Ferris State University

BUSINESS POLICY

TO: All Members of the University Community

DATE: June 2013

SEXUAL ASSAULT POLICY
(Supersedes 1997:28; 2001:05)

I. POLICY

Ferris State University does not tolerate sexual assault in any form, including what is often labeled “acquaintance rape” or “date rape”. Student and Employee Dignity Policies demand all University community members to act with dignity and treat each other with respect. Sexual assault is a violation 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. DEFINITION

If physical sexual contact occurs and there is a lack of consent (or a person is not able to consent) or force is involved, a sexual assault most likely has occurred. This contact can range from an actual sexual act to the non-consensual touching of another person for the purposes of sexual gratification. Lack of consent is a crucial factor. Where force, threat of force, or coercion is involved, the victim has not consented. Furthermore, persons under the influence of drugs or alcohol may lose their ability to consent and persons of insufficient age and mental capacity also may not legally consent. While use of alcohol or drugs may render the victim of sexual assault legally unable to consent, use of alcohol or drugs by the perpetrator does not diminish the perpetrator’s personal responsibility or exposure to disciplinary sanctions.
III. THE LAW

Sexual assault is a violation of 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. REPORTING

When a sexual assault has occurred, it is essential for the safety and well being of the University community, that the incident be reported immediately to the proper authorities.

The following, in addition to the University Department of Public Safety, have been designated as “Reporting Officials” for sexual assaults at the University: All Deans, Directors, Department heads and chairs, Office of Student Conduct, any Vice President or Vice President Office and Academic Affairs administrators. All coaches, advisors of student organizations, University Center or extra-curricular activities’ advisors or directors, all residence hall staff, and all employee supervisors are also Reporting Officials.

Reporting Officials who receive sexual assault reports are required to relate all such reports to the Department of Public Safety. Reporting Officials will inform victims of the importance of reporting the incident to the police and will assist victims who elect to report with contacting the proper authorities. Reporting Officials will also take steps to provide support services to the victim and preserve evidence of the assault.

In the event the victim is reluctant to report, Reporting Officials shall report the matter to the Department of Public Safety. Local law enforcement officials should also be contacted when the assault occurs off campus.

The University Department of Public Safety (DPS) takes every report of sexual assault seriously. DPS will actively investigate the assault and make available to the victim a variety of services located both at Ferris and in the community. It is the goal of DPS and other reporting officials to treat victims with courtesy, sensitivity, understanding, and professionalism.
Victims, who wish to speak to someone who is not required to report, are encouraged to find confidential counseling available on campus through the Counseling Center. Upon the victim’s request, the Counseling Center may report the sexual assault as a crime statistic without identifying the victim.

The Department of Public Safety shall report all student perpetrators to the Office of Student Conduct. The Department of Public Safety shall make arrangements, to the best of their ability, to receive reports from all local law enforcement agencies regarding campus related sexual assaults.

V. MEDICAL AND COUNSELING ASSISTANCE

Assault victims may be in immediate need of crisis intervention or medical treatment. Medical help is readily available on campus through the Birkam Health Center or near campus through the Mecosta County Medical Center, in the City of Big Rapids. Mental health treatment, crisis intervention, and counseling are available through the Counseling Center on campus weekdays, and crisis intervention is available through the Women’s Information Service (WISE) on a 24-hour basis. Mental health treatment and counseling are also available in the community through Mental Health Services and private agencies, clinics and counselors. 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

Both the State of Michigan and Ferris State University have policies set up to preserve the rights of victims of sexual assaults and other crimes involved in disciplinary and criminal processes. Victims have the same right as the accused to have the support of an advocate during such process 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

Each Reporting Official will have useful information for sexual assault victims, including a description of options, services, and rights to which student victims are entitled.

IX. SEXUAL HARASSMENT

Under Title IX sexual assault is considered to be a form of sexual harassment. The University Board of Trustees’ Employee and Student Dignity Policies address the proper procedures for dealing with sexual harassment of, or by an employee or a student, which harassment does not rise to the level of sexual assault. Sexual harassment that does rise to the level of sexual assault should be dealt with as required in this policy.

Sexual assault and sexual harassment are not tolerated by the University, and violators of the Student and Employee Dignity Policies and this Policy are subject to discipline up to, and including dismissal or discharge.

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