



## **Appendix G**

Practices for Verification of Student Identity



## Testing Services

### Proctoring Distance Exams

A number of Online Learning classes require that students take their tests in a secure, proctored environment. For those living near Lake Superior State University, proctoring services are available and require a minimum two business day notice. The \$15.00 per hour proctor fee is payable by cash or check, at the end of the testing session.

For students living away from Lake Superior State University and depending upon the professor and class, proctoring services for distance learning is available via the Consortium of College Testing Centers (CCTC), a free referral service provide by the National College Testing Association (NCTA). There are approximately 239 participants within the US in 45 states. The ten (10) locations and institutions within Michigan are the following:

- Big Rapids - Ferris State University
- Dearborn - Henry Ford Community College
- Dowagiac - Southwestern Michigan College
- East Lansing - Michigan State University
- Grand Rapids - Grand Rapids Community College
- Kalamazoo - Kalamazoo Valley Community College
- Mount Pleasant - Central Michigan University
- Sault Ste. Marie - Lake Superior State University
- Troy - Walsh College
- Warren - Macomb Community College

Hours of operations, services, costs, and locations outside of the state can be found using the following URL. <http://www.ncta-testing.org/cctc/>. Should you need more help in setting up a proctored exam, please contact Carol Boger at (906) 635-2452 and leave a message or e-mail her at [cboger@lssu.edu](mailto:cboger@lssu.edu) .



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650 W. Easterday Ave., Sault Ste. Marie, MI 49783 / (906) 632-6841



## **Appendix H**

Title IV Program Responsibilities: Audits

FEDERAL STUDENT AID  "START HERE. GO FURTHER."

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**UNITED STATES DEPARTMENT OF EDUCATION****FEDERAL STUDENT AID  
SCHOOL ELIGIBILITY CHANNEL  
SCHOOL PARTICIPATION TEAM  
DENVER TEAM**

Dr. Tony L. McLain  
President  
Lake Superior State University  
650 West Easterday Avenue  
Sault Ste Marie, MI 49783-1691

12/15/2011

**OPE ID 00229300**

Dear Dr. McLain:

The Denver School Participation Team is pleased to inform you that, based upon the information included in your Application for Approval to Participate in Federal Student Financial Aid Programs, the Secretary of Education (Secretary) has determined that Lake Superior State University (Institution) satisfies the definition of an eligible institution under the Higher Education Act of 1965, as amended (HEA). Lake Superior State University will be listed in the next edition of the Directory of Postsecondary Institutions published by the U.S. Department of Education (Department).

**OPE ID NUMBER**

The OPE ID Number 00229300 is a unique identifier for the Institution. The OPE ID Number will also be the Institution's identification number for the Title IV, HEA programs. Please use the OPE ID Number in all communications with the Department.

**ELIGIBILITY AND CERTIFICATION APPROVAL REPORT**

Please print a copy of the **Eligibility and Certification Approval Report (ECAR)** Together, the **Program Participation Agreement (PPA)** that has been

signed on behalf of the Secretary and the ECAR constitute the Denver School Participation Team's determination that the Institution has qualified to participate in programs under the Higher Education Act of 1965, as amended (HEA) and the Federal student financial assistance programs (Title IV, HEA programs).

The Institution must retain the ECAR and the PPA together.

The ECAR contains the most critical of the data elements that form the basis of the Institution's approval, and also a list of the highest level of offering, any nondegree or short term training programs, and any additional locations that provide 50 percent or more of an educational program that have been approved for the Title IV, HEA programs. The Institution may not award, distribute or disburse any Title IV, HEA program funds for any educational or training program that is beyond the scope of the approval contained in the ECAR, nor for any additional location providing 50 percent or more of an educational program that has not been approved and is not listed on the ECAR.

- In order to comply with the requirements of 34 CFR 668.8(1), some vocational or nondegree programs may have been approved for fewer credit hours than requested in the Institution's application.
- Vocational and nondegree programs that do not meet the requirements of 34 CFR Parts 600 and 668 have not been approved and are marked in the ECAR as not approved.
- The listing of Vocational Programs in the ECAR contains those nondegree programs that the Denver School Participation Team has determined are eligible programs for participation in the Title IV, HEA programs.
- The ECAR contains a list of HEA programs other than Title IV, HEA programs, for which the Institution is eligible to apply. This list does not mean that the Institution will automatically be eligible to participate in or receive funds under any HEA competitive grant program. Information concerning applications for, and the individual requirements of, the competitive grant program can be obtained from:

Deputy Assistant Secretary Office of Higher Education Programs U.S. Department of Education  400 Maryland Avenue, S.W. Washington, DC 20202-5140
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## **PROGRAM PARTICIPATION AGREEMENT**

The PPA contains the agreement between the Institution and the Secretary concerning the Institution's participation in the Federal student financial assistance programs (Title IV, HEA programs).

## **CERTIFICATION FOR TITLE IV, HEA PROGRAMS**

As explained in the PPA, Title IV, HEA programs administered by participating educational institutions are subject to applicable laws, regulations, and guidelines. Listed below are the appropriate telephone numbers for further information on the HEA programs:

- Federal Pell Grant Program (800) 474-7268
- Federal Family Education Loan Program (202) 377-4008
- Federal Direct Student Loan Program (800) 848-0978

If the Institution wishes to begin participating in the Direct Loan Program or to request a change in its funding method, contact COD School Relations at the Federal Direct Student Loan Program number above or send an email to [codsupport@acs-inc.com](mailto:codsupport@acs-inc.com)

- Federal Campus-Based Programs (877) 801-7168

The Federal Campus-Based Programs are (a) the Federal Supplemental Educational Opportunity Grant Program, (b) the Federal Work-Study Program, and (c) the Federal Perkins Loan Program. To obtain funding under any or all of these programs, the Institution must file the Fiscal Operations Report and Application to Participate (FISAP) annually. FISAP packages are typically available at the end of July each year and the due date for electronic submission of this data is generally a postmark or transmission date of October 1. Please keep in mind that the October 1 submission is to obtain funding for the Award Year that begins the following July 1.

If the Institution does not already participate in the Title IV, HEA programs, the Institution must complete Fundamentals of Title IV Administration (Precertification) Training no later than 12 months after the Institution executed the PPA. Completion of this training must be not earlier than one year before beginning to participate in any Title IV, HEA program for which the Institution has not previously participated. If you wish to register for Fundamentals of Title IV Administration (Precertification) Training, please register at <http://www.register123.com/event/profile/web/index.cfm?PKwebID=0x112117625&varPage=info>. For information concerning the training, contact the Denver Team at the telephone number listed later in this letter.

Participating educational institutions will be reviewed at least once every six years to determine whether the institutions remain administratively capable and financially responsible to administer Title IV programs and funds.

## **REPORTING AND REAPPLICATION REQUIREMENTS**

The Institution must report promptly to the Department certain changes and actions that affect the Institution's participation approval, as specified in 34 CFR 600 and 668, including, but not limited to:

- Change of name and/or address;
- New contract or significant modification of existing contract with a third party servicer;
- Change in exercise of a person's substantial control over the Institution, e.g., a change in the chief executive officer or members of the board of trustees or board of directors.
- Change in the way the Institution measures educational program length;
- Change in the level of course offerings;
- Additions and/or closures of non-main campus locations that offer at least 50% of an educational program;
- Change of accrediting agency;
- Change of the State agency that confers legal authority on the Institution to offer programs of postsecondary education; or
- Change in ownership *whether or not* that ownership change results in a change in control of the Institution.

If the Institution fails to report any such changes within ten days after the change occurs, the ability of the Institution to administer the Title IV student financial assistance programs properly will be called into question. As a consequence, we will consider whether it is necessary to monitor the Institution's receipt of Federal funds more closely. Failure to report changes within the time frame required may also result in an adverse action being taken against the Institution in accordance with 34 CFR 668, Subpart G.

### **Automatic Termination of Approval**

This Approval for Institutional Participation automatically terminates on the happening of any of the following events:

- September 30, 2017
- The date the Institution loses the legal authority to offer programs of postsecondary education in the State in which it is located;

- The date the Institution loses accreditation from its designated primary accrediting agency;
- The date the Institution ceases to offer all approved postsecondary instruction;
- The date the Institution merges with another institution;
- The date the Institution undergoes a change in ownership resulting in a change of control;
- The date the Institution files for bankruptcy; or
- The date the Institution otherwise ceases to meet the definition of an eligible institution of higher education.

