice President for Human Resources	Students Employees Community Members	Prakken Building 420 Oak Street Big Rapids, MI 49307	231-591-2150
Director of Equal Opportunity/Staff Attorney	Students Employees Community Members	McKessy House 120 E Cedar St Big Rapids, MI 49307	231-591-2152
Director of Counseling	KCAD Campus Students	Disability & Tutoring Services 17 Fountain Street NW Grand Rapids, MI 49503	616-451-2787 ext. 1136
Director of Student Services	Statewide Students	Ferris Statewide 151 Fountain Street NE Grand Rapids, MI 49503	616-643-5741

Title VI, Michigan Elliot Larsen Act and any other complaint of discrimination based on 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 prohibited by applicable State or federal laws:

Title	Receives Complaints From	Address	Phone
Director of Equal Opportunity/Staff Attorney	Students Employees Community Members	McKessy House 120 E Cedar St Big Rapids, MI 49307	231-591-2152

Criminal Reporting

Safety of the University community is of utmost importance to Ferris State University. The University’s Department of Public Safety (Public Safety) has been established to serve and protect members of the Big Rapids University community. Kendall College of Art and Design’s (KCAD) campus is served by the Grand Rapids Police Department and Kent County Sheriff’s Department. Statewide campus locations are served by law enforcement that has jurisdiction in those particular areas.

In addition to violating University policy, discriminatory conduct, including sexual violence, dating violence, domestic violence, stalking, harassment, and other forms of violent, threatening, or abusive conduct, may also violate applicable criminal laws. Criminal behavior should be reported to Public Safety, or other local law enforcement authorities. University administrators are available to assist complainants with notification of complaints to law enforcement authorities on or off campus.

Big Rapids Campus: Public Safety is located at 1319 Cramer Circle, Big Rapids, Michigan, and may be contacted as follows:

In Emergencies:

- Dial 911 to connect to Public Safety.

In Non-Emergency Circumstances:

- Public Safety can be contacted at 231-591-5000; or may go to the Public Safety Office at 1319 Cramer Circle

Anonymous / Confidential Reporting:

- Campus Crime Hot Line: (231) 591-5900.
- Bulldogs Text Tip: BulldogsTextTip@ferris.edu.

Kendall College of Art & Design Campus:

In Emergencies:

- Dial 911 or call the KCAD Reception/Security desk at (616) 451-2787

In Non-Emergency Circumstances:

- Call KCAD Reception/security desk at (616) 451-2787 (external call); or extension 1100 or 1201 (internal call), or
- Call Grand Rapids Central Dispatch at (616) 456-3400 or Kent County Sheriff's Dispatch at (616) 732-7100

While not all forms of discrimination violate criminal laws or require the involvement of law enforcement authorities, there are times when discrimination threatens the safety of the University community necessitating the involvement of law enforcement officials. When the personal safety and the well-being of the University community are threatened it is important to report criminal activity to law enforcement authorities.

Coordination of University Complaint Investigation with Public Safety Investigations

In each investigation the University must use its business judgment in determining which individuals and/or departments are necessary to assure effective review and remediation of complaints. In responding to emergency circumstances, criminal activity, or circumstances where the personal safety or well-being of the University community is threatened, University administrators may rely on law enforcement authorities to assist in the investigation and/or remediation of a complaint or concern.

Individuals filing complaints (complainants) may be encouraged, but shall not be required to report criminal conduct to law enforcement authorities. The University will respect the decision of complainants regarding their participation in criminal investigations. The University does retain the right to notify law enforcement authorities and may engage in appropriate investigatory processes where concern exists for conduct threatening the personal safety or well-being of the University community, with or without the complainant's participation. The University will involve law enforcement authorities in its investigation or remediation of complaints where, based upon its reasonable judgment, the University determines that law enforcement's involvement is necessary to maintain the safety of the University community. At times, the University's determination that the necessity of law enforcement's involvement in the investigation or remediation of a complaint is necessary to the ensured safety of the University community may conflict with an individual's request for confidentiality. In such circumstances, the University will notify the complainant of its decision to involve law enforcement authorities or pursue criminal proceedings against a respondent.

Responsible Employees

The University has designated that anyone at Ferris State University who has the authority to address harassment, has the duty to report harassment or other student or employee misconduct to appropriate school 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 through the application of reasonable care of an act of discrimination, will report the matter to the appropriate University official, as noted in section II. Responsible Employees may also have crime reporting requirements pursuant to Clery, State mandatory reporting laws, or other University policy.

