



**Annual Security & Fire Report  
Statistics for 2018, 2019 & 2020**



Dear Campus Community,

The mission statement of Lake Superior State University is to "...equip our graduates with the knowledge, practical skills, and inner strength to craft a life of meaningful employment, personal fulfillment, and generosity of self within an inclusive atmosphere, all while enhancing the quality of life of the Great Lakes region and the world..." 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, Campus 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 <https://www.lssu.edu/public-safety/crime-awareness-and-campus-security-act-of-1990-clery-act/>.

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

Thank You,

Wendy Beach  
Director of Human Resources, Risk, and Safety

## 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 Sex- and 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 <https://www.lssu.edu/public-safety/crime-awareness-and-campus-security-act-of-1990-clery-act/>. To compare Universities/Colleges the report can be accessed on the Internet at <https://ope.ed.gov/campussafety/#/>.

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 <https://www.lssu.edu/public-safety/crime-awareness-and-campus-security-act-of-1990-clery-act/> 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 (PSD)**

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, five full-time, 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, tribal, 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, active shooter, 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, law enforcement may contact other local or federal agencies.

### *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 an individual 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.

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. 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**

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 the appropriate campus department.

This Report includes the following crimes that have been reported to the Public Safety Department: murder, non-negligent manslaughter, manslaughter by negligence, 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: Public Safety officers, faculty, Campus Life and Housing staff, advisors to student organizations, Director of Intramural Sports, Director of Athletics, head coaches and

assistant coaches.

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 appropriate personnel 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 <https://www.lssu.edu/public-safety/campus-alerts/>).

The University will post updates regarding a critical situation on the LSSU website.

### *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 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. The Public Safety Department withholds the names of victims as confidential, 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 Public Safety Department and the Heating Plant. Refer to page #39 of this report to review information about fire detection, notification, and suppression systems in each residential facility.

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

The Campus Life and Housing Staff and/or Public Safety Department conduct Inspections two times a year, once in the Fall and once in the Spring. These inspections will be announced.

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 <https://www.lssu.edu/wp-content/uploads/2017/04/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.

Currently residential halls are locked and can only be accessed by students assigned to that hall. Residence Halls are locked and can be unlocked with an ID card or a key. Students 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 occurs about six times during the summer, Campus Escort is ongoing, and 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: <https://www.lssu.edu/title-ix/policy-statement/>.

## **Sex- and Gender-Based Discrimination and Sexual Misconduct Policy (1.5.2)**

### *Policy Statement*

Lake Superior State University prohibits discrimination and harassment on the basis of sex. This Policy is intended to define community expectations for an educational and working environment free from sex- and gender-based discrimination and sexual misconduct. It establishes the University's procedures for determining when those expectations have been violated and, if so, what sanctions are appropriate. The University is committed to providing safe opportunities to report concerns and participate in investigations without retaliation, and it will take appropriate action to eliminate discrimination or harassment, prevent its recurrence, and remedy its effects.

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.

### *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, 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 activity does not constitute consent to all forms of sexual activity. Additionally, consent to one sexual contact does not constitute consent to future sexual contacts. A current or prior relationship does not constitute consent. (6) Consent cannot be given by a person who is under the age of sixteen (16).

## **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 distribute, or intermediate school distribute 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.

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 distribute, or intermediate school distribute in which that other person is enrolled.

[1] 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).

- 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.

#### *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.

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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)

“Harassment”<sup>[2]</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>[3]</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>[4]</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.

## **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.

### *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.

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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)

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 private 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*

Any person, at any time, may report a concern to the Title IX Coordinator, to the Public Safety Department, or to any other employee, who in turn will report to the Title IX Coordinator or designee. Individuals are encouraged to report as soon as they are able and ready to do so after the incident occurs. Reports may be made to the following:

- Title IX Coordinator: Wendy Beach, (906) 635-2213, [wbeach1@lssu.edu](mailto:wbeach1@lssu.edu)
- Deputy Title IX Coordinator: Kate Bergel, (906) 635-2213, [kbergel1@lssu.edu](mailto:kbergel1@lssu.edu)
- Public Safety: (906) 635-2100
- Online Reporting: <https://www.lssu.edu/title-ix/>

The University encourages the reporting of sexual misconduct by reporting parties and witnesses. To encourage such reporting, reporting parties and witnesses who make a good faith report of Prohibited Conduct, or participate in an investigation under this Policy, will not be subject to disciplinary action by the University for minor policy violations related to their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate non-punitive remedies, such as attendance at an educational session regarding drug/alcohol use for minor policy violations, and may initiate disciplinary action for serious policy violations that could endanger or harm community members (e.g. drug dealing).

#### *Responsible Employee Duties*

All employees (except those acting in their role as Confidential Resources) must report known or suspected Prohibited Conduct to the Title IX Coordinator or Deputy Title IX Coordinator as soon as possible, and all known information must be reported. This assists the Title IX Office in contacting the affected individuals as soon as possible and offering resources if needed.