Please send all information or documentation required by this letter to:

United States Department of Education Federal Student Aid, Schools Channel  Attention: Denver School Participation Team 1244 Speer Boulevard Suite 201 Denver, CO 80204-3518
--

One of the institutional eligibility requirements is that the institution must admit as regular students only persons who have a high school diploma; have the recognized equivalent of a high school diploma; or are beyond the age of compulsory school attendance in the State in which the institution is physically located (see 34 CFR 600.4, 5 or 6). This means if the student is not yet beyond the age of compulsory school attendance in the State in which the institution is physically located, the institution can only enroll the individual as a regular student if he or she has a high school diploma or its equivalent.

One of the student eligibility requirements is that an eligible student is one who is not enrolled in either an elementary or secondary school (see 34 CFR 668.32). This means that an institution cannot accept as a regular student at this school, an individual who is also enrolled at the same time in elementary or high school.

The telephone number for the Denver Team is (303) 844-3677. The fax number is (303) 844-4695.

Sincerely,





Douglas Parrott  
Area Case Director  
School Participation Team, NW  
Chicago Team

cc: Ms Deborah J. Faust, Director of Financial Aid  
North Central Association of Colleges and Schools - CIHE (Higher Educ)  
Guarantee Agency



START HERE  
GO FURTHER  
FEDERAL STUDENT AID

**UNITED STATES DEPARTMENT OF EDUCATION**  
**SCHOOL PARTICIPATION MANAGEMENT DIVISION**  
**ELIGIBILITY AND CERTIFICATION APPROVAL REPORT**

DATE PRINTED: 12/16/2011

PAGE A - 1

NAME AND ADDRESS OF INSTITUTION: Lake Superior State University  
650 West Easterday Avenue  
Sault Ste Marie, MI 49783-1691

TYPE OF INSTITUTION: Public

CONGRESSIONAL DISTRICT: 01

DEPARTMENT REGION: 05

SCHOOL PARTICIPATION TEAM: 08

ACTION DATE: 11/07/2011

ACTION: Reapprove Elig/Full Cert

OPE ID: 00229300

TIN: 381880022

IPEDS ID: 170639

DUNS NBR: 824868236

FEDERAL PELL GRANT ID: 002293

FEDERAL FAMILY EDUCATION LOAN ID: 002293

FEDERAL DIRECT STUDENT LOAN ID: G02293

FEDERAL PERKINS LOAN ID: 002029

FEDERAL SCHOOL CODE: 002293

FEDERAL WORK STUDY ID: 002029

FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT ID: 002029

ACADEMIC CALENDAR: Semester Hours

EDUCATIONAL PROGRAM LEVELS OFFERED:

Non-Degree 1 Year (900-1799 hours)

Associate's Degree

Bachelor's Degree

Master's Degree or Doctor's Degree

Professional Certification

ELIGIBLE: Y

INITIAL APPROVAL DATE: 01/01/1968

CERTIFIED: Certified

LOAN DEFERMENT: Y

PROGRAM PARTICIPATION AGREEMENT

EFFECTIVE DATE: 12/15/2011

EXPIRATION DATE: 09/30/2017

THE INSTITUTION IS ELIGIBLE TO APPLY FOR PARTICIPATION IN THE FOLLOWING PROGRAMS AUTHORIZED UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED:

TITLE I: Y	TITLE IV: Y	TITLE VII: Y	TITLE X: Y	TITLE XIII: Y
TITLE II: Y	TITLE V: Y	TITLE VIII: Y	TITLE XI: Y	TITLE XIV: Y
TITLE III: Y	TITLE VI: Y	TITLE XI: Y	TITLE XII: Y	TITLE XV: Y

Program: TEACH GRANT Certified: Y DATE: 07/09/2008

TITLE IV STUDENT FINANCIAL ASSISTANCE PROGRAMS

<u>PROGRAM</u>	<u>CERTIFIED</u>	<u>APPROVAL DATE</u>	<u>PROGRAM</u>	<u>CERTIFIED</u>	<u>APPROVAL DATE</u>
FWS Com Serv	Y	01/05/1989	FWS Priv Sec Empl	Y	01/30/2001

FWS Job Loc Dev	Y	01/05/1989	FFEL Staff	Y	01/05/1989
FFEL Staff Unsub	Y	01/30/2001	FFEL PLUS	Y	01/30/2001
FPerkins	Y	01/05/1989	FSEOG	Y	01/05/1989
FPell	Y	01/05/1989	FDSLPL Staff	Y	04/01/1995
FDSLPL Staff Unsub	Y	04/01/1995	FDSLPL PLUS	Y	04/01/1995

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\*\*\*\* End of Section A \*\*\*\*



## **Appendix I**

Title IV Program Responsibilities: Correspondence – General Program

Lake Superior  
State University



Year Ended  
June 30, 2013

Single Audit Act  
Compliance

# LAKE SUPERIOR STATE UNIVERSITY

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**Independent Auditors' Report On The  
Schedule Of Expenditures Of Federal Awards  
Required by OMB Circular A-133**

October 4, 2013

To the Board of Trustees  
Lake Superior State University  
Sault Ste. Marie, Michigan

We have audited the financial statements of the business-type activities and the discretely presented component unit of *Lake Superior State University* (the "University"), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the University's basic financial statements. We issued our report thereon dated October 4, 2013, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

*Rehmann Loborn LLC*



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LAKE SUPERIOR STATE UNIVERSITY

Schedule of Expenditures of Federal Awards

For the Year Ended June 30, 2013

Federal Agency / Cluster / Program Title	CFDA Number	Passed Through	Pass-through / Grantor Number	Federal Expenditures
<b>Student Financial Assistance Cluster:</b>				
<b>U.S. Department of Education</b>				
Supplemental Education Opportunity Grant 2012-13	84.007	Direct	P007A122029	\$ 82,714
Federal Work Study 2012-13	84.033	Direct	P033A102029	287,892
Federal Perkins Loan Program	84.038	Direct	P038A102029	289,518
Federal Pell Grant Program 2011-12	84.063	Direct	P063P110235	(2,143)
Federal Pell Grant Program 2012-13	84.063	Direct	P063P120235	4,284,341
William D. Ford Federal Direct Loan Program 2011-12	84.268	Direct	P268K120235	2,591
William D. Ford Federal Direct Loan Program 2012-13	84.268	Direct	P268K130235	13,569,418
Teacher Education Assistance for College and Higher Education 2012-13	84.379	Direct	P379T130235	16,000
<b>U.S. Department of Health and Human Services</b>				
Nursing Student Loan Program	93.364	Direct	E4CHP14944-02-01	113,600
<b>Total Student Financial Assistance Cluster</b>				<u>18,643,931</u>
<b>Other Programs:</b>				
<b>U.S. Department of Education</b>				
Upward Bound 2012-13	84.047a	Direct	P047A120842	324,240
Upward Bound 2013-14	84.047a	Direct	P047A120842	44,229
Occupational Educational Services 2012-13	84.048	MDE	113510/132132	60,830
CAP Leadership Grant 2012-13	84.048	MDE	13367/1324732	1,541
CAP Leadership Grant 2012-13	84.048	MDE	13367/1324722	1,195
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	84.334S	MDLEG	11-00-05	982
Michigan GEAR UP/College Day Program 2011-12	84.334S	MDLEG	11-00-05	5,078
Michigan GEAR UP/College Day Program 2012-13	84.334S	MDLEG	11-00-05	17,518
GEAR UP and College Positive Volunteerism Grant 2011-12	84.334S	MCC	SFACDGU 11-02	11,115
GEAR UP and College Positive Volunteerism Grant 2012-13	84.334S	MCC	SFACDGU 12-02	13,524
<b>Total U.S. Department of Education</b>				<u>480,252</u>
<b>U.S. Department of Agriculture</b>				
CSREES Tribal College Research Grant Switchgrass Pelletization Study	10.227	BMCC	2010-38424-21215-2	9,351
CSREES Tribal College Research Grant Switchgrass Pelletization Study	10.227	BMCC	2010-38424-21215-3	7,562
Disparities in Food Access and Food Security in Populations in Michigan	10.310	UM	2012-68004-20028	14,816
Summer Food Program 2011	10.559	MDE	17SFP02000	6,892
<b>Total U.S. Department of Agriculture</b>				<u>38,621</u>

continued...