When receiving notice of a concern for harassment, Responsible Employees shall remind complainants of the availability of resources for confidential reporting and support within the University community, while advising complainants of their obligations as Responsible Employees for notifying the University of any complaints received. Responsible Employees

shall neither encourage nor discourage use of confidential reporting resources. Responsible employees shall provide complainants and other affected parties with information about confidential reporting resources, respecting the decisions of those individuals regarding their use of confidential resources and/or participation in University investigations.

Confidential Reporting

The University will attempt to honor requests for confidentiality in the investigation process, regardless of when the request is made or how the University receives notice of the complaint. However, complainants should be made aware that requests for confidentiality may limit the University's ability to proceed with investigatory, remedial, and resolution processes. Whether the University is able to honor a request for confidentiality will be determined in the context of the University's responsibility for maintaining a safe and nondiscriminatory University community. In making this decision, the University will weigh the seriousness of the alleged discriminatory incident, considering among other factors whether there is a pattern of discriminatory incidents, whether there is an allegation of multiple alleged assailants, whether a weapon was involved in the alleged incident, whether there was use of force, the age of the alleged victim, threat or danger to the University community, and the constitutional and procedural rights of the accused.

An individual reporting an incident of discrimination may request that the University withhold his/her identity from the alleged individual during the investigation and resolution of the incident. The reporting individual may request confidentiality to any University official. However, confidentiality may not be maintained by University employees outside of the Personal Counseling Center.

Confidential support and assistance related to concerns for discriminatory conduct are available to Ferris State University students. The Personal Counseling Center is a confidential resource available to assist complainants, respondents, and others affected by discriminatory conduct occurring within the University community. Licensed Counselors in these offices are able to provide students confidential support, except in instances where there is an imminent threat of further harm or danger to the University community for which they have a duty to warn University administration and/or law enforcement authorities.

The Personal Counseling Centers are located at 1019 Campus Drive, Big Rapids, MI 49307, phone (231) 591-5968; and inside the Activities and Resource Center on the first floor of the 17 Fountain Building on the KCAD Campus, phone (616) 451-2787.

Third Party & Anonymous Reporting

The University expects that community members who have information related to conduct known or alleged to violate University policies administered under this procedure, regardless of their involvement or source of knowledge related to circumstances alleged, will report that information in a timely and thorough manner. Complaints received from third-parties with little or no involvement in the alleged discriminatory conduct shall also be investigated as outlined in this procedure.

Anonymity may be requested by individuals filing complaints or otherwise notifying the University of concern for conduct in violation of University policy. In some cases, the anonymity of the complainant or other individual(s) who notify the University of conduct alleged to violate University policy may be maintained to ensure the safety, non-retaliation, and well-being of

those individuals or other members of the University community. Due process may, however, require notice to the respondent of the source(s) of allegations made. As the maintenance of anonymity of the reporting party may limit the University's ability to proceed with investigatory, remedial, or resolution processes, the University maintains sole discretion to determine when proceeding with an anonymous complaint is in the best interest of the University community.

III. Interim Measures

When the University knows or reasonably should know of conduct alleged to violate non-discrimination policies, it will take appropriate, immediate steps to investigate or otherwise determine what occurred. As determined necessary to assist and/or protect parties during the investigation process, the University will take interim measures designed to assure safety, support, and equity to individuals involved in matters addressed under these procedures.

For students, interim measures may include arranging for changes in class schedules or living arrangements, issuing no-contact and/or non-trespass orders, obtaining counseling, modifying test schedules and/or other class requirements temporarily, arranging for alternative forms of access to University services and/or facilities, or other forms of remission deemed appropriate. For employees, interim measures may include temporary reassignments, administrative leaves, issuing no-contact and/or non-trespass orders, arranging for changes in class schedules and/or other working conditions, obtaining counseling or arranging for alternative forms of access to University services and/or facilities. For other University community members, interim measures may include issuing non-contact and/or non-trespass orders, arranging for alternate forms of access to University services and/or facilities, or provision of other forms of remission determined necessary to the University's facilitation of a prompt and equitable investigation. The University will provide, in writing, notification to parties affected by discrimination information about community services available to provide counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other related services. Notice shall also be provided to individuals affected by discrimination of options for requesting assistance or change to academic, living, or working conditions, as well as transportation services and protective measures or accommodations. A copy of these procedures, including notification of the rights articulated therein, shall be provided to complainants, respondents, and others affected by discrimination within the University community.