Employees must also report Prohibited Conduct of which they have constructive notice. An individual has received constructive notice of Prohibited Conduct when the individual knew or should have known about the Prohibited Conduct. An employee cannot avoid reporting obligations by deliberately choosing to avoid hearing or learning about the potential Prohibited Conduct. If an individual believes they may have received constructive notice, that individual has an obligation to report this to the Title IX Coordinator for follow-up.

Due to the potential need for additional information and for accountability purposes, mandatory reports cannot be made anonymously. Failure to make a mandatory report is a violation of University policy and may result in discipline.

#### *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 or neither 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: <https://www.saultcity.com/public-safety> or on facebook: <https://www.facebook.com/saultpolice>.

#### *Reporting Contact Information*

Title IX Office

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

## Supportive Measures

### *Supportive Measures*

Upon receipt of a report of Prohibited Conduct, the University may impose reasonably available supportive measures designed to protect the parties involved. Supportive measures are not disciplinary in nature. Supportive measures 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.

The specific supportive measures implemented and the process for implementing those measures will be case and fact specific. Factors to be considered in determining which supportive measures to take include but are not limited to: (1) the specific needs expressed by the parties in relation to the allegations; (2) the age of the individuals involved; (3) the severity or pervasiveness of the allegations; (4) any continuing effects on the parties; (5) whether the parties share the same residence hall, dining hall, class, transportation, or job location; and (6) whether other judicial measures have been taken to protect one or both parties (e.g. civil protection orders).

Supportive measures may include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

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

Supportive measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the reporting party or the responding party before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures include protective measures as that term is used in the Clery Act and its regulations.

“Supportive measures” may include, but are not limited to:

- Providing access to counseling services and assistance in setting up an initial appointment
- Issuing and enforcing No Contact Directives, which are usually mutual unless and until a finding of responsibility for a policy violation has been made
- Providing alternative on-campus housing
- Assisting with relocation of housing or work space
- Providing an escort to ensure safe movement between classes and activities
- Making changes to behavior, movement on campus, access to buildings or spaces, and/or participation campus activities
- Modifying academic and extracurricular activities, transportation, and dining arrangements
- Extending deadlines and assisting with other course-related adjustments
- Modifying work or class schedules
- Assisting with obtaining a leave of absence
- Providing alternative course completion options
- Providing academic support services
- Assisting in obtaining visa or immigration information
- Modifying transportation, parking, dining and working situations
- Implementing access restriction or interim suspension of an individual while a matter is investigated and resolved
- Imposing other protections or behavioral restrictions as necessary and appropriate

The University offers supportive measures to both reporting parties and responding parties. Upon receipt of a report of an identifiable reporting party, the Title IX Coordinator will promptly contact the reporting party to discuss the availability of supportive measures, consider the reporting party's wishes with respect to supportive measures, and inform the reporting party of the availability of supportive measures with or without the filing of a formal complaint, and explain to the reporting party the process for filing a formal complaint if one is desired.

Upon giving notice to a responding party of a report raising potential sexual harassment violations against the responding party, the Title IX Coordinator will notify the responding party of the availability of counseling and may notify the responding party of the availability of other supportive measures, as the Title IX Coordinator deems appropriate.

Throughout any grievance process, the Title IX Coordinator will continually reassess and discuss appropriate supportive measures with the parties as the Coordinator deems appropriate. If the Title IX Coordinator does not offer supportive measures to the reporting party, the Title IX Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will maintain as confidential any supportive measures provided to the reporting party or responding party, to the extent that maintaining such confidentiality would not impair the ability of University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Upon receipt of a formal complaint, the Title IX Coordinator shall conduct an individualized safety and risk assessment to determine whether the responding party's presence in the University's education programs and activities poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. If so, the Title IX Coordinator will determine whether such risk assessment justifies the removal of the responding party from campus on an emergency basis pending the outcome of the investigation. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate.

A removed responding party will receive written notice from the Title IX Coordinator of the emergency removal and will be provided with an opportunity to appeal the decision within writing to the Vice President of Finance and Operations within two business days of the removal. The Vice President of Finance and Operations decision must be rendered within two business days of receiving the appeal. Non-student employees may be placed on administrative leave during the grievance process without receiving any appeal of such administrative leave.

### *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 reporting party or responding party. 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*

The determination of sanctions is based upon a number of factors including: the nature of the conduct by the Responding Party; the harm suffered by the Reporting Party; any ongoing risk to either the Reporting Party or the community posed by the Responding Party; the impact of the violation on the community, its members, or its property; any previous Title IX or Conduct violations; and any mitigating or aggravating circumstances. Other University offices may be consulted when determining or implementing sanctions.

