



# **Annual Security & Fire Report**

**Statistics for 2013, 2014 & 2015**



Dear Campus Community,

The mission statement of Lake Superior State University is "...to help students develop their full potential..." and we are committed to providing a safe and secure campus community for students, faculty, staff, and visitors.

The Public Safety Department along with local law enforcement agencies and the fire department, Student Life, Title IX Office, Academic Affairs, Facilities Management, HealthCARE Center, the Counseling Center, Risk Management, and Environmental, Health and Safety are partnering to support a safe learning and working environment for our campus community.

These offices represent a full range of services offered by the university. You are encouraged to utilize these services if needed or to contact any one of these offices for assistance. If you have questions, concerns or suggestions about the safety and security of the University, please contact the Public Safety Department.

Please take the time to review this Annual Security and Fire Safety Report. The report is published each year in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. It also provides comprehensive information related to safety and security, including policies on security, alcohol and drug use, sexual assault, relationship violence, stalking, crime prevention and reporting crimes. The report can be accessed on the Internet at <http://www.lssu.edu/publicsafety/clery/>.

We are all committed to making our campus a safe place in which to live, work and learn.

Thank You,

Philip Espinosa  
Associate Vice President

## INTRODUCTION

The Annual Security and Fire Report contains University policies regarding facility safety and access, law enforcement, the reporting of criminal activity and emergencies, security awareness, crime and fire prevention, the University's Gender-Based Discrimination and Sexual Misconduct Policy, which includes relationship violence, and LSSU Drug and Alcohol Policies. The report also contains crime statistics for the University and other useful information regarding security. The report can be accessed on the Internet at <http://www.lssu.edu/publicsafety/clery/>. To compare Universities/Colleges the report can be accessed on the Internet at <http://ope.ed.gov/security>.

LSSU also provides academic programs at North Central Michigan College and Bay de Noc Community College and crime statistics for these locations have separate links on the [www.lssu.edu/publicsafety](http://www.lssu.edu/publicsafety) web page.

The Annual Security and Fire Report is published to comply with the Federal Law formally known as The Student Right to Know and Campus Security Act of 1990, renamed The Clery Act and the Higher Education Opportunity Act (HEOA). Notice of this information will be sent to all students and employees by October 1<sup>st</sup> each year; the information is also available to any applicant for enrollment or employment.

This information is intended to provide you with general information regarding campus safety and security. It is not intended to serve as a contractual agreement between the Lake Superior State University and the recipient.

## CAMPUS SAFETY AND SECURITY

### **Public Safety Department**

The Lake Superior State University Public Safety Department is responsible for security and enforcement of Michigan state statutes and University policies on University owned and operated property. The Public Safety Department is located on the main level of the Administration building and is available by phone twenty-four hour a day. The department is staffed by a Supervisor, four full-time and four part-time Public Safety Officers, and 25 student auxiliary officers. The Sault Sainte Marie Police and Chippewa County Sheriff's Departments provides law enforcement services to the campus. To report a crime or request assistance, members of the campus community should call the Public Safety Department at 635-2100 (2100 from on campus) or call 911 (9-911 from campus phone) if immediate threat is present.

The Public Safety Department maintains direct telephone and two-way radio contact with the Sault Sainte Marie Police Department, Chippewa County Sheriff's Department, and Sault Sainte Marie Fire and Ambulance Services. The Public Safety Department telephone number is included on all of the department's printed publications, brochures, pamphlets, and correspondence.

### **Law Enforcement Authority and Inter-Agency Relations**

Public Safety Officers at Lake Superior State University are security officers and do not have arrest authority. The LSSU Public Safety Department maintains a close working relationship with law enforcement agencies at the local, state, and federal level including Sault Sainte Marie Police and Chippewa County Sheriff's Departments, Michigan State Police, Sault Tribe Police, and US Border Patrol and Customs. Although there is no written Memoranda of Understanding (MOU), these agencies provide arrest authority and investigate criminal activity.

## **Emergencies on Campus**

### *Emergency Response and Evaluation Procedures*

The Public Safety Department has received training in incident command and responding to critical incidents on campus. To assess and evaluate the emergency plans and preparedness, the University conducts emergency response exercises each year, such as table top and field exercises. Additionally, the Public Safety Department tests the campus's emergency notification systems.

If an emergency poses an immediate threat to the campus or campus community, the Public Safety Department and Sault Sainte Marie Police, Fire, and Emergency Medical Services Departments respond immediately and work together to manage the incident. If needed, other local or federal agencies may be contacted.

### *Missing Student Notification Policy*

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Public Safety at (906) 635-2100. Public Safety will generate a missing person report and initiate an investigation.

If the Public Safety Department determines that the individual is missing, and has been missing for more than 24 hours, the University will notify Sault Sainte Marie Police Department and the student's listed contact. This notification will occur no later than 24 hours after the determination that the student is missing. If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the student's parent or legal guardian and missing person contact immediately after Public Safety has determined that the student has been missing for more than 24 hours.

Residential students have the option to identify, confidentially, an individual to be contacted in the event the student is determined to be missing for more than 24 hours. If a student identifies such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. This confidential contact information will be accessible only to authorized campus officials and law enforcement and may not be disclosed outside of a missing person investigation.

## **Reporting of Crimes, Fires, Medical, or Other Emergencies**

Anyone who becomes aware of a crime should report it to the LSSU Public Safety Office. To report a crime or request assistance, members of the campus community should call the Public Safety Department at 635-2100 (2100 from on campus) or call 911 (9-911 from campus phone) if immediate threat is present. Crimes committed by students may also be violations of University policies and may be reported to Student Life.

This Report includes the following crimes that have been reported to the Public Safety Department: murder, nonnegligent manslaughter, negligent manslaughter, forcible sex offenses (including rape and fondling), non-forcible sex offenses (including statutory rape and incest), robbery, aggravated assault, burglary, motor vehicle theft, arson, arrests for liquor, drug, and illegal weapons possession, domestic violence, dating violence, stalking, and hate crimes. The list of crimes that must be reported as hate crimes include the aforementioned offenses, as well as crimes of larceny-theft, simple assault, intimidation, destruction, damage, or vandalism of property, and any other crime involving bodily injury that was motivated by the offender's bias against race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, or disability.

This report also contains statistics of these crimes that have been reported to campus officials with significant responsibility for student and campus activities—Campus Security Authorities (CSA's). Those officials include but are not limited to: residence advisors, hall directors, house managers, Director of Campus Life and Housing, Assistant Director of Housing, Associate Director of Campus Life, advisors to student organizations, Director of Intramural Sports, head coaches and assistant coaches and Director of Athletics.

The University does not have a voluntary, confidential reporting system for annual crime statistics. A member of the Public Safety Department will complete an Incident Report Form or Accident/Injury Report following any emergency situation. The Staff Officer on duty will distribute the report, as needed, to affected campus departments for follow up.

## **Communication about Campus Crimes and Safety**

### *Emergency Notifications*

Members of the University community should notify the Public Safety Department when they become aware of any emergency or dangerous situation that may pose an immediate or ongoing threat to the health and safety of students and/or employees on campus.

When an emergency or dangerous situation poses an immediate threat to the health and/or safety of the LSSU community, the Public Safety Department informs the Vice President of Enrollment and Student Affairs of the emergency and communicates relevant information to the affected community members without delay. The Public Safety Department, Sault Sainte Marie Police, Fire, and Emergency Medical Departments collaborate to determine the content of the message to insure that the message does not compromise efforts to assist the victim or otherwise mitigate the emergency. The emergency notification may be communicated to the community via the University website, oral communication, signage, network emails, and/or emergency text messages (individuals can sign up for this text messaging service on the LSSU website at <http://www.lssu.edu/alerts/>).

The University will post updates regarding a critical situation on the LSSU website. Additionally, individuals can call LSSU's recorded information telephone line by calling extension 2858 or (906) 635-2858.

### *Timely Warnings*

When the Public Safety Department is notified of a crime or activity that presents a continual threat to the campus community, the Department writes and distributes notices and/or instructions to the campus community, which withholds the names of victims as confidential, within 24 hours. These Warnings may be posted on the LSSU website or disseminated via email, orally, signage, or other appropriate means depending on the situation. Timely Warning are only issued in the event that a Clery reportable crime occurs on University-owned or controlled property.

### *Public Safety Notices*

Public Safety notices are issued when either an Emergency Notification or Timely Warning is not warranted, but the Public Safety Office believes safety information should be made available to the campus.

Crime Alert: When needed, the Public Safety Department prepares and distributes Crime Alerts notifying employees and students of important crime related information.