Interim measures are provided at the discretion of the University and may be initiated, altered, or revoked at any time. In all cases, the University will notify affected parties of their rights under applicable State and federal laws, including Title IX and those statutes referenced in Appendix 3, and identify resources available to provide assistance on and off campus.

IV. Investigation Process

The University takes all complaints of discriminatory conduct seriously and is committed to prompt, thorough, and appropriate review of allegations made or known to the administration. Individuals who believe that they have been the victims of conduct prohibited by the University's non-discrimination policies or who believe that they have witnessed or otherwise have information about such conduct should promptly report complaints to the University as described in Section II of this procedure.

Notice of conduct alleged to violate University policy may be reported at any time. As timely reporting of incidents allows for thorough and accurate University review, it is expected that concerns and complaints of conduct alleged to violate University policies be reported within a proximate time of the occurrence of the alleged conduct or the date upon which the alleged conduct became known to the reporting party. Timeliness for reporting a complaint can vary according to the circumstances alleged. Untimely notice to the University of complaints may limit the ability of the University to gather relevant evidence and/or effectively remediate those circumstances. Complainants and other University community members with knowledge of discriminatory conduct are encouraged to notify appropriate University administrators.

As used in this procedure, the term “investigation” refers to the process that the University uses to review and respond to conduct alleged to violate its non-discrimination policies. This includes the fact finding process and any hearing or other decision-making process the University uses to determine: (1) whether or not conduct in violation of University policy occurred; and (2) if the conduct occurred, what actions the University will take to respond, remediate, eliminate, and prevent recurrence of prohibited conduct within the University community, which may include imposing disciplinary or corrective action and/or provision of remedies to affected parties and/or the University community. University investigations are conducted in accord with provisions of applicable collective bargaining agreements and in compliance with applicable State and federal laws.

In all cases, the University’s investigation will be thorough, reliable, impartial, and prompt. The investigation will include the opportunity for affected parties to provide statements, identify witnesses, and produce evidence. Complainant(s) and respondent(s) shall have the same opportunities to participate in the investigatory process and will be notified, in writing, of the outcome of the complaint and any appeal(s). The University will notify the complainant(s), respondent(s), and other affected parties of resources available to provide academic and personal support available on and off campus, including counseling services, academic advising, and resources for pursuing complaint resolution.

When investigating a complaint or other allegation of conduct under this procedure, the University will appropriately coordinate with any other ongoing University or criminal investigations of the incident/matter. The University recognizes its obligation to promptly and thoroughly review allegations of conduct under these procedures and at no time shall investigations conducted under these procedures be unreasonably impeded, disrupted, or delayed by any other investigatory processes occurring with regard to the matters alleged.

Upon receipt of a complaint, University administrators defined in Section II of this procedure, or their designee, may conduct a preliminary review of the complaint to determine that this procedure is appropriate for addressing the matter, or to otherwise determine whether a formal investigation is warranted. As appropriate, the University may utilize an ad hoc or standing team/committee to assure that appropriate services and education are provided to the parties and broader University community. Where the University determines that an allegation of conduct in violation of University policy requires investigation, the University will assign an investigator to review the matter. Investigators will work with complaint coordinators identified in Section II of these procedures to conduct the investigatory processes, provision of support services, and remediation of conduct found to violate University policy.

Assigned investigators shall begin investigation promptly upon receiving notice of a complaint. At the start of the investigatory process, the investigator shall determine from the allegations made and/or other available evidence, the information necessary to an appropriate review of the

alleged policy violation(s). Investigations of allegations of discriminatory conduct may include review of related physical evidence and/or materials, review of electronic transmissions, records, and/or other documentation, interviews, and other fact finding activities which would assist the investigator to determine whether a violation of University policy occurred. The investigator shall interview individuals involved, witnesses, and any other persons determined to have relevant knowledge of the circumstances and/or deemed necessary to the completion of a thorough and accurate investigation. The right to be accompanied by a non-participatory support person or other representative shall be applied equally for complainants and respondents. Parties interviewed by the investigator shall be invited to provide written statements and/or other relevant documentation for consideration of the investigator. Except for circumstances where the University determines that informal resolution may be appropriate and the parties have agreed to participate in such a process as explained below, the investigator shall not concurrently interview the complainant(s) and respondent(s), and/or require the parties to meet to discuss, mediate, and/or otherwise resolve the complaint. The University will respect determinations made by the complainant(s) and respondent(s) regarding their level of participation in an investigation. However, parties shall be advised that non-participation in the investigatory process shall not preclude the University from appropriate remediation of complaints, including completion of its fact finding and engagement in corrective or disciplinary action determined appropriate.