In situations where it is determined that the conduct was motivated by bias, insofar as a Reporting Party was selected on the basis of his or her race, color, ethnicity, national origin, religion, age, disability, or other protected class, the sanction imposed may be enhanced to account for the bias motivation.

For a student employee who is acting in the scope of their employment at the time of the incident, the sanction may include any permissible sanction from the Policy or the personnel policies for employees.

#### *Possible Sanctions*

Possible Student Sanctions:

- **Warning:** Notice to a student or organization that continuation or repetition of conduct found to be in violation of the Policy may result in further disciplinary action.
- **Housing Restrictions:** Housing restrictions include, but are not limited to, restricted access to any or all parts of residence halls, the loss of room selection privileges, relocation to another University residential facility, requirement to move on- or off-campus at an individual’s own expense, removal or guest privileges, and/or restriction from specific housing options.
- **Assessment and Treatment:** Referral to the Health Care Center, Counseling Center, or approved off-campus agency for assessment and/or treatment.
- **Restrictions on Participation or Use:** Restrictions on participating may include the revocation, or the loss for a stated period of time or under a stated set of conditions, of a student’s ability to use certain facilities or services or to participate in certain University-approved activities, including, but not limited to, varsity sports, clubs, organizations (including but not limited to Greek organizations), or hold leadership positions in such sports, clubs, and organizations.
- **Probation:** A specified period of time requiring maintenance of exemplary conduct. Further violations during this time may result in more serious sanctions than are imposed in the absence of probationary status. During a probationary period, the terms imposed on an organization will also be binding to its members.

- **Deferred Suspensions:** A student or organization on deferred suspensions has been found responsible for conduct that warrants suspension from the University. In the exercise of its discretion, the University has determined to withhold immediate imposition of the suspension and allow the individual or organization to remain on campus, usually with additional terms of compliance. If a student or organization is found in violation of any aspect of the Gender-Based Discrimination and Sexual Misconduct Policy or of terms of compliance during the period of the Deferred Suspension, the deferment of this suspension may be lifted and the suspension will become effective immediately, resulting in a separation from the University for the remainder of the suspension period. In addition, any other sanctions for the new violation(s) will be imposed. During a period of deferred suspension, the terms imposed on an organization will also be binding on the members of the organization.
- **Suspension from the University:** A student suspended from the University may not participate in classes or other University activities and may not be on University property (except by appointment, arranged in advance with the Title IX Coordinator (or designee) or the Dean of Student Affairs (or designee)) for the period of time specified in the notice of suspension. Suspension extending beyond the semester in which action is taken shall consist of units of full semesters and/or summer sessions. In no case shall the suspension terminate prior to the end of a semester. Conditions for resuming active status on campus following a suspension may be imposed by the University. A sanction of immediate suspension will go into effect within 24 hours of receipt of the outcome letter unless otherwise noted in the outcome letter and shall remain in effect throughout any appeal process. An organization that is suspended shall be required to forfeit its ability to conduct group-sponsored activities or participate in University-sponsored activities, and any University support for the organization will be withdrawn, during the period of suspension.
- **Withholding, delaying, or revoking the conferral of the degree:** The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of Prohibited Conduct. In extraordinary circumstances, the University may revoke the conferral of the degree.
- **Permanent Dismissal:** For an individual, permanent termination of student status includes exclusion from any University property, University sponsored event, or University affiliated events. A person Permanently Dismissed from the University is denied the rights and privileges of inclusion in the Lake Superior State University community both as a student and as an alumnus/alumna. Permanent Dismissal will go into effect within 24 hours of receipt of the outcome letter unless otherwise noted in the outcome letter, and shall remain in effect throughout any appeals process. For an organization, permanent termination of the organization's relationship and status with the University, which includes termination of access to facilities, funding, and/or right to assemble as an organization on University property and at University-sponsored or affiliated events. An organization expelled from the University is denied the rights and privileges of inclusion in the Lake Superior State University community as an organization.
- **Other:** Such other sanctions as may be appropriate at the discretion of the University based on an individualized analysis of the nature of the conduct, the risks to the community, the desire to deter future harm, and the need to remedy the effects of the misconduct.

#### Possible Staff/Faculty Sanctions

Note: All Staff/Faculty Sanctions will be imposed in accordance with any applicable collective bargaining agreement, University policy and procedures, individual contracts, and/or appointment letters. Potential Staff/Faculty Sanctions may include training, referral to counseling, no contact order, no trespass order, restrictions on participation or use, loss of privileges, written warning, reprimand, withholding of a promotion, reassignment, temporary suspension without pay, and/or separation from the University.



## Possible Sanctions for Others

Respondents other than those in the categories listed above may be sanctioned by receiving training, referral to counseling, no contact order, no trespass order, restrictions on participation or use, loss of privileges, written warning, and/or termination of contract.