LAKE SUPERIOR STATE UNIVERSITY

**Schedule of Expenditures of Federal Awards**

For the Year Ended June 30, 2013

Federal Agency / Cluster / Program Title	CFDA Number	Passed Through	Pass-through / Grantor Number	Federal Expenditures
<b>Other Programs (Concluded):</b>				
<b>U.S. Department of Commerce</b>				
Little Rapids Habitat Restoration and Monitoring Program	11.463	NOAA	-n/a-	\$ 7,845
<b>U.S. Department of the Interior</b>				
Sea Lamprey Study 2012-13	15.608	Direct	30181AJ100	6,500
Sea Lamprey Study 2013-14	15.608	Direct	30181AJ100	6,500
Conservation of Great Lakes Piping Plover	15.608	NFWF	210-0074-017	1,622
Multifaceted Conservation of Great Lakes Piping Plover	15.663	NFWF	0501-11-027124	78,700
<b>Total U.S. Department of the Interior</b>				<u>93,322</u>
<b>National Endowment for the Humanities</b>				
Opening a Literary Dialogue in the Eastern Upper Peninsula	45.129	MHC	2884	2,930
<b>National Science Foundation</b>				
Oxidative Elimination of Cyanotoxins by Ferrates	47.041	Direct	CBET-1235636	3,125
Develop Novel Fresh and Marine Water Toxin Detectors	47.050	Direct	OCE-1313558	16,054
Continued Study of the Physical Properties of the WAIS				
Divide Deep Core	47.078	Direct	ANT-1043313	27,254
Geoscience & Native American Culture: A field experience- NA HS Students 2009-12	47.078	Direct	GEO-0914688	44,571
<b>Total National Science Foundation</b>				<u>91,004</u>
<b>U.S. Environmental Protection Agency</b>				
GRO Undergraduate Fellowship	66.513	MDNR	MA-91753501-0	2,238
Great Lakes Restoration Initiative: Sport Fish Beneficial Use Impairment	66.469	MDCH	20123528	24,000
Great Lakes Coastal Wetland Monitoring Project	66.469	CMU	GLOOEOO612-0/4C-W011-NAEX	43,600
<b>Total U.S. Environmental Protection Agency</b>				<u>69,838</u>
<b>U.S. Department of Health and Human Services</b>				
Develop Novel Fresh and Marine Water Toxin Detectors	93.113	NIH	R01ES021968.01	16,356
<b>Total Other Programs</b>				<u>800,168</u>
<b>Total Expenditures of Federal Awards</b>				<u>\$ 19,444,099</u>

See accompanying notes to the Schedule of Expenditures of Federal Awards.

# LAKE SUPERIOR STATE UNIVERSITY

## Notes to Schedule of Expenditures of Federal Awards

### 1. BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards (the "Schedule") includes the federal grant activity of Lake Superior State University (the "University") under programs of the federal government for the year ended June 30, 2013. The information in this schedule is presented in accordance with the requirements of the Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Because the schedule presents only a selected portion of the operations of the University, it is not intended to and does not present the financial position, changes in net assets or cash flows of the University.

### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual basis of accounting, which is described in Note 1 to the University's financial statements. Such expenditures are recognized following the cost principles contained in OMB Circular A-21, *Cost Principles for Educational Institutions*, wherein certain types of expenditures are not allowable or are limited as to reimbursement. Negative amounts shown on the Schedule represent adjustments or credits made in the normal course of business to amounts reported as expenditures in prior years. Pass-through entity identifying numbers are presented where available.

Cash received is recorded on the cash basis; expenditures are recorded on the accrual basis of accounting. Revenues are recognized when the qualifying expenditures have been incurred and all grant requirements have been met.

### 3. PASS-THROUGH AGENCIES

The University receives certain federal grants as subawards from non-federal entities. Pass-through entities, where applicable, have been identified in the Schedule with an abbreviation, defined as follows:

Pass-through Agency Abbreviation	Pass-through Agency Name
BMCC	Bay Mills Community College
CMU	Central Michigan University
MCC	Michigan Campus Compact
MDCH	Michigan Department of Community Health
MDE	Michigan Department of Education
MDLEG	Michigan Department of Labor and Economic Growth
MDNR	Michigan Department of Natural Resources and Environment
MHC	Michigan Humanities Council
NIH	National Institutes of Health
NFWF	National Fish and Wildlife Foundation
NOAA	National Oceanic and Atmospheric Administration
UM	University of Michigan



**Independent Auditors' Report On Internal Control Over  
Financial Reporting And On Compliance And Other Matters  
Based On An Audit Of Financial Statements Performed In  
Accordance With *Government Auditing Standards***

October 4, 2013

To the Board of Trustees  
Lake Superior State University  
Sault Ste. Marie, Michigan

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities and the discretely presented component unit of *Lake Superior State University* (the "University") as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the University's basic financial statements, and have issued our report thereon dated October 4, 2013.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the University's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the University's internal control. Accordingly, we do not express an opinion on the effectiveness of the University's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses, or significant deficiencies, and therefore, material weaknesses or significant deficiencies may exist that were not identified.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

## Compliance and Other Matters

As part of obtaining reasonable assurance about whether the University's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the University's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Rehmann Loborn LLC*

**Independent Auditors' Report On Compliance For  
Each Major Federal Program And On Internal Control  
Over Compliance Required by OMB Circular A-133**

October 4, 2013

To the Board of Trustees  
Lake Superior State University  
Sault Ste. Marie, Michigan

**Report on Compliance for Each Major Federal Program**

We have audited the compliance of *Lake Superior State University* (the "University") with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the University's major federal programs for the year ended June 30, 2013. The University's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

***Auditors' Responsibility***

Our responsibility is to express an opinion on compliance for each of the University's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the University's compliance.

***Opinion on Each Major Federal Program***

In our opinion, the University complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2013.

## Report on Internal Control Over Compliance

Management of the University is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the University's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the University's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### ***Purpose of this Report***

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

A handwritten signature in black ink that reads "Lehmann Lobson LLC". The signature is written in a cursive, flowing style.



# LAKE SUPERIOR STATE UNIVERSITY

## Schedule of Findings and Questioned Costs

For the Year Ended June 30, 2013

### SECTION I - SUMMARY OF AUDITORS' RESULTS

#### Financial Statements

Type of auditors' report issued: Unqualified

Internal control over financial reporting:

Material weakness(es) identified?            yes       X       no

Significant deficiency(ies) identified?            yes       X       none reported

Noncompliance material to financial statements noted?            yes       X       no

#### Federal Awards

Internal control over major programs:

Material weakness(es) identified?            yes       X       no

Significant deficiency(ies) identified?            yes       X       none reported

Type of auditors' report issued on compliance for major programs: Unqualified

Any audit findings disclosed that are required to be reported in accordance with Circular A-133, Section 510(a)?            yes       X       no

Identification of major programs:

#### CFDA Number

84.007/84.033/84.038/84.063/84.268/  
84.379/93.364

#### Name of Federal Program or Cluster

Student Financial Assistance Cluster

Dollar threshold used to distinguish between Type A and Type B programs:

\$          300,000

Auditee qualified as low-risk auditee?

      X       yes            no

# LAKE SUPERIOR STATE UNIVERSITY

## **Schedule of Findings and Questioned Costs**

For the Year Ended June 30, 2013

### **SECTION II - FINANCIAL STATEMENT FINDINGS**

None reported

### **SECTION III - FEDERAL AWARD FINDINGS AND QUESTIONED COSTS**

None reported

# LAKE SUPERIOR STATE UNIVERSITY

## Summary Schedule of Prior Audit Findings

For the Year Ended June 30, 2013

None reported

■ ■ ■ ■ ■

Lake Superior State University

Schedule of Expenditures  
of Federal Award Programs  
in Accordance with OMB Circular A-133

*Year ended June 30, 2014*



Lake Superior State University

Schedule of Expenditures  
of Federal Award Programs  
in Accordance with OMB Circular A-133

Year ended June 30, 2014

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Independent Auditors' Report on Internal Control Over Financial Reporting  
and on Compliance and Other Matters Based on an Audit of Financial  
Statements Performed in Accordance with *Government Auditing Standards*

Board of Trustees  
Lake Superior State University  
Sault Ste. Marie, Michigan

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of Lake Superior State University (University), as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise Lake Superior State University's financial statements, and have issued our report thereon dated August 26, 2014.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Lake Superior State University's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Lake Superior State University's internal control. Accordingly, we do not express an opinion on the effectiveness of Lake Superior State University's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the University's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the University's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of our testing, and not to provide an opinion on the effectiveness of the University's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the University's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Andrews Hooper Paulik PLC*

Saginaw, Michigan  
August 26, 2014

Independent Auditors' Report on Compliance For Each Major Program;  
Report on Internal Control Over Compliance; and Report on the Schedule  
of Expenditures of Federal Awards Required by OMB Circular A-133

Board of Trustees  
Lake Superior State University  
Sault Ste. Marie, Michigan

**Report on Compliance for Each Major Federal Program**

We have audited Lake Superior State University's (University) compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the University's major federal programs for the year ended June 30, 2014. The University's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of the University's major federal programs based on our audit of the types of compliance requirements referred to above.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the University's compliance.



### ***Opinion on Each Major Federal Program***

In our opinion, the University complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2014.