The investigator may require the provision of additional records, documentation, and/or other materials necessary to the review of the conduct alleged. University community members are expected to comply with reasonable investigator requests for records, documentation, and/or other materials and to cooperate in the investigatory process, including the timely arrangement of meetings, evidence production, and following of investigator directives. An adverse inference, factual finding, and/or appropriate corrective or disciplinary action may be taken against University community members who disrupt, obstruct, and/or otherwise fail to cooperate in University investigatory processes. In conducting the investigation, the investigator may consider, among other things: the severity, pervasiveness, and chronology of alleged conduct, the relationship, if any, existing between parties prior to and after the alleged conduct, patterns of conduct complained of, consent and co-involvement of parties, effects of drug or alcohol use, effect of intervening measures taken by the University, credibility, truthfulness, and cooperation of University community members, and other factors deemed relevant to the investigator's findings and conclusions.

The investigator will make every attempt to complete the investigation in a timely manner. Where parties, witnesses, and evidence needed by the investigator are readily available for review, the investigator will attempt to conclude the investigatory process within 60 calendar days from the date that the investigator receives the complaint. This timeframe does not include any appeal processes or dates by which support services, educational responses, and/or final corrective or disciplinary actions or other dispositions must be completed. The 60 calendar day investigatory guideline is applicable only where parties, witnesses, and all evidence needed by the investigator are readily available for review. Where parties, witnesses, and/or evidence needed by the investigator is delayed, temporarily unavailable, and/or otherwise withheld, the investigator may extend the timeframe of the investigatory process as necessary to complete a thorough and appropriate review of the matter.

In most cases, the investigator will formally review complaints and other allegations for conduct alleged to violate University policy.² In circumstances where there is little dispute about the facts and/or circumstances related to a complaint and the alleged conduct did not severely impact a party or the broader University community, matters may be resolved informally, outside of this investigatory process. In such cases, the complaint coordinators identified in Section II of this procedure and/or assigned investigator will work with the parties to resolve the issue in a mutually agreeable manner, assuring that the conduct complained of does not persist, its effects have been remediated, and the risk of retaliation, hostility, and/or other adverse impact within the University community resulting from this concern is mitigated.

The investigator is responsible for assuring due process. In all cases, the University's investigation shall be prompt, fair, and impartial. The investigation shall culminate in the investigator's finding of related facts and conclusions regarding questions of policy violation. University officials who are involved in the discrimination grievance process shall promptly disclose any potential conflict of interest they might have in a particular case to the investigator and Director of Equal Opportunity/Staff Attorney.

Confidentiality of the Investigation Process

The University recognizes that, to the extent possible, confidentiality of investigatory process and investigation materials is of benefit to the institution's fact finding efforts; to the reduction of trauma, hostility, and/or discomfort of parties continuing their engagement with the University; and to continuation of University business. During the investigation, the University shall maintain confidentiality of the process, to the extent possible, by limiting its disclosure of complaint information to parties necessary to the effective review and/or remediation. The University shall also ask that the complainant(s), respondent(s), witnesses, and other University community members with knowledge of the matter refrain from unnecessary disclosure of investigatory details and/or other complaint-related information.

Restraint of disclosure regarding details of the University's investigation provides the best opportunity for the University to obtain accurate, unbiased, uninfluenced recollections of events and/or otherwise known information from parties, witnesses, and others with knowledge of the matter. The University recognizes, however, the right of community members to discuss matters of public or personal concern, particularly as it may relate to receipt of external support or complaint resolution assistance by the parties. University community members are expected to use prudent judgment regarding disclosure of complaint and/or investigation information. Disclosure of complaint and/or investigation information for the purpose of influencing and/or obstructing the University's investigation is prohibited and shall incur appropriate disciplinary action, up to and including expulsion, termination, and/or other restricted access to the University community.

Investigatory Findings and Conclusions

The investigator will determine whether there is a preponderance of the evidence to believe that the respondent(s) engaged in conduct in violation of University policy.³ To make a determination

² Formal investigation and review is required for all complaints of sex discrimination, sexual violence, sexual assault, sexual harassment, domestic violence, dating violence, stalking, and other allegations of conduct of a violent or threatening nature occurring within the University community.