## Privacy

When individuals experience Prohibited Conduct, they may be concerned that what they report will be shared with others. Whether information is shared relates to whether that information is given to a private resource or a confidential resource.

Information that is reported to the Title IX Office is Private. Information is shared by the Title IX Office only on a “need to know” basis. Which University officials may receive information will be different for every case, but it will typically include the individuals needed to investigate or resolve the report and those individuals involved in issuing supportive measures. All parties and witnesses are asked to keep details private to maintain the integrity of the investigation, but they are not restricted from sharing or discussing information related to a report or allegation with others who may support or assist them during an investigation process.

Information that is reported to confidential resources is Confidential. Those resources, such as medical professionals, mental health professionals, and rape crisis counselors, do not share information with the Title IX Office or the University generally, and in fact do not share information with others at all unless there is an imminent threat of harm to self or others, or there is suspected abuse of a minor. Examples of Confidential Resources include:

- Counseling Center: 906-635-2752, 623 W. Easterday Ave., Sault Ste. Marie, MI 49783
- Student Health Center: 906-635-2110, 621 W. Easterday Ave., Sault Ste. Marie, MI 49783
- Diane Peppler Center (Advocacy/Women’s Shelter): 906-635-0566, PO Box 698, Sault Ste. Marie, MI 49783
- War Memorial Hospital: 906-635-4460, 500 Osborn Blvd., Sault Ste. Marie, MI 49783

The University prohibits seeking compensation from the recipient of any medical procedure, treatment, or care provided by a medical professional who has been convicted of a felony arising out of the medical procedure, treatment, or care.

Student education records are protected in compliance with the Family Educational Rights and Privacy Act (FERPA). Medical records are protected by similar state and federal laws. Access to employee personnel records is restricted in accordance with University policies and federal and state law.

## 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**

The Title IX Coordinator may initiate an investigation to determine if there has been a policy violation and, if so, whether sanctions are warranted. The University may consolidate formal complaints as to allegations of sexual harassment against more than one responding party, or by more than one reporting party against one or more responding parties, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The same facts and circumstances means that the multiple reporting parties' allegations are so intertwined that their allegations directly relate to all parties.

The Title IX Coordinator will designate at least one investigator of their choosing. The investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest relevant to the case or Parties involved. In the case of matters involving sexual assault, stalking, domestic violence, or dating violence, the investigator(s) will have specific training investigating such allegations.

If allegations against an employee are made in more than one Title IX complaint that resulted in the University finding that no misconduct occurred, the University requires that the Title IX officer promptly notify the President and a member of the University's governing Board in writing and take all appropriate steps to ensure that the matter is being investigated thoroughly. An outside investigator is required to be hired for future cases involving an employee that has had more than one allegation made against them with determinations that result in the University finding no misconduct occurred. The Title IX Office will determine the outside investigator to be used. A third party investigation under this paragraph does not

prohibit the University from simultaneously conducting its own investigation through its own Title IX Coordinator.

The Title IX Coordinator shall provide written notice to the responding party of the allegations constituting a potential violation of the Policy, including sufficient details and with sufficient time to prepare a response before any initial interview. Sufficient details include, to the extent known, the identities of the parties involved, the specific section(s) of the Policy allegedly violated, the precise conduct allegedly constituting the potential violation(s), and the date(s) and location(s) of the alleged incident(s).

For Title IX investigations of alleged sexual misconduct, the University prohibits the use of medical experts that have an actual or apparent conflict of interest relevant to the case or parties involved.

#### *Gathering and Sharing of Evidence*

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties.

The University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent.

The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. A party's communication with a witness or potential witness is considered part of a party's right to meaningfully participate in furthering the party's interests in the case, and not an "interference" with the investigation. However, where a party's conduct toward a witness might constitute "tampering" (for instance, by attempting to alter or prevent a witness's testimony), such conduct also is prohibited as retaliation.

The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. The University will not consider or provide for inspection and review evidence which the University knows was illegally or unlawfully created or obtained. The University may impose on the parties and party advisors restrictions or require a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review.

When the investigator believes he or she is ready to prepare the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 calendar days to submit a written response.

The investigator(s) will update both the Reporting Party and Responding Party regarding the status of the investigation at reasonable, regular intervals.

## *2. Preparing the Investigative Report*

The investigator will review the parties' written responses, conduct any follow-up investigation he or she deems appropriate, and prepare an investigative report that summarizes relevant evidence. The investigative report will not include a summary of evidence not considered to be relevant. If the complaint involves multiple reporting parties, multiple responding parties, or both, the University may issue a single investigative report.

The investigative report will include an assessment as to whether the conduct, if proven, would constitute "Sexual Harassment – Title IX" as defined within this Policy. The Title IX Coordinator will review the assessment and shall notify the parties within two business days of receiving the investigative report whether the Title IX Coordinator concurs with the assessment of the investigator. If the Title IX Coordinator determines that none of the conduct, if proven, would constitute "Sexual Harassment – Title IX," the case shall proceed through the No Hearing process pursuant to Section VIII E, or the Hearing process pursuant to Section VIII, F, 2.