### **Report on Internal Control Over Compliance**

Management of the University is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the University's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the University's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

*A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

## **Report on Schedule of Expenditures of Federal Awards Required by OMB Circular A-133**

We have audited the financial statements of Lake Superior State University as of and for the year ended June 30, 2014 and have issued our report thereon dated August 26, 2014, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by OMB Circular A-133 and is not a required part of the financial statements. Such information is the responsibility of management and was derived from, and relates directly to, the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedule of Expenditures of Federal Awards is fairly stated in all material respects in relation to the financial statements as a whole.

*Andrews Hooper Paulik PLC*

Saginaw, Michigan  
August 26, 2014

**LAKE SUPERIOR STATE UNIVERSITY**  
**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
**For the Year Ended June 30, 2014**

<b>Federal Grantor / Cluster / Program Title</b>	<b>CFDA Number</b>	<b>Passed Through</b>	<b>Pass-through / Grantor Number</b>	<b>Federal Expenditures</b>
<b>Student Financial Assistance Cluster</b>				
<b>U.S. Department of Education:</b>				
Federal Work Study 13-14	84.033	Direct	P033A132029	\$ 250,557
Federal SEOG 13-14	84.007	Direct	P007A132029	79,404
Federal Pell Grant Program 12-13	84.063	Direct	P063P120235	(693)
Federal PELL Grant 2013-14	84.063	Direct	P063P130235	3,924,343
William D. Ford Federal Direct Loan Program 12-13	84.268	Direct	P268K130235	7,162
William D. Ford Federal Direct Loan Program 13-14	84.268	Direct	P268K140235	12,520,312
Federal Perkins Loan Program	84.038	Direct	P038A142029	209,800
Teacher Education Assistance for College and Higher Education 13-14	84.379	Direct	P374T140235	9,400
<b>U.S. Department of Health and Human Services</b>				
Nursing Student Loans	93.364	Direct	E4CHP14944-02-01	108,800
<b>Total Student Financial Assistance Cluster</b>				<b>17,109,085</b>
<b>Other Direct Programs:</b>				
<b>U.S. Department of Education:</b>				
Upward Bound 12-13	84.047a	Direct	P047A120842	6,659
Upward Bound 13-14	84.047a	Direct	P047A120842	304,771
Upward Bound 14-15	84.047a	Direct	P047A120842	40,713
Title III SIP-TALK 13-14	84.031a	Direct	P031A130060	124,109
GEAR UP/KCP College Day 2012-13	84.334S	MWDA	11-00-05	4,706
GEAR UP/KCP College Day 2013-14	84.334S	MWDA	13-00-05	19,653
GEAR UP and College Positive Volunteerism Grant 2012-13	84.334S	MWDA	GU12-02	1,476
MCC/GEAR UP Volunteerism 2013-14	84.334S	MWDA/MCC	GU13-02	11,562
CAP Leadership Grant 2012-13	84.048a	MDE	143670/1424321	2,302
Occupational Educational Services 13-14	84.048a	MDE	143510/142132	62,033
<b>US Department of Education Subtotal</b>				<b>577,986</b>
<b>Research and Development Cluster:</b>				
<b>U.S. Department of Health and Human Services</b>				
Develop Novel Fresh and Marine Water Toxin Detectors	93.113	NIH	R01ES021968.01	102,126
<b>U.S. Department of Agriculture</b>				
Disparities in Food Access and Food Security of Populations in Michigan	10.310	UM	2012-68004-20028	45,530
CSREES Tribal College Research Grant Switchgrass Pelletization Study	10.227	BMCC	2010-38424-21215-3	14,317
CSREES Tribal College Research Grant Switchgrass Pelletization Study	10.227	BMCC	2010-38424-21215-4	1,719
<b>U.S. Department of Commerce</b>				
Little Rapids Habitat Restoration Monitoring Program	11.463	NOAA/GLC		19,155
Little Rapids Habitat Restoration Monitoring Program 2014-16	11.463	NOAA/GLC		6,737
<b>U.S. Department of the Interior</b>				
Sea Lamprey Study 14-15	15.608	USFWS	F12AC00207-0005	5,685
Conservation of Great Lakes Piping Plover	15.608	NFWF	210-0074-017	673
Multifaceted Conservation of Great Lakes Piping Plover	15.663	NFWF	0501.11.027124	48,895
NFWF (USFWS) Piping Plover 2014-15	15.663	NFWF	0501.13.039075	29,554

The accompanying notes are an integral part of the Schedule of Expenditures of Federal Awards.

**LAKE SUPERIOR STATE UNIVERSITY**  
**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
**For the Year Ended June 30, 2014**

<b>Federal Grantor / Cluster / Program Title</b>	<b>CFDA Number</b>	<b>Passed Through</b>	<b>Pass-through / Grantor Number</b>	<b>Federal Expenditures</b>
<b>National Science Foundation</b>				
Continued Study of the Physical Properties of the WAIS Divide Deep Core	47.078	Direct	ANT-1043313	\$ 26,361
Geoscience & Native American Culture: A field experience-NA HS Students	47.050	Direct	GEO-0914688	42,498
Oxidative Elimination of Cyanotoxins by Ferrates	47.041	Direct	CBET-1235636	13,069
Develop Novel Fresh and Marine Water Toxin Detectors	47.050	Direct	OCE-1313558	132,411
ZagApps: Mobile Device Application Laboratory	47.076	Direct	DUE-1347325	5,945
<b>U.S. Environmental Protection Agency</b>				
Great Lakes Coastal Wetland Monitoring Project	66.469	CMU/EPA	GLOOEOO612-0 /4C-W011-NAEX	32,408
<b>Total Research &amp; Development Cluster</b>				<b>527,082</b>
<b>U.S. Department of Agriculture</b>				
Summer Food Program 2011	10.559	MDE	17SFP02000	5,395
<b>Total U.S. Department of Agriculture</b>				<b>5,395</b>
<b>National Endowment for the Humanities</b>				
MHC-NFH Literary Dialogue 13-14	45.129	MHC	833H13	2,880
MHC-NEH Superior Book Festival 13-4	45.129	MHC	MHC GRANT Q025-13	500
<b>Total National Endowment for the Humanities</b>				<b>3,380</b>
<b>U.S. Environmental Protection Agency</b>				
EPA GRO Ug Fellowship 2013-14-Griffioen	66.513	Direct	MA-91753501-0	12,067
EPA GRO Ug Fellowship 2013-14-Price	66.513	Direct	MA-9175980-1	11,904
EPA GRO UG Fellowship 2013-14 Dutton	66.513	Direct	MA-9175950-1	13,194
<b>Total U.S. Environmental Protection Agency</b>				<b>37,165</b>
<b>Total Expenditures of Federal Awards</b>				<b>\$ 18,260,093</b>

The accompanying notes are an integral part of the Schedule of Expenditures of Federal Awards.

# Lake Superior State University

## Notes to Schedule of Expenditures of Federal Awards

Year ended June 30, 2014

### **1. Summary of Significant Accounting Policies**

The accompanying Schedule of Expenditures of Federal Awards (Schedule) includes the federal grant activity of the University under programs of the federal government for the fiscal year ended June 30, 2014. Expenditures reported on the Schedule are reported on the same basis of accounting as the financial statements, although the basis for determining when federal awards are expended is presented in accordance with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. In addition, expenditures reported on the Schedule are recognized following the cost principles contained in OMB Circular A-21, *Cost Principles for Educational Institutions*, wherein certain types of expenditures are not allowable or are limited as to reimbursement. Therefore, some amounts presented in this Schedule may differ from amounts presented in, or used in the preparation of, the financial statements.

Because the Schedule presents only a selected portion of the operations of Lake Superior State University it is not intended to, and does not, present the financial position, changes in net position, or cash flows, if applicable, of Lake Superior State University.

The University reporting entity is defined in Note 1 to the University's financial statements. All federal financial assistance received directly from federal agencies as well as federal financial assistance passed through other government agencies is included on the Schedule.

### **2. Major Programs and Clusters**

As defined in OMB Circular A-133, Student Financial Assistance programs, Trio, and Research and Development programs are considered to be clusters of programs and, accordingly, have been classified as one program for testing purposes. The Student Financial Assistance Cluster, Trio Cluster (Upward Bound), and Research and Development Cluster have been defined as major programs. In determining major programs, the entire Student Financial Assistance cluster was removed due to the large loan and loan guarantee funds within the cluster.