³ In cases involving student respondents, the investigator will defer to the Office of Student Conduct for a determination if there is a violation of policy.

that the respondent(s) engaged in conduct in violation of University policy under the preponderance of the evidence standard, the investigator must conclude that it is more likely than not that the totality of facts and circumstances found reveal that one or more violations of University policy have occurred.

The investigator's findings and conclusions shall be produced in a written report that will contain:

- A summary of alleged conduct in violation of University policy, including a description of the impact or effect alleged to have been caused;
- A summary of the response to the allegations;
- A summary of facts found to be creditably established during the investigation;
- Analysis of the application of University policy to facts found in the investigation and the conclusions drawn thereupon. (Except in cases involving student respondents)

The investigator's findings and conclusions shall be simultaneously distributed in writing to the complainant, respondent, and appropriate campus entities and/or offices necessary to the effective remediation of the complaint. For student respondents, the Office of Student Conduct is responsible for determinations of violations of policy, as well as appropriate corrective and/or disciplinary action and/or other remediation to prevent reoccurrence, retaliation, and/or redress prohibited conduct under the Code of Student Community Standards. For employee respondents, assigned supervisors, managers, deans, directors, associate vice presidents, vice presidents or other executives are responsible for determinations of appropriate corrective and/or disciplinary action and/or other appropriate remediation to prevent reoccurrence, retaliation, and/or to redress prohibited conduct. The Code of Student Community Standards, applicable collective bargaining agreements, and University policies regarding corrective or disciplinary action allow for a range of appropriate responses to conclusions of policy violation, including but not limited to, written or verbal counseling, written or verbal sanction, warning, assignment of educational programming, financial and/or service in restitution, paid or unpaid leave or suspension, expulsion, termination, and/or other restriction to access, use, and/or other institutional services, privileges, or resources. Notice of University factual findings, discipline, corrective action, and/or other remediation along with notice of any opportunity to appeal shall be simultaneously made available, in writing, to the complainant(s) and respondent(s).

V. Appeal of Investigation Findings and Conclusions

Appeals of the findings of fact and/or conclusions reached in the University's investigation will be conducted in accordance with collective bargaining agreements, the Code of Student Community Standards, or other relevant University procedures. Unless otherwise specified by a collective bargaining agreement or policy, an appeal of the findings of fact and/or conclusions reached in the University's investigation may be made by the complainant(s) and/or respondent(s) under the following conditions:

- An appeal may be based upon the discovery of new information or evidence that would have a material bearing on the determinations of facts and/or conclusions made by the investigator, provided however, that the person appealing establish by a preponderance of evidence that such information or evidence was unavailable/unknown prior to the investigator's distribution of written findings and conclusions;
- An appeal may be based upon the occurrence of a procedural error by the investigator that materially affected the determination of facts found and/or conclusions determined,

where the procedural error was either unknown to the person appealing during the course of the investigation and/or the appealing party objected to the procedural error in writing to the investigator prior to the investigator's distribution of written findings and conclusions;

- An appeal may be based upon bias of the investigator, demonstrated by a preponderance of the evidence to have improperly influenced determinations of fact and/or conclusions, provided that the person appealing establish that they raised the issue of bias in writing to the Office for Equal Opportunity and/or Dean of Student Life prior to the investigator's distribution of written findings and conclusions or that the appealing party demonstrate by a preponderance of the evidence that the bias was unknown prior to receipt of the investigator's written report.

An appeal of the findings and/or conclusions of the University's investigation must be made in writing and delivered as follows, within five (5) calendar days of receipt of the investigator's written report:

Title IX and other complaints of discrimination based on sex, including sexual harassment, sexual violence, sexual assault, dating violence, domestic violence, stalking or gender discrimination.

Title IX Coordinator
Associate Dean of Student Life
University Center Building
805 Campus Drive
Big Rapids, MI 49307
231-591-2088

Rehabilitation Act, ADA, and Persons with Disabilities Civil Rights Act and other complaints of discrimination based on disability.

Director of Equal Opportunity/Staff Attorney
120 E. Cedar Street – McKessy House
Big Rapids, MI 49307
231-591-2152

Title VI and Michigan Elliot Larsen Act and any other complaint of discrimination based on 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 prohibited by applicable State or federal laws.

Director of Equal Opportunity/Staff Attorney
120 E. Cedar Street – McKessy House
Big Rapids, MI 49307
231-591-2152

The appealing party must additionally provide a copy of their appeal to the investigator.