If the Title IX Coordinator determines that at least some of the conduct, if proven, would constitute "Sexual Harassment – Title IX," the case shall proceed to a Hearing pursuant to Section VIII, F, 2.1.

The Title IX Coordinator's decision may be appealed to Vice President of Finance and Operations in writing within one business day of receipt of the decision. The Vice President of Finance and Operations decision is final.

Each party and their advisor shall receive a copy of the investigative report for their review and written response, at least 10 calendar days prior to a hearing or other time of determination regarding responsibility. If a party disagrees with an investigator's determination about relevance, the party may argue relevance in their written response.

*For Sexual Harassment – Non-Title IX Only:*

If it is determined the alleged conduct could constitute Sexual Harassment – Non-Title IX, each Party shall have three business days to indicate in writing to the Title IX Coordinator whether they choose to participate in a hearing or whether they waive the right to participate. Failure to indicate a hearing preference shall be considered a waiver of the right to have a hearing.

If both Parties waive the right to participate, no hearing shall be held. If any Party chooses to participate in a hearing, a hearing will be scheduled per below.

### *No Hearing*

If no hearing is held, the investigator(s) shall prepare a Final Investigative Report, including a summary of findings and draft Notice of Determination, which contains the outcome, and the rationale for the outcome, for each of the alleged policy violations. Findings shall be based on a preponderance of the evidence. The Final Investigative Report is then assigned to a Review Panel.

When no hearing takes place, the Title IX Coordinator will assign the matter to a Review Panel. The members of the Review Panel shall be fair and impartial decision-makers. The Review Panel shall have received appropriate training to participate as informed and impartial decision-makers.

The Review Panel shall be comprised of up to three University employees. The Review Panel members shall have no prior experience with the Parties, witnesses, or incident(s) in question that would present

any actual conflict of interest. The Parties will be informed of the composition of the Review Panel and may raise a challenge based upon bias or conflict to the Title IX Coordinator before the review begins.

The Review Panel will review the Final Investigative Report to determine whether:

- The investigation was conducted in a fair, impartial, and reliable manner;
- The information is sufficient to support the factual findings; and
- There is a rational basis, applying a preponderance of the evidence standard, for the recommended finding(s) of responsibility or no responsibility.

In reaching a determination, the Review Panel may elect to meet with the investigator(s), but the Review Panel may not conduct its own investigation or hearing. After the Review Panel has concluded its review of the Final Investigative Report and any additional information requested from the case file, the Title IX Coordinator, or the investigator(s), the Review Panel may do one of the following:

- Accept or reject the investigative findings in whole or in part and modify the investigative report accordingly;
- Request that further investigation be undertaken by the same or another investigator;
- Request that a new investigation be conducted.

If the Review Panel, in consultation with the Title IX Coordinator, determines that the investigator properly concluded that there is insufficient information to find, by a preponderance of the evidence, that a policy violation has occurred, the Review Panel will affirm the finding of no responsibility.

If the Review Panel, in consultation with the Title IX Coordinator, determines that the investigator properly concluded that there is sufficient information to find, by a preponderance of the evidence, that a policy violation occurred, the Review Panel will consider the imposition of a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

At the conclusion of the Review Panel's review, it will send a Notice of Outcome to each Party explaining its determination and sanctions, if any.

### *Hearings*

Upon conclusion of the investigation, where it is determined that there are allegations of "Sexual Misconduct – Title IX," the University will conduct a live hearing. For allegations of "Sexual Misconduct – Non-Title IX" the parties will have an opportunity for a live hearing as described in this Policy.

The Title IX Coordinator shall assign the matter to a Hearing Panel. The members of the Hearing Panel shall be fair and impartial. The Hearing Panel shall have received appropriate training to participate as informed and impartial decision-makers.

The Hearing Panel shall be comprised of up to three University employees. The Title IX Coordinator shall designate one member as Hearing Panel Chair. The Hearing Panel members shall have no prior experience with the Parties, witnesses, or incident(s) in question that would present any actual conflict of interest. The Parties will be informed of the composition of the Hearing Panel and may raise a challenge based upon bias or conflict to the Title IX Coordinator before the Hearing begins.

The Title IX Coordinator will provide each member of the Hearing Panel with a copy of the entire Final Investigative Report.

### *Pre-Hearing*

At least five business days prior to the hearing, a pre-hearing conference will be held with each party, the party's advisor, the Title IX Coordinator, and the hearing officer. At the pre-hearing conference, the party and advisor must disclose the witnesses that will be requested and the evidence that will be submitted for consideration. Evidence and witnesses may only be considered at hearing if they were submitted to the investigator, unless they were previously unknown or unavailable to the party during the investigation. The hearing officer will address any requests for new evidence and new witnesses at the pre-hearing conference. The hearing officer will also discuss guidelines for appropriate behavior and decorum during the hearing. The party and advisor are encouraged to ask questions.