Public Safety Bulletin: The Public Safety Bulletin summarizes reported criminal incidents. This report is sent to employees and students via email.

#### *Annual Security and Fire Safety Report*

This comprehensive annual report is compiled and published annually to comply with the federal reporting mandates of the Clery Act and the Higher Education Opportunity Act. The ASR is available online and will be made available to any interested party.

#### *Daily Crime Log*

The Crime Log is available at the Public Safety Department Monday thru Friday, 8 a.m. to 5 p.m., except holidays. The crime log is updated daily by 10 a.m. The Public Safety Department may classify information as “confidential” and prevent its release to protect the identity of a victim or preserve the integrity of an ongoing criminal investigation.

### **Safety and Security: Campus Facilities**

A majority of University buildings are equipped with automatic fire detection and alarm systems that are monitored by staff at LSSU PSD and the Heating Plant. Refer to page #32 of this report to review information about fire detection, notification, and suppression systems in each residential facility.

### **Safety and Security: Residence Halls**

The Residential Life Staff and/or Public Safety conduct Inspections three times a year, once in the Fall and in the Spring and once in the Summer. Inspections will be announced only during the first round of the fall semester.

All other inspections are unannounced. The inspections are primarily designed to find and eliminate safety violations. Students are asked to read and comply with the Residential Fire Safety Handbook [www.lssu.edu/housing/pdf/firesafetybook.pdf](http://www.lssu.edu/housing/pdf/firesafetybook.pdf), which include the Health and Safety inspections and all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, smoke detectors, fire extinguishers and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This inspection will also include a general assessment of waste storage and cleanliness of the room. Prohibited items are documented and may be immediately confiscated. A follow up meeting with the resident will be scheduled.

### **Access to Campus Facilities**

Academic and administrative buildings are accessible during normal business hours, Monday through Friday (excluding most holidays). Saturday and Sunday access is limited.

Current residential hall students can access any residence hall between 9:00 a.m. to 10:00 p.m. Sunday thru Thursday and from 9 a.m. to 12 a.m. Friday and Saturday. Student can access their residence hall with the use of their key at any time, except during breaks. During move-in and move-out, doors will be unlocked for a limited time. Guests from outside the residence hall are to be escorted by their host in compliance with the Residence Hall Contract.

## **Security Awareness and Crime Prevention Programs**

It is the philosophy at LSSU to prevent crimes from occurring whenever possible. A primary vehicle for accomplishing this goal is the creation of a University crime prevention program. The University crime prevention programs are based upon the concept of eliminating or minimizing criminal opportunities, whenever possible, and encouraging students and employees to be partners in crime prevention efforts. LSSU's description of security awareness (crime prevention) programs is listed below. The frequency varies based on the needs of the community. Flyers may be seasonal, orientation is about six times during the summer, Campus Escort is ongoing, security survey one to two times a year.

### *Crime Prevention Promotions, Flyers and Other Advertisements*

The department publishes various posters outlining responses to various emergencies that could occur in the community.

### *New Student Orientation*

The Public Safety Department participates in new student orientations throughout the year. At orientation, Public Safety Officers meet new students and share information regarding campus safety policies and procedures.

### *Emergency Blue Light Phones*

These two-way call boxes are located in the parking lot area of the Norris Center, "H" lot, "O" lot, "C" lot, Michigan Hall, Public Safety Office and townhouse residential area. These phones allow an individual to speak directly with a member of the Public Safety Department.

### *Campus Escort Program*

Upon request, a Public Safety Officer will escort students, staff, faculty and visitors around campus. Dial ext 2100 or 906-635-2100 to request an escort.

## **Maintenance and Security of Campus Facilities**

Members of the campus community are encouraged to report any maintenance or security concerns to the Public Safety Department by calling 906-635-2100.

### *Exterior Lighting*

Motor vehicle parking lots, pedestrian walkways, and building exteriors are well lighted. Public Safety Officers conduct surveys of exterior lighting on campus, and reports of outages and/or recommendation for improvements are reported to the Physical Plant.

### *Exterior Doors*

Academic buildings are locked and secured each evening by Public Safety Officers. In addition, door and security hardware operation deficiencies are noted and reported to the Physical Plant Department.

### *Campus Patrols*

Public Safety Officers patrol campus property regularly by vehicle and on foot. The Officers look for potential safety issues/concerns, such as overgrown landscaping, and report concerns to the appropriate department to be corrected.

## GENDER DISCRIMINATION AND SEXUAL MISCONDUCT

Lake Superior State University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Lake Superior State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Lake Superior State University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Lake Superior State University's policy governing sexual misconduct, visit: <http://www.lssu.edu/procedures/documents/LSSUPolicy1.5.2Gender-BasedDiscriminationandSexualMisconductPolicyJuly2016.pdf>

### **Gender Discrimination and Sexual Misconduct Policy (1.5.2)**

#### *Policy Statement*

Members of the Lake Superior State University campus community are entitled to an educational and working environment free of all forms of gender-based discrimination and sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others and to treat others with respect and dignity. When an allegation of prohibited conduct, as later defined, is brought to an appropriate responsible employee's attention and a responding party is found to have violated this policy, sanctions will be used to reasonably make sure similar actions do not occur in the future.

This policy applies to all Lake Superior State University students, faculty, staff, administrators, board members, consultants, vendors, others engaged to do business with the University, guests and visitors (collectively or individually referred to as "covered individuals", as defined in the policy). The policy also applies to other third parties under circumstances within the University's control.

This policy is intended to define community expectations, to establish a process for determining when those expectations have been violated, and to set guidelines for follow up and action, as appropriate. The University is committed to providing safe opportunities for concerns to be reported and appropriately investigated, taking appropriate action to end prohibited conduct, educating and increasing awareness to prevent the reoccurrence of prohibited conduct, and remedying the impact on the campus community.

#### *Policy Definition of Consent*

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Participants must act freely and voluntarily and have knowledge of the nature of the act involved. The following are essential elements of consent: (1) Consent must be informed and reciprocal. All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way. (2) Consent must be freely and actively given. Consent must be an affirmative action or communication that is freely, actively and voluntarily given. Consent cannot be obtained through the use of force, coercion, threats or intimidation, or by taking advantage of the incapacitation of another individual. (3) Consent must be mutually understandable. Communication regarding consent consists of mutually understandable words and/or actions that indicate a willingness to engage in sexual activity. Consent must be clearly communicated or outwardly demonstrated; therefore, consent cannot be inferred

from silence, passivity, lack of resistance, lack of active response, or choice of clothing. For example, an individual's choice of clothing is not an outward demonstration of consent to a sexual activity. (4) Consent is not indefinite. Consent may be withdrawn by either party at any time. Withdrawal of consent can be a verbally expressed statement, such as "no" or "stop" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a willing participant. (5) Consent is limited. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to one sexual activity with one person constitute consent to activity with any other person.

## **Violence Against Women Act (VAWA) Definitions**

### *Sexual Assault*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

### *Rape*

The 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.

### *Fondling*

The touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### *Incest*

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### *Statutory Rape*

Sexual intercourse with a person who is under the statutory age of consent.

### *Stalking*

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for the person's safety or the safety of others; or
  - Suffer substantial emotional distress.
- 2) For the purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

### *Dating Violence*

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

### *Domestic Violence*

A felony or misdemeanor crime of violence 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 the jurisdiction in which the crime of violence occurred;
- 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 the jurisdiction in which the crime of violence occurred.

## **Jurisdiction Definitions- Michigan**

### *Consent*

In Michigan, consent is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt.[1] Rather, consent is an affirmative defense available for defendants who are charged with committing criminal sexual conduct under some of the provided-for circumstances. For example, consent may be used to negate the elements of 'force or coercion' under MCL 750.520b(1)(d)(ii); however, it is not available for criminal sexual conduct occurring "under circumstances involving the commission of any other felony" as provided in MCL 750.520b(1)(c) .[2] Michigan's standard criminal jury instructions state that

[a] person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced. It is not necessary to show that the complainant resisted the defendant to prove that this crime was committed. Nor is it necessary to show that complainant did anything to lessen the damage to him/herself.[3]

Therefore, consent is likely to be defined as a free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled, mentally incapacitated or physically helpless.

[1] *People v. Stull*, 127 Mich. App. 14, 19-20; 338 N.W.2d 403 (1983).

Note: in regards to criminal sexual conduct crimes, consent is not defined within statutory law.

[2] *People v. Waltonen*, 272 Mich. App. 678; 728 N.W.2d 887-88 (2007).

[3] Mich. CJI2d 20.27(1)-(2) (see attached documents for further delineation of factors a jury may consider when determining whether consent or force or coercion is present); see *People v. Khan*, 80 Mich.