In the event that the individuals assigned to review appeals above also served as the investigator of the matter being appealed, the appeal should be directed to the attention of the Vice President for Student Affairs when the respondent is a student, the Vice President of the respondent's division when the respondent is an employee, or the Vice President and General Counsel when the respondent is a guest, contractor, or other University community member.

Within five (5) calendar days after receipt of the written appeal, a response will be provided either:

- Remanding the matter to the investigator for consideration of whether new information or evidence would materially affect determinations of fact and/or conclusions reached in the investigation; or
- Recommending that the matter be re-investigated by a third party due to bias or procedural error materially affecting determinations of fact and/or conclusions of the investigation; or
- Recommending that the findings and conclusions of the investigation be affirmed.

As necessary to the completion of a thorough and appropriate review of an appeal, the University may extend the time for responding to the appeal at its discretion. All University determinations regarding appeals are final.⁴ Notice of the University's Appeal determination shall be provided to the complainant, respondent, and appropriate campus entities and/or offices necessary to the effective remediation of the complaint. For student respondents, the Office of Student Conduct is responsible for determinations of appropriate corrective and/or disciplinary action and/or other remediation under the Code of Student Community Standards. For employee respondents, assigned supervisors, managers, deans, directors, associate vice presidents, vice presidents or other executives are responsible for determinations of appropriate corrective and/or disciplinary action and/or other appropriate remediation to prevent reoccurrence, retaliation, and/or to redress prohibited conduct.

VI. Non-Retaliation

The University takes seriously its responsibility to prevent and prohibit retaliation against individuals participating in complaint investigation proceedings. Retaliation, in the form of any adverse action taken against individuals who participate in complaint investigation proceedings pursuant to these Non-Discrimination Grievance Procedures, is strictly prohibited.

Any employee found to have retaliated against others for participating in University investigation processes shall be subject to disciplinary action, up to and including termination of employment, expulsion, and/or other appropriate restriction of access and/or participation within the University community.

If you believe you have been retaliated against in any way for participating in University investigation proceedings, notify:

Director of Equal Opportunity/Staff Attorney
120 E. Cedar Street – McKessy House
Big Rapids, MI 49307
231-591-2152

The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an informal resolution or formal investigation of a discrimination or harassment allegation will not be subjected to retaliation. The University also

⁴ At the conclusion of the Appeal process, parties may have the right to additional contractual or legal proceedings and are advised to seek additional information about such processes from applicable representatives and/or counsel.

will take appropriate steps to assure that a person against whom such an allegation is made is treated fairly.

VII. External Complaint Resolution

Ferris State University takes seriously its responsibility to provide an educational environment free from unlawful discrimination. To that end, the University has established policies prohibiting discriminatory conduct within the University community and the procedures expressed herein to effectively respond to complaints and/or discriminatory conduct otherwise known to the University. The University community is encouraged to use these Non-Discrimination Grievance Procedures to address complaints of discriminatory conduct occurring within the University community.

External resources at the State and federal level are also available to investigate and assist in the resolution of discrimination complaints. The following resources may be utilized concurrently with, or separate from a complaint pursuant to these Non-Discrimination Grievance Procedures.

Michigan Department of Civil Rights
MDCR Service Center
Cadillac Place
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202
Phone: 313-456-3700
Fax: 313-456-3701
WATS: 800-482-3604
TTY: 877-878-8464

www.michigan.gov/mdcr
http://www.michigan.gov/mdcr/0,4613,7-138-42240_43561-153171--,00.html

U.S. Department of Education, Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Phone: 216-522-4970
Fax: 216-522-2573; TDD: 800-877-8339
Email: OCR.Cleveland@ed.gov
<https://ocras.ed.gov/index.cfm>

U.S. Equal Employment Opportunity Commission
Detroit Field Office
Patrick V. McNamara Building
477 Michigan Avenue – Room 865
Detroit, MI 48226
Phone: 1-800-669-4000
Fax: 313-226-4610
TTY: 1-800-669-6820
<http://www.eeoc.gov/field/detroit/charge.cfm>

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW

Civil Rights Division
Washington, DC 20530
Phone: 1-888-736-5551
TTY: 202-514-0716
<http://www.justice.gov/crt/complaint/>

U.S. Department of Housing and Urban Development
Detroit FHEO Center
477 Michigan Avenue – 16th Floor
Detroit, MI 48226
Phone: 313-234-7352
Fax: 313-226-3877
http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

U.S. Department of Health and Human Services
Region V - Chicago (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
Address:
Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (800) 368-1019
FAX (312) 886-1807
TDD (800) 537-7697
<http://www.hhs.gov/ocr/civilrights/complaints/OCRComplaint@hhs.gov>

VIII. Training

The University is committed to preventing and eliminating impermissible discrimination and harassment of students, faculty, and staff. The University widely publicizes policies prohibiting discrimination within its community and engages in regular, reoccurring training on procedures for addressing such conduct.