The Hearing Panel Chair may choose to schedule conversations with each party and their advisor prior to the Hearing to discuss witnesses, questions, and/or other procedural matters as deemed appropriate by the Hearing Panel Chair.

### *Hearing-Non-Title IX*

The Hearing is for the purpose of cross-examination. Cross-examination is defined as the questioning of a Party or witness by a Party through their advisor in order to ascertain the credibility of the witness's statements in the Revised Preliminary Investigative Report. The Hearing Panel may also ask questions of the Parties and witnesses. A Party and their advisor is prohibited from providing opening or closing statements at the Hearing.

The Hearing Panel Chair is responsible for maintaining an orderly, fair, impartial, and respectful Hearing. The Hearing Panel Chair has broad authority to respond to disruptive or harassing behaviors, including adjourning the Hearing or excluding the offending person. All Hearings are closed to the public, and any recording of the Hearing is prohibited. The Title IX Coordinator may attend the hearing.

If reasonable efforts to accommodate witness schedules are not successful, the unavailability of a witness is not a ground for postponement of the Hearing. Parties shall not discourage a witness from appearing for the Hearing.

If the reporting party does not submit to cross-examination, the Hearing Panel must consider this as appropriate under the particular facts of the case in making credibility determination, findings, and sanctioning decisions.

A Party may also make reference at the Hearing to any evidence that is included in the Revised Preliminary Investigative Report.

A Party, through their advisor, may cross-examine another Party. If the questioning party does not have an advisor, the Hearing Panel Chair may consult with the questioning party to choose another individual to read the questions to the party-witness.

A Party may request to participate as a witness by using technology that enables live testimony while allowing the party-witness to be present in a different room. Witnesses may also participate in hearings via technology at the discretion of the Hearing Panel Chair.

The Hearing Panel Chair will exclude witnesses from those parts of the Hearing in which the witness does not testify. However, Parties and their advisors may be present in the Hearing room throughout the Hearing.

After the Hearing, the Hearing Panel will issue a Notice of Outcome.

### *Hearing – Title IX*

If the Sexual Harassment – Title IX Policy is being considered in the case, the hearing will occur as follows:

The Title IX Coordinator will appoint a hearing officer to conduct the hearing and be the decision-maker. The hearing officer may not be the Title IX Coordinator, the investigator who investigated the allegations, or the informal resolution officer. The hearing officer is under an obligation to objectively evaluate all relevant evidence both inculpatory and exculpatory. The hearing officer has the right to ask questions and elicit information from parties and witnesses on the hearing officer's own initiative.

Hearings will be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

At the live hearing, the hearing officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Before a reporting party, responding party, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The hearing officer makes relevancy determinations. The hearing officer is not required to give a lengthy or complicated explanation of a relevancy determination during the hearing, and may send to the parties after the hearing any revisions to the hearing officer's explanation that was provided during the hearing.

Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. All questioning will be relevant, respectful, and non-abusive. No party will be "yelled" at or asked questions in an abusive or intimidating manner.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, a responding party's alleged verbal conduct that itself constitutes the reported Prohibited Conduct at issue is not considered the responding party's "statement" and therefore may be considered even if the responding party does not submit to cross-examination. Similarly, video evidence showing the conduct alleged within a complaint may be considered, even if the party does not submit to cross-examination. The hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Parties will have equal opportunities to have others present during the hearing, including the opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of an advisor for reporting party or responding party in any meeting or grievance proceeding. Advisors are required to abide by University restrictions regarding the extent to which they may participate in proceedings, and any restrictions will apply equally to both

parties. If a party's advisor refuses to comply with restrictions set by the University, the University may require the party to use a different advisor.

If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice to conduct cross-examination on behalf of that party. That advisor may be, but is not required to be, an attorney.

Relevancy determinations will be made pursuant to Section VIII.F.3. Credibility will be considered pursuant to Section VIII.F.3. Decisions will be prepared pursuant to Section VIII.F.3. Sanctions, if any, will be determined pursuant to Section VIII.F.3. Additional remedies, if any, will be determined pursuant to Section VIII.F.3.

#### *Relevancy, Credibility, Notice of the Outcome*

Relevant evidence is evidence that tends to make a fact that is important to the case either more probable or less probable. Relevant questions are those questions that are designed to elicit relevant evidence.

The following may be considered irrelevant:

- Repetitive or duplicative questions or evidence;
- Information that is protected by a legally recognized privilege, such as attorney-client privilege;
- Questions and evidence about the reporting party's sexual predisposition or prior sexual behavior, unless:
  - Such questions and evidence about the reporting party's prior sexual behavior are offered to prove that someone other than the responding party committed the conduct alleged by the reporting party; or
  - The questions and evidence concern specific incidents of the reporting party's prior sexual behavior with respect to the responding party and are offered to prove consent;
- Any party's medical, psychological, and similar records, unless the party has given voluntary, written consent for their use in the process.