# Lake Superior State University

## Notes to Schedule of Expenditures of Federal Awards

Year ended June 30, 2014

### 3. Pass-Through Entities

The University receives certain federal grants as subawards from non-federal entities. Pass-through entities, where applicable, have been identified in the Schedule with an abbreviation, defined as follows:

<b>Pass-through Agency Abbreviation</b>	<b>Pass-through Agency Name</b>
BMCC	Bay Mills Community College
CMU	Central Michigan University
MCC	Michigan Campus Compact
MDCH	Michigan Department of Community Health
MDE	Michigan Department of Education
MDLEG	Michigan Department of Labor and Economic Growth
MDNR	Michigan Department of Natural Resources and Environment
MHC	Michigan Humanities Council
NIH	National Institutes of Health
NFWF	National Fish and Wildlife Foundation
NOAA	National Oceanic and Atmospheric Administration
UM	University of Michigan
USFWS	United States Fish and Wildlife Service

### 4. Subrecipient Awards

The University administers certain federal awards programs through subrecipients. These subrecipients are not considered part of the University's reporting entity. Included in the Schedule of Expenditures of Federal Awards are the following awards to Texas A&A University as a subrecipient:

<b>CFDA Number</b>	<b>Program Title</b>	<b>Amount</b>
93.113	Develop Novel Fresh and Marine Water Toxin Detectors	\$ 72,522
47.050	Develop Novel Fresh and Marine Water Toxin Detectors	92,210
	Total amounts awarded to subrecipient	\$164,732

# Lake Superior State University

## Schedule of Findings and Questioned Costs

Year ended June 30, 2014

### Section I – Summary of Independent Auditors’ Results

**Financial Statements**

Type of auditors’ report issued:	<u>Unmodified</u>			
Internal control over financial reporting:				
Material weakness(es) identified?	_____	Yes	_____	X No
Significant deficiencies identified that are not considered to be material weakness(es)?	_____	Yes	_____	X None Reported
Noncompliance material to financial statements noted?	_____	Yes	_____	X No

**Federal Awards**

Internal control over major program:				
Material weakness(es) identified?	_____	Yes	_____	X No
Significant deficiencies identified that are not considered to be material weakness(es)?	_____	Yes	_____	X None Reported
Type of auditors’ report issued on compliance for major program:	<u>Unmodified</u>			
Any audit findings disclosed that are required to be reported in accordance with Circular A-133, Section .510(a)?	_____	Yes	_____	X No

Identification of major programs:

<u>Federal Grantor/Program Name</u>	<u>Federal Catalog or Grantor Number</u>
<b>Student Financial Assistance Cluster</b>	
U.S. Department of Education	84.007; 84.033; 84.038; 84.063; 84.268; 84.379; 93.364
<b>TRIO Cluster</b>	
U.S. Department of Education	84.047A
<b>Research and Development Cluster</b>	
U.S. Department of Health and Human Services	93.113
U.S. Department of Agriculture	10.310; 10.227
U.S. Department of Commerce	11.463
U.S. Department of the Interior	15.608; 15.663
National Science Foundation	47.078; 47.050; 47.041; 47.060
U.S. Environmental Protection Agency	66.469

**TRIO Cluster**

U.S. Department of Education	84.047A
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Dollar threshold used to distinguish between Type A and Type B programs:

\$300,000

Auditee qualified as low-risk auditee?	_____	X	Yes	_____	No
--	-------	---	-----	-------	----

Lake Superior State University

Schedule of Findings and Questioned Costs (continued)

Section II – Findings Relating to the Financial Statements Reported in Accordance with  
*Government Auditing Standards*

None.

Section III – Findings and Questioned Costs Relating to Federal Awards

None



Lake Superior State University  
Summary Schedule of Prior Audit Findings  
Year ended June 30, 2014

No matters were reported.



## **Appendix J**

Title IV Program Responsibilities: Correspondence - Financial Responsibilities

**ASSURANCE SECTION**

**REPORT OF A COMPREHENSIVE EVALUATION VISIT**

TO

Lake Superior State University  
Sault Ste. Marie, MI

October 24-26, 2011

FOR

**The Higher Learning Commission**

A Commission of the North Central Association of Colleges and Schools

**EVALUATION TEAM**

Dr. Robert Baumann, Director, Graduate Programs, U.S. Army Command and General Staff  
College, Ft. Leavenworth, KS 66027

Dr. Patricia A. Clanton, Assoc. Prof., Southern Arkansas University, Magnolia, AR 71754

Dr. David M. Sammeth, Professor, New Mexico Highlands University, Las Vegas, NM 87701

Ms. Judith P. Siminoe, Special Advisor to the President, St. Cloud State University, St. Cloud,  
MN 56301

Dr. David E. Todt, Provost, Shawnee State University, Portsmouth, OH 45662

Dr. Gayle A. Kearns (Chair), Associate Dean, University of Central Oklahoma, Edmond, OK

73034

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## **I. CONTEXT AND NATURE OF VISIT**

### **A. Purpose of Visit**

The purpose of the visit was a comprehensive evaluation of Lake Superior State University (LSSU) for continued accreditation.

### **B. Organizational Context**

Lake Superior State University, situated on the Canadian border in Michigan's Eastern Upper Peninsula (EUP), is the smallest of the state's fifteen public universities. With a five-year average academic year enrollment of just over 3,100 students, the University, under Carnegie Classification, is considered a small four-year undergraduate institution with a professions focus and a single graduate program.

Lake Superior State University (LSSU) was established in 1946 as a branch campus of the Michigan College of Mining and Technology and was accredited by the North Central Association (NCA) from 1946-1968. In 1968 Lake Superior State College was first accredited at the Baccalaureate level with a review visit scheduled in 1971. At that time NCA approved reaccreditation for 10 years. In 1981 LSSU was granted accreditation to the Master's level with approval for the Master of Business Administration (MBA). A focused visit was scheduled in three years to focus on the MBA and the fiscal circumstances of the State of Michigan and the impact on LSSU.

The next comprehensive evaluation was completed in 1991. At the time of this visit, it was learned that changes to the Statement of Affiliation Status (SAS) had occurred without approval from the Commission. A sanction was applied to the institution for delivering degree programs at sites not approved by NCA, without seeking prior approval. A team was sent to evaluate a request to change the location of off-campus offerings in 1991, and the change was approved.

Accreditation was approved to 2001 with a focused visit required in 1994 to evaluate the MBA program. In 1994 the university was told to file a report on the Taiwanese MBA program by 1995 with a focused evaluation required by November 1997 to again evaluate the MBA program.

Commission action in 1998 stipulated that accreditation at the master's degree level was limited to the MBA program until August 1999 and to the Master of Public Administration (MPA) just to allow for the graduation of previously enrolled students unable to complete the degree through another university. A progress report was required by January 2000 on the University's commitment to quality graduate education in the MBA.

Finally in 1999 the institution reported to the Commission its intent to offer degrees at the Baccalaureate level only. Affiliation status was revised to indicate accreditation at the

Master's degree level, limited to the MBA, until August 2003 and to the MPA until August 1999 to enable the teach-out of both programs. A progress report was required on the elimination of the MBA and the status of the teach-out plan by January 2000.

In 2001 a comprehensive visit to LSSU recommended that the institution be granted continued accreditation at the Bachelor's level with the next comprehensive evaluation during the academic year 2010-2011. The team recommended that a progress report be sent to NCA by April 2004 to be focused on plans for and accomplishments in addressing issues of diversity and assessment. The institution submitted the required reports on diversity and assessment to the NCA and the reports were accepted by the Commission. The 2010-2011 Comprehensive visit was delayed for one year due to a request from the institution.

In 2004 the institution requested a focused visit for an institutional change request to offer a new degree program leading to the Master of Arts in Curriculum and Instruction. The team recommended a progress report on the Master of Arts in Curriculum and Instruction be submitted to the Commission in June 2008.

LSSU has experienced considerable turbulence in critical leadership posts since the last visit. In particular, turnover in the positions of president and provost has proved disruptive and impeded the school's progress in areas such as assessment. However, the current regime appears to have brought a measure of stability and clarity of purpose to the campus. Across the campus as a whole, there is belief that the Higher Learning Commission can play a constructive role by remaining engaged with the university to ensure that LSSU "stays the course" in terms of its current direction.

### **C. Unique Aspects of Visit**

The self-study process at Lake Superior State University was organized around the theme of *Redefining the Classroom*—a theme that speaks to LSSU's focus on experiential learning. This is a theme repeated throughout the Self-Study as LSSU reaffirms the unique experiential learning opportunities that inform the education it offers. The Self Study is built upon HLC's four cross-cutting themes that describe an organization as future-oriented, learning-focused, connected and distinctive. Each of the four major chapters addresses one of these themes. Each chapter is further organized around sub-themes established by HLC in its *Exploring the Usefulness of Cross-Cutting Themes as Context for Evaluation* document.

### **D. Sites or Branch Campuses Visited**

No other sites were visited.