Appropriate educational sessions will be conducted by the University on an ongoing basis to (1) inform students, faculty, and staff about identifying and preventing discrimination and harassment and the problems they cause, (2) advise members of the University community about their rights and responsibilities, and (3) train personnel in the administration of this procedure. The University shall provide all community members with education on discrimination awareness, bystander intervention, prevention and risk reduction, and ongoing campaigns and/or programming promoting a safe and equitable University community.

Individuals conducting investigations on behalf of the University shall receive annual training on issues related to discrimination and appropriate investigation techniques and processes which promote safety and accountability for the University community. University officials who are involved in the discrimination grievance process, including reporting officials, designated investigators, supervisors, managers, Deans, Directors, Student Affairs administrators, and other University leadership, will receive appropriate training on recognizing and appropriately responding to allegations of conduct in violation of University policies.

July 31, 2018

Appendix 1: Definitions

Title IX: 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. In compliance with the law, Ferris State University has adopted specific procedures for ending the discrimination, preventing its recurrence, and remedying the effects of the discrimination.

Definitions Relating to Misconduct

Discrimination: As used in this Procedure, the term “discrimination” is inclusive of all types of discriminatory conduct, including harassment based upon or regarding any protected status, sexual misconduct, and any other conduct in violation of University equal opportunity or non-discrimination policies or conduct lacking the respect and dignity expected of Ferris community members pursuant to the Employee and Student Dignity Policy.

Sexual Misconduct: As used in this Procedure, sexual misconduct is an umbrella term covering various forms of sexual and gender-based violence. Sexual Misconduct includes but is not limited to dating violence, domestic violence, sexual assault, sexual harassment, and stalking. Sexual Misconduct violates the dignity of individuals, and is antithetical to the Ferris State University community.

Sexual Harassment: Any unwelcome conduct or communication regarding or on the basis of sex that is sufficiently persistent or serious as to create an objectively harassing environment and/or interfere with one’s ability to participate in or benefit from Ferris State University’s programs, services, or activities. Sexual harassment includes any of the following:

- Making submission to unwelcome sexual advances, submission to requests for sexual favors, or submission to other verbal or physical conduct of a sexual nature, a term or condition, either implicitly or explicitly, of any person’s continued employment or association with the University;
- Making submission to, or rejection of, such conduct or communication, a factor in employment decisions affecting any person; or
- Unwelcome verbal or other conduct that has the purpose or effect of substantially interfering with a person’s working conditions or that creates an intimidating, hostile or offensive work environment.

Behaviors that may create a hostile environment may include unwanted or unwelcome jokes, comments about body parts, suggestive pictures, gestures, repeated communication, excessive attention, touching, and other physical contact.

Sexual Violence: As used in this Procedure, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g. student’s age, use of drugs or alcohol, or because of intellectual or other disability that prevents the capacity to provide consent). The University recognizes a number of different acts that fall into the category of sexual violence; including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All acts of sexual violence are prohibited under Title IX gender discrimination law and by Ferris State University.

Rape: “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” [Uniform Crime Reporting (UCR)/FBI revised 2013 definition].

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 (DCL 2011, pg.1)
- Consent cannot be given by a minor (anyone under age 16).

Stalking: Defined in the State of Michigan as “a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested [Michigan Penal Code MCLA750.411 h].

Dating Violence: Defined by the State of Michigan as a “pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power in a relationship. The abuser intentionally behaves in a way that causes fear, degradation, and humiliation to control the other person. Forms of abuse can be physical, sexual, emotional, and psychological” [www.michigan.gov/datingviolence].

Domestic Violence: Defined by the Michigan Department of Human Services as “The occurrence of any of the following acts by a person that is not an act of self-defense: causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in sexual activity by force, threat of force, or duress; and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.” A family or household member includes any of the following:

- A spouse or former spouse.
- Individual with whom the person has or has had a dating relationship.
- Individual with whom the person is or has engaged in a sexual relationship.
- Individual to whom the person is related or was formerly related to by marriage.
- Individual with whom the person has a child in common.
- The minor child of an individual described above.