The University will not exclude relevant evidence because such relevant evidence may be unduly prejudicial, concern prior bad acts (unless excluded above), or constitute character evidence. However, the decision-maker may objectively evaluate such evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.

The decision-maker will evaluate all admissible, relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision-maker, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party (in the case of a live hearing). Corroborating evidence is not required.

Credibility determinations are not based solely on observing demeanor, but also are based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence).

A party's answers to questions can and should be evaluated by a decision-maker in context, including taking into account that a party may experience stress while trying to answer questions. Parties will not be unfairly judged due to inability to recount each specific detail of an incident in sequence.



The decision-maker will issue a written determination of responsibility using a “preponderance of the evidence” standard. A preponderance of the evidence means that it is more likely true than not that a policy violation occurred. The determination of responsibility will include:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the responding party (see Section VIII.F.4), and whether remedies will be provided by the University to the reporting party (see Section VIII.F.4), and;
- The University’s procedures and permissible bases for the reporting party and responding party to appeal (see Section VIII.G).

The determination will lay out the evidentiary basis for conclusions reached in the case. The nature of remedies, if any, will not be included within the determination. The determination will be provided to the parties simultaneously. The determination becomes final only after the time period for appeal has expired or, if a party does file an appeal, after the appeal decision has been sent to the parties.

Where a determination of responsibility for Prohibited Conduct is made, the University will provide remedies to a reporting party designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the responding party. The Title IX Coordinator is responsible for effective implementation of remedies.

Where the final determination has indicated that remedies will be provided, the reporting party can then communicate separately with the Title IX Coordinator or their designee to discuss what remedies are appropriately designed to preserve or restore the reporting party’s equal access to education. Remedies for a reporting party which do not affect the responding party must not be disclosed to the responding party.

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

Within five calendar days of receipt of the Notice of Outcome, either Party may submit written notice of appeal to the Title IX Coordinator. Any party may appeal the decision-makers’ determination regarding responsibility, or the University’s dismissal of a formal complaint or any allegations therein. The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Grounds for appeal are limited to:

- Substantial conflict of interest with the investigator(s), Review Panel member(s), or Hearing Panel member(s);
- New evidence not previously available to the party, which shall be set forth in or attached to the appeal;
- Mitigation of sanctions;

- Procedural error(s) that materially affected the outcome of the case; or
- The decision of the Hearing Panel or Review Panel was clearly erroneous based on the evidentiary record.

Grounds for appeal in a Title IX – Harassment case are limited to:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and;
- The Title IX Coordinator, investigator, or Panel members had a conflict of interest or bias for or against reporting parties or responding parties generally or the individual reporting party or responding party that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

Appeal requests must specifically note the grounds for which the appeal is being made. The Title IX Coordinator will acknowledge receipt of the appeal in writing. The other Party or Parties will be given five calendar days to submit to the Title IX Coordinator a written response to the appeal. The response(s) will be shared with the party who appealed, but that Party shall not be permitted an opportunity to reply.

The Title IX Coordinator shall appoint an appropriately trained and impartial administrator or third party to review the appeal. The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The Appeals Officer shall review the appeal and submit a written decision to the Title IX Coordinator within ten business days of receiving the appeal and response from the Title IX Coordinator. The Title IX Coordinator may provide an extension for good cause. The Appeals Officer may:

- Affirm the determination;
- Remand for a new investigation or for additional investigation;
- Remand for a new or continued Hearing;
- Alter the sanctions;
- Alter the findings.

The Appeals Officer shall provide the decision and rationale to the Title IX Coordinator, who shall distribute it to the Parties. The appeals decision is final and binding. The Title IX Coordinator shall take appropriate action based on the outcome of the appeal.

### *Supportive Measures*

Upon receipt of a report of Prohibited Conduct, the University may impose reasonably available supportive measures designed to protect the parties involved. Supportive measures are not disciplinary in nature. Supportive measures 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.

The specific supportive measures implemented and the process for implementing those measures will be case and fact specific. Factors to be considered in determining which supportive measures to take include but are not limited to: (1) the specific needs expressed by the parties in relation to the allegations; (2) the age of the individuals involved; (3) the severity or pervasiveness of the allegations; (4) any continuing effects on the parties; (5) whether the parties share the same residence hall, dining hall, class,

transportation, or job location; and (6) whether other judicial measures have been taken to protect one or both parties (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
6. 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.