App. 605, 619, fn. 5; 264 N.W.2d 360 (1978) (“Although the statute is silent on the defense of consent, we believe it impliedly comprehends that a willing, noncoerced act of sexual intimacy or intercourse between persons of sufficient age who are neither “mentally defective”, “mentally incapacitated”, nor “physically helpless” is not criminal sexual conduct.”)(internal citations omitted) and *People v. Hale*, 142 Mich. App. 451, 452; 370 N.W.2d 382 (1985) (upholding a trial court’s definition of consent as a “willing act of sexual intimacy or intercourse between persons of sufficient age who are neither mentally defective, mentally incapacitated nor physically helpless is not criminal sexual conduct”).

*Sexual Assault = Criminal Sexual Conduct – MCL § 750.520*

“Sexual contact” includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:

- Revenge.
- To inflict humiliation.
- Out of anger.

*Sexual Penetration*

Sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

First Degree – MCL § 750.520b

Second Degree – MCL § 750.520c

Third Degree – MCL § 750.520d

Fourth Degree – MCL § 750.520e

◁ Aggravated Domestic Violence (includes dating violence) – MCL § 750.81a up First Degree – MCL § 750.520b ▷

First Degree – MCL § 750.520b

Engaging in sexual penetration with another person and any of the following circumstances exists:

- Other person is under 13 years of age
- Other person is at least 13 but less than 16 years of age AND any of the following:
  - Actor is member of same household as victim
  - Actor is related to victim by blood or affinity to the fourth degree
  - Actor is in position of authority over the victim and used this authority to coerce the victim to submit
  - Actor is teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
  - Actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
  - The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group

- home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency.
- Sexual penetration occurs under circumstances involving the commission of any felony
  - Actor is aided or abetted by 1 or more other persons AND either of the following circumstances exists:
    - Actor knows or has reason to know that victim is mentally incapable, mentally incapacitated or physically helpless
    - Actor uses force or coercion to accomplish the sexual penetration.
  - Actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
  - Actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
    - When the actor overcomes the victim through the actual application of physical force or physical violence.
    - When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
    - When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, “to retaliate” includes threats of physical punishment, kidnapping, or extortion.
    - When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.
    - When the actor, through concealment or by the element of surprise, is able to overcome the victim.
  - The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
  - That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless,<sup>[1]</sup> AND any of the following:
    - The actor is related to the victim by blood or affinity to the fourth degree.
    - The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

<sup>[1]</sup> Mentally Incapable: person suffers from mental diseases or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct. M.C.L. § 750.520a(i).

Mentally Disabled: person has mental illness, is mentally retarded, or has a developmental disability. M.C.L. § 750.520a(h).

Mentally Incapacitated: person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent. M.C.L. § 750.520a(j).

Physically Helpless: person is unconscious, asleep, or for any other reason is physical unable to communicate unwillingness to an act. M.C.L. § 750.520a(m).

#### Second Degree – MCL § 750.520c

Engaging in sexual contact with another person and any of the following circumstances exists:

- Other person is under 13 years of age
- Other person is at least 13 but less than 16 years of age AND any of the following:
  - Actor is member of same household as victim

- Actor is related to victim by blood or affinity to the fourth degree
- Actor is in position of authority over the victim and used this authority to coerce the victim to submit
- Actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
- Actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency.
- Sexual penetration occurs under circumstances involving the commission of any felony
- Actor is aided or abetted by 1 or more other persons AND either of the following circumstances exists:
  - Actor knows or has reason to know that victim is mentally incapable, mentally incapacitated or physically helpless
  - Actor uses force or coercion to accomplish the sexual penetration.
  - Actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
  - Actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
    - When the actor overcomes the victim through the actual application of physical force or physical violence.
    - When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
    - When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, “to retaliate” includes threats of physical punishment, kidnapping, or extortion.
    - When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.
    - When the actor, through concealment or by the element of surprise, is able to overcome the victim.
- The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, AND any of the following:
  - The actor is related to the victim by blood or affinity to the fourth degree.
  - The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
- That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.

- That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.
- That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.
- The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.

### Third Degree – MCL § 750.520d

Engaging in sexual penetration with another person and any of the following circumstances exists:

- Other person is at least 13 years of age and under 16 years of age.
- Force or coercion is used to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
  - When the actor overcomes the victim through the actual application of physical force or physical violence.
  - When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
  - When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, “to retaliate” includes threats of physical punishment, kidnapping, or extortion.
  - When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.
  - When the actor, through concealment or by the element of surprise, is able to overcome the victim.
- Actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.
- That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:
  - The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.
  - The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an

- employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:
    - The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.
    - The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
  - The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual penetration occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

#### Fourth Degree – MCL § 750.520e

Engaging in sexual contact with another person and any of the following circumstances exist:

- Other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.
- Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:
  - When the actor overcomes the victim through the actual application of physical force or physical violence.
  - When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.
  - When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.
  - When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.
  - When the actor achieves the sexual contact through concealment or by the element of surprise.
- The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This

subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

- The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.
- That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:
  - The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.
  - The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:
  - The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.
  - The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual contact occurs during that other person's residency.

*Domestic Violence (includes dating violence) – MCL § 750.81*

Domestic Violence = assault or assault and battery of

- spouse or former spouse,
- an individual with whom he or she has or has had a dating relationship,
- an individual with whom he or she has had a child in common, or
- a resident or former resident of his or her household.

#### Dating Relationship

[1] means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

[1] M.C.L. § 750.81(6).

*Aggravated Domestic Violence (includes dating violence) – MCL § 750.81a*

Assaults any of the following individuals, without a weapon, and inflicts serious or aggravated injury (without intent to commit murder or inflict great bodily harm less than murder):

- spouse or former spouse,
- an individual with whom he or she has or has had a dating relationship,
- an individual with whom he or she has had a child in common, or
- a resident or former resident of his or her household.
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*Stalking – MCL § 750.411h*

“Harassment”<sup>[1]</sup> means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

“Stalking”<sup>[2]</sup> means 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.

“Unconsented contact”<sup>[3]</sup> means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- Following or appearing within the sight of that individual.
- Approaching or confronting that individual in a public place or on private property.
- Appearing at that individual's workplace or residence.
- Entering onto or remaining on property owned, leased, or occupied by that individual.
- Contacting that individual by telephone.
- Sending mail or electronic communications to that individual.
- Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

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<sup>[1]</sup> M.C.L. § 750.411h(1)(c).

<sup>[2]</sup> M.C.L. § 750.411h(1)(d).

<sup>[3]</sup> M.C.L. § 750.411h(1)(e)

*Aggravated Stalking – MCL § 750.411i*

An individual who engages in stalking is guilty of aggravated stalking if the violation involves any of the following circumstances:

- At least 1 of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least 1 of the actions is in violation of an injunction or preliminary injunction.
- At least 1 of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.
- The course of conduct includes the making of 1 or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim.
- The individual has been previously convicted of a violation of this section or section 411h.

“Credible threat”<sup>[1]</sup> means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.

“Harassment”[2] means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

“Stalking”[3] means 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.

“Unconsented contact”[4] means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- Following or appearing within the sight of that individual.
- Approaching or confronting that individual in a public place or on private property.
- Appearing at that individual's workplace or residence.
- Entering onto or remaining on property owned, leased, or occupied by that individual.
- Contacting that individual by telephone.
- Sending mail or electronic communications to that individual.
- Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

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[1] M.C.L. § 750.411i(1)(b).

[2] M.C.L. § 750.411i(1)(d).

[3] M.C.L. § 750.411i(1)(e).

[4] M.C.L. § 750.411i(1)(f).

## **Immediate Considerations for Victims**

### *Sexual Assault/ Relationship Violence / Stalking*

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at War Memorial Hospital 500 Osborn Blvd. War Memorial Hospital offers sexual assault nurses available to complete Physical Evidence Recovery Kit Collection.

In Michigan, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours. Preserving this evidence may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

### *Victim's Rights & Options*

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Michigan, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights (Michigan Crime Victims' Rights):

In 1985 the Crime Victim's Rights Act created comprehensive rights of notification and participation in all stages of the criminal justice process for felony crime victims in Michigan. In 1988 the law was amended to include the victims of serious misdemeanors and juvenile offenses.

Many amendments significantly improving on the implementation and scope of services have since been made. The law creates a duty for police agencies, sheriffs, the Department of Corrections, prosecuting attorneys, courts and other agencies to include crime victims within the formal conduct of investigative, judicial, sentencing and post sentencing proceedings.