[Michigan DHS, www.michigan.gov/dhs].

Complaint: The term “complaint” is inclusive of any provision of notice of a concern for discrimination, regardless of form or type of notice, including grievances, third-party reports, anonymous reports, student conduct reports, and any other receipt by the University of notice of credible evidence of discriminatory/disrespectful conduct in violation of University policy.

Remedial Measures/Response: As used in this Procedure, the term “remedial measures/response” includes any actions determined appropriate in redressing or responding to discrimination within the University community, including, discipline, corrective action, interim measures, education, other relief or determinations that no further response is appropriate and/or necessary.

General University Definitions

University: The term “University” means Ferris State University, its employees, agents, and others assigned to act on its behalf.

University Community: The term “University community” includes all persons associated with Ferris State University, including employees, students, alumni, vendors, partners, agents, guests, visitors, residents, and other stakeholders, as well as all property and buildings owned or controlled by the University, used by the institution for instructional purposes, constituting a residential facility or non-campus building or property under the Clery Act definition, or that are public property within the campus or immediately adjacent to and accessible from the campus.

Student: The term “student” includes the following:

- 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.
- 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.
- 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.

Faculty Member: The term “faculty member” means any person hired by the University to conduct classroom responsibilities.

University Official/Staff Member: The terms “University official” or “staff member” includes any person employed by the University, performing assigned administrative, professional, or para-professional responsibilities.

Role Definitions

Responsible Employee: The term “Responsible Employee” includes anyone who has the authority to address harassment, has the duty to report harassment or other student or employee misconduct to appropriate school officials, or is an individual a student could reasonably believe has such authority or responsibility.

Title IX Coordinator: The Ferris State University Title IX Coordinator is responsible for oversight of the University response to Title IX complaints, identifying and addressing any patterns or systematic problems revealed by such reports and complaints. The Title IX Coordinator is responsible for ensuring the provision of appropriate training and community education relevant to preventing and responding to sexual harassment/violence on campus.

Community Members: The term “Community Members” in this policy refers to any business contact not otherwise affiliated with Ferris State University, including guests, contractors, and outside agents.

Director of Student Conduct: The term “Director of Student Conduct” means the Director and all designees as assigned, including Conduct Case Manager & The University Committee on Discipline.

Vice President of Student Affairs: The term “Vice President for Student Affairs” means the Vice President and all appropriate designees as assigned.

Dean of Student Life: The term “Dean of Student Life” means the Dean and all appropriate designees as assigned.

Appendix 2: University and Community Services Support Resource Listings

A list of University and Community Services are located at:

- University Resources: <http://www.ferris.edu/title-ix/support-resource-center.htm>
- Statewide Community Resources: <http://www.ferris.edu/title-ix/offcampus/index.htm>

Or contact the University Administrators identified in Section II. of this Procedure for additional local resources.

Appendix 3: Statutory References

Ferris State University prohibits discrimination as specified in its Policy on Non-Discrimination and Employee and Student Dignity Policy. Following are the applicable federal and state Civil Rights laws that prohibit discrimination:

- Americans with Disabilities Act of 1990, 42 USC 12101 *et seq.*
- Civil Rights Act of 1964, 42 USC 2000 *et seq.*
- Title IX, Higher Education Amendments of 1972, 20 USC 1681 *et seq.*
- Age Discrimination Act of 1975, 42 USC 6101 *et seq.*
- Age Discrimination in Employment Act of 1967, 29 USC 621 *et seq.*
- Equal Pay Act of 1963, 29 USC 201 *et seq.*
- Rehabilitation Act of 1973, 29 USC 701 *et seq.*
- Executive Order 11246, as Amended
- Executive Order 13672
- U.S. Const., XIV Amend.
- Vietnam Veterans Readjustment Assistance Act of 1974, 38 USC 4212
- Uniformed Services Employment and Reemployment Rights Act, 38 USC 4301 *et seq.*
- Public Health Service Act, 42 USC 201 *et seq.*
- Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.* 42 USC 1982 *et seq.*
- Michigan Persons with Disabilities Civil Rights Act, MCL 37.1101 *et seq.*
- Genetic Information Nondiscrimination Act of 2008, 42 USC 20000ff *et seq.*
- Uniformed Services Employment and Reemployment Rights Act, 38 USC 4301 *et seq.*