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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

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.
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 cash 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?  
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 2020:

<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>
Resident Assistant & Public Safety Title IX Training	August 2020	Cisler Center, Lake Superior State University	DoV, DaV, SA and S
New Title IX Regulations Training	September 2020	Zoom	DoV, DaV, SA and S
New Title IX Policy at LSSU Training for RAs	September 2020	Zoom	DoV, DaV, SA and S
Empty Chair Project	September 2020	Shouldice Library, Lake Superior State University	DoV, DaV, and SA
No Zebras, No Excuses Presentation	October 2020	Arts Center Lake Superior State University	DoV, DaV, SA and S
Let's Taco 'Bout Sex!	October 2020	Pleger Commons, Lake Superior State University	DoV, DaV, SA and S

- 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 2020:

<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>
New Title IX Policy at LSSU Training for Student Government & Student Body	September 2020	Zoom	DoV, DaV, SA and S
Empty Chair Project	September 2020	Shouldice Library, Lake Superior State University	DoV, DaV, and SA
Domestic Violence Awareness Month Poster Campaign	October 2020	All residence halls and common buildings at Lake Superior State University	DoV
No Zebras, No Excuses Presentation	October 2020	Arts Center Lake Superior State University	DoV, DaV, SA and S
Let's Taco 'Bout Sex!	October 2020	Pleger Commons, Lake Superior State University	DoV, DaV, SA and S

- 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 Office

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building  
[906-635-2213](tel:906-635-2213)

#### EEOC Office

650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building  
[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 Life & Housing Office

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/).

## 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, and 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 2018, 2019 and 2020

<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	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Rape	2018	2	0	0	2	2	0
	2019	4	0	0	4	4	0
	2020	0	0	0	0	0	0
Fondling	2018	1	0	0	1	1	0
	2019	3	0	0	3	1	0
	2020	1	0	0	1	1	0
Incest	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Robbery	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Burglary	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Liquor Law Arrests	2018	1	0	0	1	1	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Drug Law Arrests	2018	1	0	0	1	1	0
	2019	1	0	0	1	1	0
	2020	0	0	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0

<b>Offense (Reported Not 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>
Liquor Law Violations Referred for Disciplinary Action	2018	44	0	0	44	44	0
	2019	62	0	0	62	62	0
	2020	37	0	0	37	37	0
Drug Law Violations Referred for Disciplinary Action	2018	7	0	0	7	5	0
	2019	8	0	0	8	8	0
	2020	7	0	0	7	7	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Arson	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Domestic Violence	2018	1	0	0	1	1	0
	2019	1	0	0	1	1	0
	2020	0	0	0	0	0	0
Dating Violence	2018	0	0	0	0	0	0
	2019	1	0	0	1	1	0
	2020	0	0	0	0	0	0
Stalking	2018	3	0	0	3	0	0
	2019	1	0	0	1	1	0
	2020	1	0	0	1	0	0

*\*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

*\*\*Case unfounded by Chippewa County Prosecutors office after investigation and is listed as a false report.*

### **Hate Crime Data 2018, 2019 and 2020**

There have been no reports of hate crimes to Campus Security Authorities from 2018-2020.

## **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 two fire drills per residence hall in 2019. The University requires complete evacuation of buildings during a fire drill.

### *Evacuation Procedures and Guidelines*

The Public Safety Department coordinates one evacuation drill for each residential facility each semester, which totals two 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. <https://www.lssu.edu/on-boarding/tobacco-free/>

#### 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 <https://www.lssu.edu/public-safety/crime-awareness-and-campus-security-act-of-1990-clery-act/>.

### 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	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Chippewa House 910/912/914/916 COLLEGE DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Easterday House 965 S CAMPUS CT	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Erie Hall 850/854 N CAMPUS CT	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Huron Hall 940/942/944/946 COLLEGE DR	2018	1	Cooking Accident	0	0	\$500.00
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Laker House 930 COLLEGE DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Moloney Hall 1002 SHOULDICE DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Neveu Hall 1004 SHOULDICE DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Ontario Hall 950/952/954/956 COLLEGE DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Osborn Hall 1150 COLLEGE DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Ryan House 963 S CAMPUS CT	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Student Village 780 W EASTERDAY AVE	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0
Townhouses 901-919, 902-940 SHERIDAN DR	2018	0	-	0	0	0
	2019	0	-	0	0	0
	2020	0	-	0	0	0

<b>Lake Superior State University Fire Protection Systems</b>	Fire Alarm Systems	Fire Alarm Monitored	Manual Pull Stations	Local Detection (1)	System Detection (2)	Fire Rated Doors (3)	Fire Rated Walls (4)	<b>Lake Superior State University Fire Protection Systems</b>	Pratially Sprinklered	Fully Sprinklered	Sprinkler System Monitored	ABC Extinguishers	Specialty Extinguishers
Administration Building	x	x	x		x	x	x	Administration Building				x	
Alumni House	x	x	x	x	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		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	x	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 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 CO2, Clean Agent, or Class K fire extinguisher