The county prosecuting attorney provides a substantial amount of additional case management and advocacy work under the Act. Capable and dedicated victim advocates in prosecutors' offices throughout the state perform much of these duties. Contact your Michigan prosecutor and sheriff for more information about crime victim's rights in your community.

Rights Granted to Victims of a Crime in Michigan:

1. Be treated throughout the criminal justice process with fairness and respect for their dignity and privacy.
2. Timely disposition of the case following the arrest of the accused.
3. Receive an explanation of court procedures.
4. Reasonable protection from the accused throughout the criminal justice process, including having a waiting area separate from the defendant and the defendant's relatives and witnesses (if practical), and to receive an explanation of procedures to follow if threatened or intimidated by the defendant.
5. Be free from threats or acts of discharge from your employer because you are subpoenaed or requested by the prosecuting attorney to testify in court.
6. Consult with the prosecuting attorney to give your views about the disposition of the case.
7. Notice of:
  1. Emergency and medical services from the investigating police agency.
  2. The name of the person in the prosecutor's office with information about your case.
  3. All scheduled court proceedings, including sentencing.
  4. The defendant's release on bond or escape from custody while awaiting trial.
  5. The address and telephone number of the probation department that is preparing the pre-sentence investigation report, if one is ordered by the judge.
  6. Victim compensation benefits, including the address of the crime victims compensation board, and an explanation of eligibility requirements for compensation funds.
9. Attend trial and all other court proceedings the accused has the right to attend (except possible sequestration during a trial before you testify).
10. Confer with the prosecution before trial and before the jury is selected.
11. Make an oral statement to a pre-sentence investigator, or to have a written impact statement included in the pre-sentence report.
12. Make an oral or written statement to the court at sentencing.
13. Your oral or written statement at sentencing is important.

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

## **Reporting**

### *Reporting of Policy Violations*

1. Any person, at any time, may report a concern to the Title IX Coordinator, to the Public Safety Department, or to a responsible employee, who in turn will report to the Title IX Coordinator or designee.
2. All University responsible employees (faculty, staff, and administrators) are expected to report actual or suspected violations of this policy to the Title IX Coordinator. Failure of a non-confidential employee to report an incident or incidents of prohibited conduct is a violation of this policy.

### *Responsible Employee Duties*

Responsible Employees are required by the University to share known details of an incident, the names of the parties involved, and a brief description of the incident with the TIXC or designee in person, by telephone, or by email. This connects a reporting party to information and resources and enables the University to take appropriate action to eliminate, prevent, and address prohibited conduct.

### *Reporting Options*

Any person who seeks to make a report may (1) make an internal report to the Title IX Coordinator, the Public Safety Department, or a responsible employee; and/or (2) contact local law enforcement to file a criminal complaint. A person may use one or both of these reporting options. Public Safety can assist individuals with filing a criminal complaint or preserving physical evidence. Reports made to a responsible employee will be forwarded by that responsible employee to the Title IX Coordinator. Sault Ste. Marie Police Department may also be reached directly by calling 911, in person at 401 Hursley St. Additional information about the Sault Ste. Marie Police department may be found online at: <http://www.saultcity.com/domain/39> or facebook: <https://www.facebook.com/saultpolice>.

### *Reporting Contact Information*

Title IX Coordinator(s)

Philip Espinosa, Associate Vice President & Title IX Coordinator;

Jen Constantino, JD, Deputy Title IX Coordinator

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building, Room 216

[906-635-2213](tel:906-635-2213)

Public Safety Department

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building

[906-635-2100](tel:906-635-2100)

## **Interim Action for Victims**

### *Interim Measures*

1. Upon receipt of a report, the University may impose reasonably available interim measures designed to protect the parties involved. Interim measures are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered.
2. The Title IX Coordinator, in consultation with other administrators, will maintain consistent contact with the parties so that safety (physical and emotional) concerns can be reasonably addressed.
3. Interim measures will be kept private to the extent that maintaining that privacy does not impair the ability of the University to provide the interim measures. Interim measures are provided, to the extent possible, with no cost or undue burden to the reporting party.
4. Specific interim measures implemented and the process for implementing those measures will be case and fact specific. The following factors will be considered in determining which interim measures to take: (1) the specific needs expressed by the reporting party; (2) the age of the individuals involved; (3) the severity or pervasiveness of the allegations; (4) any continuing effects on the reporting party; (5) whether the reporting party and responding party share the same residence hall, dining hall, class, transportation, or job location; and (6) whether other judicial measures have been taken to protect the reporting party (e.g. civil protection orders).

### *Orders of Protection*

Lake Superior State University complies with Michigan law in recognizing Personal Protection Orders (PPO). Any person who obtains a Personal Protection Order from Michigan, or any state that has entered the PPO into LEIN (Law Enforcement Information Network) should provide a copy to Campus Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Campus Public Safety to develop a Safety Action Plan, which is a plan for Campus Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal Personal Protection Order, (no contact order or restraining order) for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services through the County Clerk's Office, 319 Court St. Sault Ste. Marie, phone: 906-635-6300. A person who wishes to apply for a PPO may do so by going to the County Clerk's Office, for Nondomestic situations a person needs to take with them two documented incidents (Police or Public Safety Report), Identification (Driver's License etc.) If under 18 a person may need an adult (called a "next friend") to petition for you. Domestic situation (If married to the person you want restrained; if you are not married to the person you want restrained but you live with or have lived with him or her and he or she is not your emancipated minor child; if you and the person you want restrained have a child in common even if you were never married to one another or never lived together; if you and the person you want restrained have or had a dating relationship. If under 18 a person may need an adult (called a "next friend") to petition for you.

### *No Contact Orders*

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. University offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint and to the extent of the victim's cooperation and consent.

### *No Trespass Orders*

The University may issue an institutional No Trespass Directive which prohibit recipients from access to part or all of University owned property. These directives may be in effect for a specific duration of time or until revoked.

## **Disciplinary Actions**

### *Determining Appropriate Sanctions*

When determining appropriate sanctions, the following factors may be considered:

1. The conduct concern at issue;
2. The impact of the conduct on the reporting party, the University community or work area;
3. Prior misconduct by the responding party, including the responding party's relevant prior disciplinary history both at the University or elsewhere, and any criminal convictions;
4. Whether the responding party has accepted responsibility for the conduct;
5. Maintenance of a safe and respectful environment;
6. Protection of the university community; and
7. Any other mitigating, aggravating, or compelling circumstances in order to reach an appropriate resolution.

### *Possible Sanctions*

#### Sanction Process for Employees (Faculty and Staff) as Responding Party

1. Sanctions for responding parties, who are employees, will be determined by the designated administrator in coordination with Human Resources, with input from other offices as appropriate.
2. Represented Employees: For represented employees, sanctions will be imposed in accordance with the applicable collective bargaining agreement and University policy.
3. Unrepresented Employees: For unrepresented employees, sanctions shall be determined in accordance with University policies and procedures, individual contracts, and/or appointment letters.
4. Potential Employee Sanctions: The potential sanctions for an employee may include training, referral to counseling, no contact order, no trespass, loss of privileges, written warning, reprimand, withholding of a promotion, reassignment, temporary suspension without pay, or separation from the University.

#### Sanction Process for Students as Responding Party

1. Sanctions for responding parties, who are students, will be determined by the designated administrator.
2. Potential Student Sanctions: Sanctions may be imposed upon any student found to be responsible for violation of University policy. Sanctions may include, but are not limited to, training, referral to counseling, written warning, no contact order, no trespass order, reprimand, behavior contract, probation, loss of privileges, community service, suspension, expulsion, withholding degree, or revocation of degree.
3. More than one sanction may be imposed for any single violation; previous violations of University policy, the Student Code of Conduct or Athletic or Academic program codes of conduct, may increase the severity of sanctions applied. Sanctions may be used independently or in combination depending on the particular circumstances of the violation.
4. Other University offices may be consulted when determining or implementing sanctions.

## **Privacy**

All University employees who are involved in LSSU's Title IX response, including the Title IX Coordinator, Deputy Title IX Coordinator, Assistant Title IX Coordinator, and Title IX Investigators, receive instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Reporting and responding parties are asked to keep details private. Reporting, responding parties and witnesses are not restricted from sharing or discussing information related to a report or allegation with others who may support them or assist them during an investigation process.