### **E. Distance Education Reviewed**

None

**F. Interactions with Constituencies**

- President
- Provost and Vice President for Academic Affairs
- Vice President for Finance
- Vice President for Student Affairs
- Vice President Enrollment Services
- Director of Human Resources
- Evidence Team (7)
- Academic Deans (2)
- Staff Association (66)
- Shared Governance and Oversight Committee (5)
- Open Forum with Students (23)
- Interim Director of IT and staff (2)
- Librarian
- Information Technology and Media Specialist
- School Chairs (9)
- Curriculum Committee (11)
- Assessment Committee (7)
- Strategic Planning Committee (9)
- Community Members (6)
- Student Government Association (10)
- Teacher Education Director
- Assistant Director of Charter Schools
- Associate Provost
- General Education Committee (11)
- Admissions and Financial Aid Staff (3)
- Academic Policy and Procedures Review Committee (11)
- Alumni Relations Staff (2)
- Director of Development
- Athletic Director
- Board of Trustees (2)
- Faculty (40)

**G. Principal Documents, Materials, and Web Pages Reviewed – Please fill in the documents you reviewed**

Fiscal year 2011-12 Higher Education Appropriations Report  
 Materials provide by the Grants and Contracts Office, Office of Sponsored Programs  
 Guidelines for Fraternity and Sorority use of Alcohol  
 Shared Governance Preamble, Process, and Bylaws  
 Faculty Handbook  
 Academic Advising Handbook – Working Edition  
 Crosswalk - Cross-cutting Themes, Core Components

TMR Strategic Framework for Planning, July 2010  
LSSU Facilities Master Plan  
Budget Development Guidelines  
Shared Governance Policy, Process and Bylaws  
Academic Improvement Plan, 2011  
School of Education Consultant Report  
Diversity Report, GNakagawa  
Faculty Association Agreement  
SPBC \$120,000 Strategic Initiatives Evaluation Process  
SPBC \$120,000 Strategic Initiatives Recommendation to President  
Cherry Commission Report  
LSSU Grants and Contracts Chart  
Assessment Training Events, Full Descriptions  
Mokhtar-Duesing - CAD Course Assessment, Powerpoint  
Assessment within Academic Areas - College of Natural, Mathematical, and Health Sciences  
Assessment within Academic Areas, Rec Studies and Ex Sci Senior Exit Survey  
Assessment within Academic Areas - College of Professional Studies  
Assessment within Academic Areas - College of Arts, Letters, and Social Sciences & Honors  
Assessment within Academic Areas - Engineering Full Report  
Assessment within Academic Areas - Self Study Outside References  
General Education - Bylaws  
General Education - Format  
General Education - Student Survey, Data and Results  
General Education - Student Survey, Exit Survey Form  
General Education - Subcommittee Full Reports - Natural Science  
General Education - Subcommittee Full Reports - Communication  
General Education - Subcommittee Full Reports - Diversity  
General Education - Subcommittee Full Reports - Humanities  
General Education - Subcommittee Full Reports - Mathematics  
General Education - Subcommittee Full Reports - Social Science  
General Education - Subcommittee Report - English  
Resource Center for Students with Disabilities, 2007-08 Executive Summary  
Faculty and Student Scholarship, CALSS  
Faculty and Student Scholarship, CETED  
Faculty and Student Scholarship, CNMHS  
Faculty and Student Scholarship, CPS  
Examples of Faculty Sabbaticals  
Academic Integrity Statement  
University Organizational charts - Administration  
Shared Governance PowerPoint, Convocation 2010  
School of Physical Sciences, Mission and Program Outcomes  
2005 Diversity Plan Update  
Self-Study Report including the Federal Compliance document  
Contract between the LSSU Faculty Association, NEA MEA and Lake Superior State



## University

Correspondence and documents exchanged with the HLC between previous accreditation renewal and the present

## Webpages:

Student Financial Aid

Student Course Catalog

Ombudman

Athletics

Minutes of the Board of Trustees September 2006 through April of 2011

Shared Governance Oversight Committee: Policy, Procedures and ‘Issues Resolved’

Resources for Transfer Students (Articulation and course transfer data)

LSSUS Self-Study

LSSU Strategic Plan

LSSUS Resource Room

Faculty Vitae

Course Syllabi

## II. COMMITMENT TO PEER REVIEW

### A. Comprehensiveness of the Self-Study Process

Since the last accreditation visit in 2001, the institution has been led by four presidents, six provosts, four financial vice presidents, four student affairs vice presidents, three deans/directors of enrollment management, one vice president for enrollment management and three Foundation executive directors. The institution also welcomed eleven new Board of Trustee members, underwent three academic reorganizations and weathered a multitude of administrative realignments. The first decade of the new century found LSSU in a state of constant flux.

While the self-study process was fraught with challenge, participation from administration, faculty and staff was evidenced. Interviews affirmed that the campus community, site employees, and Trustees were somewhat involved and aware of the Self-Study process. It did appear that there was a lack of clear understanding of the process, but those individuals involved did realize the importance of a successful reaccreditation visit. It appeared that the self-study was written within the year before the comprehensive visit by a select group of individuals. Due to the constant change in administrative leadership over the past 10 years, the self-study process was delayed by one-year to ensure that the institution was prepared for the reaccreditation visit.

The decision to build the self-study emphasizing the four cross-cutting themes provided the institution to better describe the university and all its interrelated functions. The organizational structure of the review process provided a platform for an open and honest review.

**B. Integrity of the Self-Study Report**

The self-study evidence team membership included a faculty representative, administrators and Institutional Research. Sub-committee activities brought broader segments of campus constituencies into the self-study process and presented evidence regarding change for the institution. The institution chose to use a thematic approach to the self-study which highlighted their strengths, challenges and areas in need of improvement. The institution chose this non-traditional, holistic approach to better describe the university and its interrelated functions. This thematic approach was beneficial to the institution, but it was very hard to follow from the team's perspective.

**C. Adequacy of Progress in Addressing Previously Identified Challenges**

The team considers the response of the institution to previously identified challenges to be adequate.

**D. Notification of Evaluation Visit and Solicitation of Third-Party Comment**

Requirements were fulfilled.

**III. COMPLIANCE WITH FEDERAL REQUIREMENTS**

The team reviewed the required Title IV compliance areas and the student complaint information and found the institution to be in compliance with federal requirements.

The institution reports an excellent low rate of default on student loans. Recently, although not required for compliance, a student ombudsman has been added to the staff. This person will provide an additional means of resolving student complaints at the lowest level. Lastly, a concern was expressed that Lake Superior State University interprets its contract with a bookstore provider as prohibiting faculty from providing textbook information directly to students. The Higher Education Opportunity Act, Sec. 112 amended the Higher Education Act, Title I, Part C, 20 U.S.C. 1015b, to require institutions, *in a manner of their choosing*, to disclose on the institution's internet course schedule the ISB number and retail price information for required and recommended textbooks. Lake Superior State University has chosen to do this by linking and driving students who access the schedule to the bookstore site. A student can only obtain the ISBN and price information through the bookstore site. Since the statute does not require the institution to have a site and the required information can be obtained by clicking through the site LSSU is not out of compliance but it has created extra steps to obtain textbook information.

#### IV. FULFILLMENT OF THE CRITERIA

**CRITERION ONE: MISSION AND INTEGRITY.** The organization operates with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff, and students.

##### 1. Evidence that Core Components are met

Lake Superior State University's mission/vision statement clearly defines its core values of being a student focused institution, offering quality academically programs to Michigan's Upper Peninsula including its nearby Canadian neighbors. In particular, its goal of creating a nurturing learning environment for students which will allow them to realized their full potential.

The Mission Statement approved by the LSSU Board of Trustees in 2008 concludes with the statement Mission Statement is, "We also serve the regional, national, and global communities by contributing to the growth, dissemination, and application of knowledge". In addition, the Values Statement that follows the Mission Statement affirms a commitment to, "welcome diverse perspectives and remain open to change and innovation." Further, the document states that three of the core values of the institution are to, "respect and value each person as an individual, welcome diverse perspectives and remain open to change and innovation, and work cooperatively in the interest of achieving our common mission" ..

##### 2. Evidence that one or more specified Core Components need organizational attention

The instability in leadership combined with a severe budget cuts to LSSU has led to an environment in which the future direction and success of the institution is unclear at this time. At present a broad number of very important initiatives are in the very earliest stages of adoption. These include: a) Academic Improvement Plan, b) Shared Governance Preamble, Process, and Bylaws, c) A New Strategic plan, d) Facilities Master Plan, and e) Budget Development Guidelines. The successful implementation of these initiatives will have a substantial impact on the future of LSSU.

The LSSU mission statement does not contain specific language regarding diversity. However, sufficient evidence can be found across the institution that supports this goal. Documents reviewed provide the basis for organizational strategies to address diversity in the classroom, student body, and among faculty, staff, and administrators.