## **Bill of Rights**

### *Reporting Party Bill of Rights*

1. To be treated with respect, dignity, and sensitivity throughout the investigation process.
2. To be informed of all available resources and how to access these resources.
3. To an advisor of your choosing for support through the investigation and/or appeal process.
4. To be informed of the University's Gender Based Discrimination and Sexual Misconduct Policy.
5. To privacy under the Family Educational Rights and Privacy Act (FERPA). The college will make all reasonable efforts to ensure the preservation of privacy, restricting information to those with a legitimate need to know.
6. To a prompt and thorough investigation of the allegations.
7. To participate or decline to participate in the investigation process. However, an investigation may still occur and decisions made on the available information.
8. To an outcome based solely on information gathered during the investigation. Such information shall be credible, relevant, based in fact, and without prejudice.
9. To not have irrelevant prior sexual history considered as information in the investigation.
10. To be notified in writing of the outcome of the investigation and any remedies and/or sanctions that have been issued.
11. To request an appeal of the Title IX Coordinator's decision and/or sanctions issued.
12. To a University response to any retaliation or harassment you experience based on your involvement in an investigation.

### *Responding Party Bill of Rights*

1. To be treated with respect, dignity, and sensitivity throughout the investigation process.
2. To be informed of all available resources and how to access these resources.
3. To an advisor of your choosing for support through the investigation and/or appeal process.
4. To be informed of the University's Gender Based Discrimination and Sexual Misconduct Policy.
5. To privacy under the Family Educational Rights and Privacy Act (FERPA). The college will make all reasonable efforts to ensure the preservation of privacy, restricting information to those with a legitimate need to know.
6. To be provided with a written notice of investigation and the nature of the report filed against you.
7. To a prompt and thorough investigation of the allegations.
8. To participate or decline to participate in the investigation process. However, an investigation may still occur and decisions made on the available information.
9. To an outcome based solely on information gathered during the investigation. Such information shall be credible, relevant, based in fact, and without prejudice.
10. To not have irrelevant prior sexual history considered as information in the investigation.
11. To be notified in writing of the outcome of the investigation and any sanctions that have been issued.
12. To request an appeal of the Title IX Coordinator's decision and/or sanctions issued.

13. To a University response to any retaliation or harassment you experience based on your involvement in an investigation.

## **Investigations**

### *Investigation Timeline*

1. The University will use its best efforts to complete investigations within 60 calendar days of the commencement of a formal investigation, although this time frame may be extended for good cause. Good cause may include, but is not limited to, the complexity of each allegation, a request to coordinate or cooperate with external law enforcement, the availability of witnesses, University breaks or vacations, or to address other legitimate reasons.
2. In the event a time frame is extended, both the reporting party and responding party will be notified of an extension.

### *Initial Assessment*

1. When a report is made the designated administrator will conduct an initial assessment to determine whether an informal/voluntary resolution or initial investigation is appropriate. The University will assess the facts and circumstances and consider the reporting party's expressed preference for manner of resolution.
2. When possible, the University will seek action consistent with the reporting party's request.
3. The University may address and resolve student or employee conduct matters based on the findings of an assessment. Such assessments may be initiated by a report, constructive notice, observation, exhibited behavior, workplace / campus rule or policy violation or other concern.

### *Informal/Voluntary Resolution*

1. Informal/voluntary resolution is designed to eliminate a hostile environment through alternative actions that do not involve disciplinary action against a responding party.
2. Where an informal/voluntary resolution is appropriate, the University will take immediate corrective action through the imposition of individual and community remedies designed to maximize the reporting party's access to the educational, extracurricular, employment, and other activities at the University and to eliminate any hostile environment.
3. Participation in informal/voluntary resolution by a reporting party is voluntary, and a reporting party can request to end informal/voluntary resolution at any time.
4. Complaints or allegations that involve sexual violence cannot be mediated through informal/voluntary resolution.

### *Investigation*

1. The designated administrator may initiate an investigation to determine if there has been a policy violation, and if so, whether sanctions are warranted. The designated administrators have the discretion to consolidate multiple reports involving a responding party into one investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.
2. The University will designate an investigator(s) of its choosing. The investigator chosen to conduct the investigation must be impartial and free of any conflict of interest. In the case of matters involving sexual misconduct, investigators will have specific training investigating allegations of prohibited misconduct.
3. During the investigation, both the reporting party and the responding party will have the opportunity to provide witnesses and evidence.
4. The investigators will update both the reporting party and responding party regarding the status of the investigation at reasonable, regular intervals.

5. Investigations, as applicable, may include the following: (1) assess the nature and circumstances of the report; (2) address immediate physical safety and emotional well-being concerns; (3) notify the reporting party of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist the reporting party with notifying law enforcement; (4) notify the reporting party of the availability of medical treatment to address physical and mental health concerns and to preserve evidence; (5) notify the reporting party of the importance of the preservation of evidence; (6) assess the reported conduct for any necessary actions under Clery, including inclusion in the daily crime log, annual security report, or issuance of a timely warning; (7) provide the reporting party and responding party, if notified, with information about on- and off-campus resources, the range of interim accommodations and remedies, and an explanation of the procedural options; (8) inform the reporting party and responding party each may have one advisor of their choosing attend meetings and interviews with them, which may include an attorney (at their own expense), colleague, or other person they identify (where appropriate, consistent with applicable collective bargaining agreement); the advisor may not be a witness or a material party in the investigation; the advisor is limited to advising the reporting or responding party, and may not speak for the party they are advising; their role is to provide support and assistance; (9) consider whether the facts indicate a pattern of similar conduct by responding party; (10) discuss the reporting party's expressed preference for manner of resolution and any barriers to proceeding; and (11) explain the University's policy prohibiting retaliation.

#### *Investigation Report*

1. At the conclusion of an investigation a written report will be prepared.
2. The report will summarize findings and recommended remedies and sanctions.

#### *Review of Investigation Report*

1. The written investigation report will be reviewed for consistency and completeness. This review process will be completed within five (5) business days of receipt of the investigation report.
2. Based on this review, the investigation report may be returned to the investigators for clarification or additional information, or reviewed for a determination.

#### *Summary of Findings and Notice of Determination*

1. The designated administrator will prepare a summary of findings and notice of determination, which contains the outcome, and the rationale for the outcome, regarding responsibility for alleged misconduct and policy violation(s). The determination will be made within five (5) business days of receipt of the final investigation report. The standard of evidence used for determination is preponderance of evidence.
2. Involved parties will be notified simultaneously in writing of determinations and follow up.

#### *Appeals Process for Sexual Misconduct Reports / Allegations*

1. Written Appeal: The reporting party or responding party may submit written notice of appeal to the TIXC within five (10) calendar days of receiving the summary of findings and notice of determination. Grounds for an appeal are limited to conflicts of interest, introduction of new evidence not previously available, requests to mitigate sanctions, or other considerations that are directly related to alleged violations, facts or findings of the case. Appeal requests must specifically note the grounds for which the appeal is being made.
2. Response to Appeal: The receipt of the appeal will be acknowledged by the TIXC in writing, which may be by email.
3. Notification of Appeal: Each party will be notified of appeal requests.

4. Appeal Review:
  1. A designated administrator (appropriately trained and not associated with the investigation) shall be appointed to review an appeal.
  2. The designated administrator shall review the appeal no later than five (5) calendar days after notice from the TIXC.
  3. After reviewing the appeal, the designated administrator will issue a written determination. The potential outcomes of an appeal are as follows:
    1. Affirmation of Determination because grounds stated in the appeal do not affect the outcome of the investigation or associated sanctions;
    2. Remand for additional investigation because of a proven conflict of interest that materially affected the determination or associated sanctions;
    3. Remand for additional investigation because new evidence not previously available is relevant and there is a substantial likelihood that the new evidence may materially affect the outcome of the determination or associated sanctions; or
    4. Remand for reconsideration of sanctions.
  4. The appellate decision will be forwarded to the TIXC for concurrent distribution to the reporting and responding parties.
  5. The appellate decision is final and binding.
  6. TIXC will take appropriate action based on the outcome of the appeal.

#### *Interim Measures*

Upon receipt of a report, the University may impose reasonably available interim measures designed to protect the parties involved. Interim measures are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered.

The Title IX Coordinator, in consultation with other administrators, will maintain consistent contact with the parties so that safety (physical and emotional) concerns can be reasonably addressed.

Interim measures will be kept private to the extent that maintaining that privacy does not impair the ability of the University to provide the interim measures. Interim measures are provided, to the extent possible, with no cost or undue burden to the reporting party.

Specific interim measures implemented and the process for implementing those measures will be case and fact specific. The following factors will be considered in determining which interim measures to take:

1. The specific needs expressed by the reporting party;
2. The age of the individuals involved;
3. The severity or pervasiveness of the allegations;
4. Any continuing effects on the reporting party;
5. Whether the reporting party and responding party share the same residence hall, dining hall, class, transportation, or job location; and
6. Whether other judicial measures have been taken to protect the reporting party (e.g. civil protection orders).

## Awareness and Prevention

### *Communication and Education*

The University is committed to the prevention of prohibited conduct through education and awareness programs. Prevention, education, and awareness programs include:

1. An overview of the University's policies and procedures,
2. Relevant definitions, including prohibited conduct,
3. Discussion of the impact of alcohol, medication, and illegal drug use,
4. Effective consent, (5) safe and positive options for bystander intervention, and
5. Information about risk reduction.

Incoming first year students and new employees will receive primary prevention, education, and awareness training as part of orientation. All of the above prevention, education, and awareness programs include a review of resources and reporting options available for students, faculty, and staff.

### *Educational Programs*

#### How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

#### Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.

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<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  1. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  4. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### Violence Against Women Act Education

The University is working on developing primary prevention and awareness programs for all employees (including Faculty) that address Domestic Violence, Dating violence, Sexual Assault and Stalking.

The University offered the following ongoing awareness and prevention programs for Employees in 2015:

<b><u>Name of Program</u></b>	<b><u>Date Held</u></b>	<b><u>Location Held</u></b>	<b><u>Which Prohibited Behavior Covered?</u></b>
Title IX Webinar	January 20, 2015	Human Resources Conference Room	DoV, DaV, SA and S
Title IX Investigator Level 1 Training (2 day)	January 26, 2015	Nashville, TN ATIXA	DoV, DaV, SA and S
Title IX Advanced Investigator Training (2 day)	January 28, 2015	Nashville, TN ATIXA	DoV, DaV, SA and S
Take Back the Night	April 24, 2015	Crow's Nest Lake Superior State University	DoV, DaV, SA and S
TIX Policy Training And Update Board of Trustees	April 30, 2015	Cisler Center Lake Superior State University	DoV, DaV, SA and S
Campus Clarity Awareness Online Training Board of Trustees	April 30, 2015	Cisler Center Lake Superior State University	DoV, DaV, SA and S
Title IX Investigator Training (2 day)	May 22, 2015	Marquette, MI Northern Michigan University	DoV, DaV, SA and S
Title IX Coordinator Level 1 Training (4 day)	June 16, 2015	San Diego , CA	DoV, DaV, SA and S
Employee Title IX Awareness Training	July 16, 2015	Physical Plant Lake Superior State University	DoV, DaV, SA and S
Student Life Title IX Gender Discrimination	August 18, 2015	Anchor Room Lake Superior State University	DoV, DaV, SA and S
Title IX Gender Discrimination	August 26 & 27, 2015	Library Lake Superior State University	DoV, DaV, SA and S
Title IX and Gender-Based Discrimination Training	September 18, October 1 & 13, December 10, 2015	Cisler Center & Human Resources Conference Lake Superior State University	DoV, DaV, SA and S
Let's Be Open-Let's Be Real- Let's Be Human Program	October 8, 2015	Peacock Cove Lake Superior State University	DoV, DaV, SA

- DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following ongoing awareness and prevention programs for students in 2015:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior Covered?</b>
White Out Campaign	February 9-13, 2015	Norris Center Lake Superior State University	DoV, DaV, SA
Clothesline Project	April 13-24, 2015	Cisler Center, Counselling Services, Fletcher Center Lake Superior State University	DoV, DaV, SA, LGBTQA
Take Back the Night	April 21, 2015	Crow's Nest Lake Superior State University	DoV, DaV, SA
By Stander Training/Diane Pepler Resource Center	August 18, 2015	Cisler Center Lake Superior State University	DoV, DaV, SA
Safe Zone Hate Crime Prevention Training	August 18, 2015	Cisler Center Lake Superior State University	LGBTQA
Behind Closed Doors RACA Training Skits	August 21, 2015	Brady and Osborn Halls Lake Superior State University	DoV, SA, LGBTQA
Self Defense	September 18, 2015	Osborn Hall Lake Superior State University	DoV, DaV
Let's Be Open-Let's Be Real- Let's Be Human Program	October 8, 2015	Peacock Cove Lake Superior State University	DoV, DaV, SA
Hazing and Bystander Training	October 14, 2015	Cisler Center Lake Superior State University	SA

- DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, and LGBTQA means Lesbian, Gay, Bisexual, Transgender, Questioning, and Asexual

### *Resources*

#### Title IX Coordinator(s)

Philip Espinosa, Associate Vice President & Title IX Coordinator;  
Jen Constantino, JD, Deputy Title IX Coordinator  
650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building, Room 216  
[906-635-2213](tel:906-635-2213)

#### EEOC Officer

Philip Espinosa, Associate Vice President  
650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building, Room 216  
[906-635-2213](tel:906-635-2213)

#### Accessibility Services

650 W. Easterday Ave, Sault Ste. Marie, MI 49783, KJS Library Room 149  
[906-635-2355](tel:906-635-2355)

#### Campus Public Safety Department

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building  
[906-635-2100](tel:906-635-2100)

#### Campus Student Life

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Cisler Center, Room 125  
[906-635-2236](tel:906-635-2236)

#### Campus Housing

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Cisler Center, Room 125  
[906-635-2411](tel:906-635-2411)

#### Counseling Center

623 W. Easterday Ave., Sault Ste. Marie, MI 49783, Counseling Center  
[906-635-2752](tel:906-635-2752)

#### Financial Aid Office

650 W. Easterday Ave, Sault Ste. Marie, MI 49783  
[906-635-2678](tel:906-635-2678)

#### HealthCARE Center

621 W. Easterday Ave., Sault Ste. Marie, MI 49783  
[906-635-2110](tel:906-635-2110)

#### Visa and Immigration Assistance

650 W. Easterday Ave, Sault Ste. Marie, MI 49783, Registrar's Office  
[906-635-2613](tel:906-635-2613)

#### Diane Peppler Center (Advocacy/Women's Shelter)

PO Box 698, Sault Ste. Marie, MI 49783  
[906-635-0566](tel:906-635-0566)

War Memorial Hospital ER  
500 Osborn Blvd., Sault Ste. Marie, MI 49783  
[906-635-4460](tel:906-635-4460)

Sault Ste. Marie Police  
225 East Portage Ave., Sault Ste. Marie, MI 49783  
[906-632-5745](tel:906-632-5745)

Emergency: [911 \(if on campus 9911\)](tel:911)

U.S. Department of Education, Office for Civil Rights, Regional Office  
1350 Euclid Avenue, Suite 325, Cleveland, OH 44115  
Telephone: [216-522-4970](tel:216-522-4970), FAX: [216-522-2573](tel:216-522-2573), Email: [OCR.cleveland@ed.gov](mailto:OCR.cleveland@ed.gov)

U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education  
Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100  
Telephone: [800-421-3481](tel:800-421-3481), FAX: [202-453-6012](tel:202-453-6012); TDD: [800-877-8339](tel:800-877-8339), Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Michigan Department of Civil Rights, Marquette Office  
234 W. Baraga Avenue, Marquette, MI 49855  
Telephone [906-226-6393](tel:906-226-6393), FAX: [906-226-3974](tel:906-226-3974)

Equal Employment Opportunity Commission (EEOC), Detroit Field Office, Patrick V. McNamara  
Building, 477 Michigan Avenue, Room 865, Detroit, MI 48226  
Telephone [1-800-669-4000](tel:1-800-669-4000), FAX: [313-226-4610](tel:313-226-4610), TDD: [800-669-6820](tel:800-669-6820)

## SEX OFFENDER REGISTRATION

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Michigan, convicted sex offenders must register with the Michigan State Police. You can link to this information, which appears on Michigan State Police website, by accessing: [www.mipsor.state.mi.us/](http://www.mipsor.state.mi.us/)  
Also Lake Superior State University Campus Public Safety website:  
<http://www.lssu.edu/publicsafety/clery/>

## LSSU DRUG AND ALCOHOL POLICY

### **Alcohol and Other Drug Related Resources**

Lake Superior State University complies with all federal, state and local laws governing the use, possession and sale of alcoholic beverages. Consumption and/or possession of alcohol by those under age 21 is not permitted on any University-owned property. Alcohol in an unsealed or broken container is prohibited in any area not designated by the University. The unlicensed sale of alcohol is prohibited by both the State of Michigan and the University.

The possession, use, sale, distribution or manufacture of any illegal or controlled substance is prohibited at all University events and in any building or property owned and/or facilitated by LSSU. Violators will be subject to disciplinary and/or legal action (including arrest), which may result in dismissal from Lake Superior State University.