**3. Evidence that one or more specified Core Components require Commission follow-up.**

Across campus there is a general understanding and support of the institution's teaching focused mission, yet its implementation is hampered by a noticeable lack of clearly defined processes and procedures. These include the role and expectations for the faculty in regards to the traditional triad of teaching, scholarship and service and how they are used to determine tenure and promotion. A working model and understanding of both shared-governance and communication between the faculty and administration must be formulated to ensure success of this new concept of shared governance.

During interviews with faculty and staff on supporting the mission, there were several comments that indicated a desire for more transparency in how budget allocations were arrived at. The university should make the link between planning and budgeting more transparent.

LSSU's planning and budgeting priorities will continue to struggle to support the mission until a transparent campus-wide assessment of programs and educational priorities is undertaken. The realization of the mission appears to be occurring at the department level, but not necessarily across schools, or the campus as a whole. The success of such an effort depends in part on the process being open to all stakeholders. Significant inconsistencies exist within the faculty as to the purpose, expectation, and role of research in LSSU's mission.

**4. Evidence that one or more specified Core Components are not met and require Commission follow-up. (Sanction or adverse action may be warranted.)**

**Recommendation of the Team**

Criterion is met; No Commission follow-up is necessary.

**CRITERION TWO: PREPARING FOR THE FUTURE.** The organization's allocation of resources and its processes for evaluation and planning demonstrate its capacity to fulfill its mission, improve the quality of its education, and respond to future challenges and opportunities.

**1. Evidence that Core Components are met**

The challenges of frequent turnover in the top leadership at Lake Superior State University (LSSU) with respect to planning for the future is frankly discussed in the institution's Self Study. These challenges were confirmed by interviews and

discussions with faculty, administrators, staff and students during the visit to campus by the Higher Learning Commission Team of consultant evaluators on October 23 – 26, 2011. LSSU has had five presidents, seven provosts and numerous other vice-presidential leadership changes in the past decade. In addition to the leadership changes, the institution has faced decreasing resources because of reduced funding from the state of Michigan and fluctuating student enrollment. The constant flux of administrative changes and realignments along with uncertainty of resources has led to five changes of the mission/vision statement, four distinct strategic planning processes, and frequent restructuring of the LSSU organizational structure.

In spite of the loss of Michigan appropriations; problems in other resource areas such as retirement benefits, the loss of the Michigan Promise, and a decrease in the Michigan Work Study program; and some fluctuations in enrollment, LSSU has taken actions to stabilize the fiscal resources and turned the corner on a low composite ratio. Planning efforts are under way to bring a new strategic plan to the campus.

**2. Evidence that one or more specified Core Components need organizational attention.**

In spite of the numerous changes and challenges, LSSU has recently formulated a strategic planning process with a new Strategic Planning and Budget Committee (SPBC) that is part of the recently adopted shared governance structure. This committee has held a retreat with the Board of Trustees and started a campus wide discussion for a new strategic plan which included yet another revision of the mission and values statement. The previous planning efforts have lacked continuity and follow through. The current effort needs to demonstrate completion, communication with campus and evidence that the plan is being implemented and utilized for directing LSSU into the immediate and near future.

A recent LSSU Facilities Master Plan will be overseen by the new Infrastructure Committee of the shared governance system. Significant deferred maintenance, major planned renovations of South Hall, the recently discovered safety issues at the Child Development Center, a planned upgrade of athletic facilities, and the challenges of being housed on an old Army facility are among the challenges facing LSSU. While facility planning is under way, progress needs to be monitored to see if the potential of the Infrastructure Committee is realized and the university is able to invest the resources for implementation of the Master Plan.

A lack of IT planning was noted during interviews with faculty, administrators and students. All three groups pointed to different needs related to technology on campus, including upgrading of campus computers, additional staff to handle IT issues, and more professional development and training for the IT staff.

In the current fiscal climate, LSSU faces the challenge common to many institutions to preserve access for those in need of financial aid. The university should act creatively find solutions to compensate for dwindling availability of need-based financial assistance.

**3. Evidence that one or more specified Core Components require Commission follow-up.**

Given the many changes in leadership, the numerous starts and stops of strategic planning, the importance of implementing the Facilities Master Plan, and the recognition of a need for planning in Information Technology, there is a need to see evidence that the new policies and procedures are actually moving the institution forward and there was a clear and publicly stated understanding of what LSSU should do and be in the future.

**4. Evidence that one or more specified Core Components are not met and require Commission follow-up. (Sanction or adverse action may be warranted.)**

**Recommendation of the Team**

Criterion is met; Commission follow-up recommended.

**CRITERION THREE: STUDENT LEARNING AND EFFECTIVE TEACHING.** The organization provides evidence of student learning and teaching effectiveness that demonstrates it is fulfilling its educational mission.

**1. Evidence that Core Components are met**

The newly-created position of Associate Provost for Assessment, Education, and Graduate Programs will provide a much needed catalyst for the process to take hold institutionally. As the process matures, the integration of the many seemingly diverse and dissociated assessment approaches such as writing samples, thesis projects, standardized test, licensing exams, employer surveys,

portfolios, supervised internships, capstones courses, and accreditation reviews can begin to coalesce under the guidance of the Associate Provost into a snap-shot of student achievement across campus. In addition, The University's newly formed Assessment Committee appears to be making strides in attempting to address the need for assessing student learning and for using the results of those assessments to improve curriculum, pedagogy, instructional resources, and student services. This progress is especially notable in the area of general education assessment where data has been collected over three semesters on incoming freshmen. The disconnect with assessment has been the lack of university alignment, not with the gathering of assessment data. The data has been gathered; it has not been utilized effectively in decision making.

The Grants and Contracts office supports effective teaching by working with faculty to submit research and teaching grants which support the educational mission of the institution. The indirect cost policy of 15% to the principle investigator encourages and supports professional development for the faculty while also allowing for students to receive the benefits of working with faculty on real world projects.

The faculty of LSSU desires services to improve pedagogies. The services range from simple requests such as current computer software and hardware to the creation of a learning center dedicated to the development and refinement of teaching pedagogies. The creation of a learning center might prove to be an appropriate investment, particularly in light of LSSU's commitment to redefining the classroom.

LSSU faculty members have maintained a strong commitment to remaining current in their field. This is demonstrated by the scholarship generated across campus, presentations given to professional societies, and the use of faculty sabbaticals.

The University's honors program and newly implemented Living Learning Houses for Chemistry, Engineering, and Criminal Justice/Fire Science demonstrate the literal creation of effective learning environments. The assigning of a faculty advisor to each program will facilitate and enhance the added academic value.

Students benefit greatly from the hands-on experience gained during senior projects. Opportunities due to the Robotics Laboratory, Aquatic Research Lab (ARL), and the Environmental Analysis Laboratory (EAL) afford LSSU students unique and valuable research experiences. Laboratories equipped with state of the art equipment allow students to conduct independent research on issues relevant to the local community.

Lake State supports and supplements student learning outside the classroom by hosting the LSSU Learning Center. The center offers academic support for all

students and is staffed by members of the National College Learning Centers Association (NCLCA). Supplemental Instruction, tutoring, and Student Success Seminars are just a sample of the programs offered.

Feedback from students indicates they are very satisfied with their experience at LSSU. Research opportunities, the personal attention given by faculty members, student involvement, faculty accessibility, leadership opportunities, community involvement, and the student-centered orientation of the campus all have a significant impact on students.

Students at LSSU receive valuable instruction that goes beyond the traditional classroom. Through the use of Internships and senior projects, there is value added to the educational experience of LSSU graduates. The effect of real world experiences while still a student allows time for reflection and perspective that helps prepare them for the transition to professional schools, graduate studies, or today's job market.

LSSU's Student Association enjoys the strong support of the President, faculty, staff, and student body. Student Association members feel empowered to make a difference on campus and perceive themselves as having a major voice on campus. Their recommendations for change have made a notable difference at LSSU. Students feel empowered to discuss needed changes with the President and the Executive Cabinet. The institution currently has two students who also serve on the State Student Association board.

Review of course syllabi, the university catalog, and assessment data as well as meetings with faculty members demonstrate a broad institutional commitment to outcome statements that align with program goals and the most recent university mission. Review of assessment documents indicates that outcome statements are widely used to ensure that courses and program changes align.

## **2. Evidence that one or more specified Core Components need organizational attention**

After numerous false starts over the past decade, a culture of assessment is clearly beginning to form at LSSU. Student learning outcomes for both general education and academic programs have been developed and shared with the campus community. The required assessment tools have been created and are currently being used to guide collection of appropriate data. While some areas of assessment are further along than others, overall the institution is moving in the right direction.