The University Counseling Center, located SE corner of W. Easterday and Meridian Ave., and the LSSU HealthCARE Center provide assistance to students who are experiencing problems due to alcohol and controlled substances. Educational programs are sponsored throughout the year by the Student Life Office, HealthCARE Center, Public Safety Department and other University organizations.

### **Health Risks and Medical Consequences of Alcohol and Drug Abuse**

Drug use can start out as experimentation or casual use and can progress into problem use and dependence. The abuse of alcohol and other drugs can erode the foundation of the University's goals and objectives and diminishes the personal attainment of intellectual, social, physical and moral growth and development.

This includes:

- Psychological and/or physical dependence.
- Impaired learning ability, memory loss, inability to solve complex problems.
- Inability to perform sexually, infertility problems.
- Increased risk of sexually transmitted diseases (including AIDS).
- Complications due to the combination of prescription medication and other drugs or alcohol.
- Death, coma or toxic reactions especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions.

- Guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, risk-taking, legal difficulties.
- Damage to brain, cardiovascular system, liver, etc.
- Increased risk of cancer.
- Fetal alcohol syndrome, birth or genetic defects.
- Psychosis (hallucinations, loss of contact with reality, extreme changes in personality).
- Diet deficiencies.
- Other physiological, psychological or interpersonal problems.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including assaults and spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, also can lead to permanent damage to vital organs such as the brain and the liver.

## FIREARMS, EXPLOSIVES AND WEAPONS

If you bring a weapon to campus, you must register it immediately with the Public Safety Office in the Administration Building. This includes all firearms, ammunition, bows, arrows, knives, paint-ball guns, BB and pellet-type guns, and any other dangerous weapons. Information regarding manufacturer, caliber, model and serial number will be needed to register firearms, as well as a safety inspection certificate. All weapons and ammunition must be stored in the designated area by the Public Safety Office and may not be stored anywhere else on campus. Any exceptions to this policy, such as weapons used in class (including any criminal justice student activity), must be authorized by the Public Safety Office. You shall provide a lock to secure the locker in which your weapon will be stored. Weapons may be removed or returned at any time. Student IDs are required when checking out weapons. Firearms and ammunition must never be taken to any room or apartment. Cleaning firearms is permitted only in the designated area set by the Public Safety Office.

Explosives, firecrackers, concealed weapons and similar items are not permitted on campus, except by a certified law enforcement officer in accordance with their duties. Any failure to comply with these regulations will result in severe disciplinary action and/or dismissal from Lake Superior State University, as well as possible criminal prosecution.

CRIME INFORMATION AND STATISTICS

Charts of Crime Statistics

Due to new requirements, statistics for 2014 and 2015 are on a separate chart.

**Crime Statistics Reporting Table 2013**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2013	0	0	0	0
NEGLIGENT MANSLAUGHTER	2013	0	0	0	0
SEX OFFENSES, FORCIBLE	2013	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	2013	0	0	0	0
ROBBERY	2013	0	0	0	0
AGGRAVATED ASSAULT	2013	0	0	0	0
BURGLARY	2013	0	0	0	0
MOTOR VEHICLE THEFT	2013	0	0	0	0
ARSON	2013	0	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC	2013	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING	2013	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2013	1	1	0	0
DISCIPLINARY REFFERALS: DRUG ABUSE VIOLATIONS	2013	5	5	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2013	1	1	0	0
DISCIPLINARY REFFERALS: LIQUOR LAW VIOLATIONS	2013	62	62	0	0

## Crime Statistics Reporting Table 2014 and 2015

<b>Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non- Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities*</b>	<b>Unfounded Crimes</b>
Murder/Non Negligent Manslaughter	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Rape	2014	1	0	0	1	1	1**
	2015	2	0	0	2	2	0
Fondling	2014	0	0	0	0	0	0
	2015	2	0	0	2	0	0
Incest	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Statutory Rape	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Robbery	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Aggravated Assault	2014	1	0	0	1	0	0
	2015	0	0	0	0	0	0
Burglary	2014	0	0	0	0	0	0
	2015	1	0	0	1	1	0
Motor Vehicle Theft	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Liquor Law Arrests	2014	2	0	0	2	1	0
	2015	0	0	0	0	0	0
Drug Law Arrests	2014	2	0	0	2	2	0
	2015	2	0	0	2	0	0
Weapons Law Arrests	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2014	90	0	0	0	90	0
	2015	91	0	0	0	91	0
Drug Law Violations Referred for Disciplinary Action	2014	4	0	0	0	4	0
	2015	11	0	0	0	11	0
Weapons Law Violations Referred for Disciplinary Action	2014	0	0	0	0	0	0
	2015	0	0	0	0	0	0

## FIRE SAFETY INFORMATION AND STATISTICS

### **Fire Statistics and Fire Log**

The Fire Log is available at the Public Safety Department Monday thru Friday, 8 a.m. to 5 p.m., except holidays. This Log contains the nature, date, time, and general location of any fires that occur in our residential facilities.

### **Fire Safety Systems**

#### *Smoke Detectors*

All on-campus student housing facilities have smoke detectors in each student room and common areas. The common area detectors are connected to the central alarm system, which is monitored by the Public Safety Department and Central Heating Plant.

### **Fire Safety Education and Training Programs**

#### *Fire Drills*

Public Safety and the Campus Life Office conducted eight fire drills per residence hall in 2015. The University requires complete evacuation of buildings during a fire drill.

#### *Evacuation Procedures and Guidelines*

The Public Safety Department coordinates a monthly evacuation drill for each residential facility, which totals eight evacuation drills per residence hall per academic year. The Department coordinates one evacuation drill per semester for each academic building. For each drill, the Public Safety Department documents a description of the exercise, the date and time, and whether it was announced or unannounced.

During each evacuation drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits, direction they should travel when exiting, and the sound of the fire alarm. Pocket cards with educational information are distributed to residents re-entering a facility immediately after an evacuation drill. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components and identify potential areas for improvement.

Students receive information about evacuation and shelter-in-place procedures during floor meetings and during other educational sessions throughout the year. The Residential Life staff is trained in these procedures and serves as a resource for residential students.

The University publishes a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

During October, which is Fire Prevention month, Public Safety performs a “Mock Dorm Burn” to demonstrate to students and staff how quickly a dorm room can burn. During the presentation, a Public Safety Officer gives the audience information on reducing the possibility of a fire. Additionally, fire extinguisher training is offered to students, faculty, and staff several times each year.

### *Shelter-in-Place Procedures*

When an incident causes a building or area to become unstable, or the outdoor air becomes dangerous, it may be safer for individuals to stay indoors. The Public Safety Department, Residence Life staff, other University employees, local or federal government, Sault Sainte Marie Police, Medical, or Fire Departments may issue a shelter-in-place notification using the University's communication tools.

If the building is not damaged by the incident, stay inside an interior room until instructed that it is safe to come out. If the building is damaged, take your personal belongings and follow the evacuation procedures for the building. After evacuating the damaged building, individuals are encouraged to seek shelter at the nearest University building. If the Public Safety Department or Sault Sainte Marie Police, Medical, or Fire Departments are on the scene, follow their directions.

Should the need to shelter-in-place arise, follow the following steps unless instructed otherwise by emergency personnel:

- If you are already inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outside, quickly proceed to the closest building or follow instructions from emergency personnel.
- Locate a room to shelter-in-place in the building. The selected room should be (1) an interior room, (2) above ground level, and (3) without windows or with as few windows as possible. If there is a large group inside, several rooms may be necessary.
- Shut and lock all windows and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- If possible, close vents to ventilation systems. The University will turn off the ventilation system as quickly as possible.
- Make a list of people with you. Have a staff member call the Public Safety Department to share the list of people and their shelter-in-place location. If only students are present, have a student call the Public Safety Department.
- Turn on a radio or television and listen for instructions.
- Make yourself comfortable.

### *Fire Evacuation Procedures*

#### Before a Fire

- Know the location of (1) all fire alarm pull stations, (2) the nearest exit and at least one alternate exit in your area, (3) the evacuation re-assembly area for your building, and, (4) fire extinguisher location.
- Fire extinguisher shall only be used by trained personnel to extinguish small fires (trash cans, small appliances, etc.) Contact Public Safety at Ext. 2100 for fire extinguisher training.

#### If You Discover a Fire

- Pull the nearest fire alarm pull station which are generally located near egress points. The fire alarm will sound throughout the building and notify Public Safety and the Central Heating Plant. It **will not** alert the Fire Department.
- Evacuate. Follow the evacuation procedure described below under "When the Fire Alarm Sounds."
- Once in a safe place, call Public Safety at 906-635-2100 or dial 911 (9-911 from internal phones).

## When the Fire Alarm Sounds

Follow these evacuation procedures:

- Evacuate the building immediately using the nearest exit. Exit quickly but do not run. Do not use elevators. If you need assistance, dial 911 (9-911 from internal phone) or Public Safety at 906-635-2100 and tell the dispatcher your location.
- Assist disabled persons to the nearest safe stairwell and notify emergency personnel of individual's location.
- Close doors as you exit. Closing doors helps confine the fire and protect possessions from smoke/fire damage.
- If it is safe to do so, check any adjoining areas such as restrooms on the way out of the building to be certain that everyone in the area is aware of the alarm.
- Go to your assigned evacuation assembly area. Faculty and staff shall account for students and co-workers. Report any missing persons to emergency personnel.
- Do not re-enter building until given all clear by emergency personnel.
- If it is safe to do so, check any adjoining areas such as restrooms on the way out of the building to be certain that everyone in the area is aware of the alarm.

### *Reporting Fire Safety Information*

If a fire occurs in a LSSU building, community members should immediately notify 9-911 or LSSU PSD at (906) 635-2100. LSSU PSD will initiate a response, as the department has direct communication with Central Dispatch who then can summon the fire department quickly through this communication link. If a member of the LSSU community finds evidence of a fire that has been extinguished, and the person is not sure whether LSSU PSD has already responded, the community member should immediately notify LSSU PSD to investigate and document the incident.

The fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Department can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety reasons.

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus typically ring to the LSSU PSD.

After a false alarm in a residential facility, a message may be distributed to building residents, typically the next business day, informing them of the cause of the activation and the reason for the evacuation. The purpose of providing follow-up information is to use those instances as a teaching moment to point out the reason for the alarm activation, the evacuation routes, and instructions and guidelines for evacuations.

## *Fire Safety Violations and Prohibitions*

### Tobacco-Free Campus

The tobacco-free policy prohibits the use of all tobacco products including traditional cigarettes, vapor cigarettes (e-cigarettes), pipes, cigars, hookah or water pipe smoke products and oral tobacco (chew, snuff, snus, etc.) on University owned and leased property.

### Candles and Incense

Candles/Incense Candles and incense are not allowed in any of our on-campus residential housing units. Such items can cause severe damage to resident rooms, as well as to the buildings, and are therefore prohibited. If found, these items will be confiscated and properly disposed of. Students found in violation will be referred to the Area Coordinator for disciplinary sanctions. Fines start at \$25 for violation for the candle and incense policy.

### Combustibles

Combustibles Fire safety is of great concern to the University. Fire regulations in the residence halls are designed for everyone's safety. Halogen lamps, propane, air gas cylinders, candles, oil lamps, burning incense, charcoal lighting fluid or any other open flame devices or combustible materials are not allowed in University housing. Paper materials must be kept to a minimum. Real Christmas trees are not allowed. The use or possession of fireworks, other explosives and potentially harmful chemicals is also prohibited in the residence halls and in their immediate vicinity. Individuals who violate this policy will be subject to disciplinary and/or legal action, which may result in dismissal from Lake Superior State University.

### Electrical Appliances

The electrical system is not designed to carry heavy loads of electrical equipment. The following electrical appliances are not permitted in LSSU housing, unless already provided:

- Hot plates
- George Foreman grills
- Electric frying pans
- Air conditioners
- Sun lamps
- Halogen lamps
- Lamps with plastic shades
- Induction Cook Tops
- Major appliances
- Freezers
- Mini fridge's over 5.0 cubic feet, over 37 inches high and draw over 3 amps of power.
- Toasters and space heaters cannot be used in residence halls for electrical and safety reasons.
- All lights and appliances must be UL approved for indoor use.
- Any appliance with exposed heating elements.

You can direct any questions you have about whether an appliance is appropriate to Campus Life Office. A safe strip with surge protection is recommended if additional plug-ins are needed. Extension cords and multiple outlet adapters can be dangerous and cannot be used in the residence halls. A surge protector is recommended if you will have a computer in your room.

## FIRE SAFETY REPORT

LSSU PSD publishes this fire safety report as part of its annual Clery Act Compliance document, via this brochure, which contains information with respect to the fire safety practices and standards for LSSU.

This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see chart at end of this report). The compliance document is available for review 24 hours a day on the LSSU PSD website at <http://www.lssu.edu/publicsafety/>.

### Fire Statistics for Each On-Campus Student Housing

LSSU On Campus Student Housing Facility	Year	Number of Fires	Cause of Fire	Injuries that Required Treatment at Medical Facility	Number of Deaths related to fire	Value of property damage
Brady Hall 1145 CIRCLE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Chippewa House 910/912/914/916 COLLEGE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Easterday House 965 S CAMPUS CT	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Erie Hall 850/854 N CAMPUS CT	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Huron Hall 940/942/944/946 COLLEGE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Laker House 930 COLLEGE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Moloney Hall 1002 SHOULDICE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Neveu Hall 1004 SHOULDICE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Ontario Hall 950/952/954/956 COLLEGE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Osborn Hall 1150 COLLEGE DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Ryan House 963 S CAMPUS CT	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Student Village 780 W EASTERDAY AVE	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0
Townhouses 901-919, 902-940 SHERIDAN DR	2013	0	-	0	0	0
	2014	0	-	0	0	0
	2015	0	-	0	0	0

<i>Lake Superior State University Fire Protection Systems</i>	Fire Alarm System	Fire Alarm Monitored	Manual Pull Stations	Local Detection <sub>1</sub>	Direct System Detection <sub>2</sub>	Fire Rated Doors <sub>3</sub>	Fire Rated Walls <sub>4</sub>	<i>Lake Superior State University Fire Protection Systems</i>	Partially Sprinklered	Fully Sprinklered	Sprinkler System Monitored	ABC Extinguishers	Specialty Extinguishers <sub>5</sub>
Administration Building	X	X	X		X	X	X	Administration Building				X	
Alumni House				X		X	X	Alumni House				X	
Brady Hall	X	X	X	X	X	X	X	Brady Hall				X	X
Campus Shoppe	X	X	X		X	X	X	Campus Shoppe	X		X	X	
CASET	X	X	X		X	X	X	CASET	X		X	X	X
Central Heating Plant						X	X	Central Heating Plant				X	X
Child Development Center	X	X	X		X	X	X	Child Development Center				X	
Chippewa House	X	X	X	X	X	X	X	Chippewa House				X	
Cisler Center	X	X	X		X	X	X	Cisler Center		X	X	X	X
Crawford Hall	X	X	X		X	X	X	Crawford Hall		X	X	X	
Easterday House	X	X	X	X	X	X	X	Easterday House				X	
Health CARE Center	X	X	X		X	X	X	Health CARE Center				X	
Erie Hall	X	X	X	X	X	X	X	Erie Hall				X	
Eskoowind Endaad				X		X	X	Eskoowind Endaad				X	
Fine Arts Center	X	X	X		X	X	X	Fine Arts Center		X	X	X	
Fletcher Center	X	X	X		X	X	X	Fletcher Center				X	
Hillside House				X		X	X	Hillside House				X	
Huron Hall	X	X	X	X	X	X	X	Huron Hall				X	
Ice Arena	X	X	X		X	X	X	Ice Arena		X	X	X	X
Laker House	X	X	X	X	X	X	X	Laker House				X	
Moloney Hall	X	X	X	X	X	X	X	Moloney Hall	X		X	X	
Neveu Hall	X	X	X	X	X	X	X	Neveu Hall	X		X	X	
Norris Center	X	X	X		X	X	X	Norris Center	X		X	X	X
Ontario Hall	X	X	X	X	X	X	X	Ontario Hall				X	
Osborn Hall	X	X	X	X	X	X	X	Osborn Hall	X		X	X	
Maintenance Center						X	X	Maintenance Center				X	X
President's House				X		X	X	President's House				X	
Ryan House	X	X	X	X	X	X	X	Ryan House				X	
Shouldice Library	X	X	X		X	X	X	Shouldice Library		X	X	X	X
Student Activity Center	X	X	X		X	X	X	Student Activity Center		X	X	X	
Student Village	X	X	X	X	X	X	X	Student Village	X		X	X	X
Townhouses	X	X	X	X	X	X	X	Townhouses				X	

1- Denotes detection system that is independent from the fire alarm system

2- Denotes detection system that is directly connected to the fire alarm system

3- Denotes that fire rated doors may be present, however may not be present throughout the building

4- Denotes that fire rated walls may be present, however may not be present throughout the building

5- Denotes that specialty fire extinguishers are present, and may include CO<sub>2</sub>, Clean Agent, or Class K fire extinguishers