The institution has identified a small cadre of faculty with strengths in assessment through presentations and publications, it appears that the rest of the faculty members have received very little training and/or professional development related to the assessment of student learning outcomes. There has been no comprehensive or



systematic attempt to provide assessment learning opportunities for all faculty members. As a result, many faculty members and some administrators appeared to have limited knowledge of how to implement assessment of students' learning outcomes into programs. Confusion often exists between student satisfaction and opinions about learning and direct measures of student learning.

It is critical that LSSU continue to collect the identified assessment data in order to have robust baseline data which will then be used to judge future results. Once that has been achieved, it will be possible to use the results to drive programmatic improvements to general education and academic programs.

Discussions with students and faculty alike suggest that Information Technology is an area of concern that will require additional attention and resources. The current staff is overwhelmed by requirements and desires additional training. During discussions with the IT staff, it was evidenced that the institution needs consultative advice on the IT infrastructure to better serve faculty and students.

The University utilizes the NSSE. The only use of its findings that the team could discern was that the information was made available so that Colleges could use it if they found anything useful. There is no apparent use of the data at the institutional academic leadership level. The self-study did provide some of the findings from this instrument, which appears to validate that many positive things are happening institutionally, especially with student-faculty interactions.

### **3. Evidence that one or more specified Core Components require Commission follow-up.**

LSSU's mission statement clearly states it is a university community that recognizes the need "...to help students develop their full potential. We do this by providing high-quality, academically rigorous programs in an engaged, personal and supportive environment." This commitment is not clearly reflected in the teaching evaluation process, criteria for personnel decisions (tenure, promotion, and possible merit), teaching loads, and faculty development opportunities. An enhanced teaching evaluation form should be developed based on current literature and best practices. The data from the development of this form should be used for faculty development and assessment of programs for evaluative and formative purposes.

The institution has created a new position of Associate Provost to oversee the review and evaluation of programs. At the time of the comprehensive visit, it was unclear as to the timeline or cycle of review of programs, other than those reviewed by outside agencies. An established program review cycle needs to be developed and implemented to ensure that all programs are meeting learner outcomes for graduation. Reviews by outside agencies appear to be much more comprehensive and rigorous than those conducted through the campus review process.

Although some progress has been made since 2001 in the assessment of student learning, the team found that progress is inadequate for this stage of development with a Commission expectation that has existed since about 1995. Some good examples do exist, but these are generally the result of external mandates rather than internal inquiry. Further, responsibilities for assessment are unclear and systems are not apparent. Few examples of direct measures of student learning were provided to the team. The team is convinced that improvement in assessing student learning will aid the institution in its priority areas of retention and higher graduation rates and complement its stated emphasis upon teaching and learning.

Although each undergraduate program is reported to have an assessment plan, the quality of the plans and the implementation of the plans varied significantly from program to program. While some data is collected, there does not appear to be a systematic means for evaluating the data, making recommendations for change, and then reassessing the impact of the change. Programs (such as Nursing) with discipline-based accreditation appear to have a more systematic assessment program in place. Many of the programs appear to rely on indirect assessment measures, such as alumni surveys. These do not measure precisely what the students have learned.

Because of the Commission's clear statements regarding the need for institutions to assess the extent to which the organization's intended learning outcomes are met, and the fact that the issue of assessment had been raised by both the 1991 comprehensive team and a 2001 comprehensive visit team, different team members probed varied campus representatives on the topic of assessment of student learning. The team was unable to discern any demonstrable evidence regarding either the assembling, or the integration, of constituent assessment activities that were taking place on campus into an institutional database, or any locally preferred equivalent. Nor was the team shown evidence that whatever data that were either available to, or acquirable by, the institution were being analyzed to inform the planning and execution of academic, administrative, and support programs, and other activities that are important to LSSU's future.

- 4. Evidence that one or more specified Core Components are not met and require Commission follow-up. (Sanction or adverse action may be warranted.)**

#### **Recommendation of the Team**

Criterion is met; Commission follow-up is necessary.

**CRITERION FOUR: ACQUISITION, DISCOVERY, AND APPLICATION OF KNOWLEDGE.** The organization promotes a life of learning for its faculty, administration, staff, and students by fostering and supporting inquiry, creativity, practice, and social responsibility in ways consistent with its mission.

## 1. Evidence that Core Components are met

LSSU has made significant strides forward in the conduct of socially responsible research within the framework of its mission as a teaching-centered institution. LSSU encourages faculty and students alike to continue learning and extend the benefits of innovative practices to the Upper Peninsula and Michigan as a whole.

The LSSU administration has nurtured a culture of academic inquiry and research, particularly in the sciences. For faculty, especially those with doctoral degrees hired during the last decade, continuous professional development is established as an intrinsically valuable element of an academic career. In turn, faculty impart this value to their students, many of whom directly participate in innovative research projects.

LSSU has made a virtue of its small size to maximize the faculty role in directing student research. Student engagement in senior projects across the spectrum of disciplines fosters habits of mind that last far beyond graduation day.

Facilities such as the Environmental Analysis Laboratory, the Aquatic Research Laboratory and the Robotics Laboratory offer excellent opportunities for students to master research practices that will serve them long into the future.

LSSU's commitment to general education promotes rounded academic perspectives and helps equip students with the skills and background to adapt to the demands of a changing and ever more diverse society.

The Undergraduate Research Committee promotes a variety of student projects. The LSSU Foundation offers grants of up to \$1,500 per student to cover the costs of equipment, supplies and travel.

Despite declining funding, the LSSU Library makes extensive efforts to inform faculty and students about research tools at the disposal of the campus community.

At this point in time LSSU has invested approximately two years in creating and initially implementing a process of shared governance. It is clearly intended to be collaborative. The President of the Faculty Senate, who is a member of the Oversight Committee and who will be co-presenting at a national conference on the LSSU evolution of shared governance, says she is a supporter of this process

that has been created at LSSU because it gives the Faculty Senate President a voice in key institutional decisions. The process has been carefully crafted not to infringe on matters controlled by collective bargaining agreements and not to remove final decisions from appropriate administrative or board action, but to result in more informed actions.

The institution has created a web site for the Shared Governance process which features a flow chart, forms to submit policy or processes for consideration and a list of “Resolved Issues.” Additional communication will be necessary but if the process continues to add to the list of resolved issues—and to decline to become involved in issues outside of its charge, it will continue to gain supporters.

Attention has also been focused at Lake State on recognizing and responding to diversity. The subject of a 2005 Progress Report to the Higher Learning Commission, enhancing the educational experiences of students by providing cultural diversity has clearly been a goal of the board, of faculty and staff members. Diversity is a component of the mission statement and programming activities have been provided. Institutional representatives report that participation and attendance has been discouraging, and while this is not optimal, it is not a reason to discontinue efforts. Closer integration with faculty and coursework was mentioned as one remedy. It will be important for the institution to remain committed to providing a wide range of experiences and perspectives for students since the majority of students are from a relatively isolated region near Sault Sainte Marie, Michigan and Sault Sainte Marie, Canada.

Plans have been discussed to ask a former visiting professor, Dr. Gordon Nakagawa, to commit to future visits or teaching obligations in residence. His previous visit was successful and some of the recommendations made as a result of his time spent on campus have been instituted. There are other individuals who could provide this form of educational programming for students and professional development for faculty and staff. The institution needs to attend further to this issue, but team members found evidence of efforts to engage individuals who bring diversity, to celebrate it and demonstrate that different perspectives are valued. During the team visit the art gallery featured the work of a Native American artist. In addition one Board of Trustees member is an enrolled member of an area tribe and is a tribal judge.

Alumni are surveyed and serve on advisory boards, reflecting interest in life-long learning and fostering of learning by new generations. Evidence was provided in campus meetings and among materials available to the team on campus.

Hiring practices were discussed with the Director of Human Resources to assure that search procedures employ recruitment strategies to seek individuals who would increase diversity among employees. One specific example from the academic side was the opportunity nursing students have for international clinical placements. By serving both in Canadian and local hospitals, they are introduced to different nursing and clinical philosophies. Citing these examples is not intended to indicate that Lake Superior State University has achieved its objectives where diversity is concerned and more thoughtful work is needed. However, there is some evidence of value placed appropriately on enhancing diversity.

**2. Evidence that one or more specified Core Components need organizational attention.**

LSSU has been making the transition from an institutional culture in which scholarship is an incidental aspect of academic life to one in which scholarship plays a vital role in support of the teaching mission and faculty professional development. The university needs to sustain faculty scholarship in departments such as business, criminal justice, English, mathematics, psychology and sociology in which scholarly output has not always been a regular feature of academic life.

Although some opportunities exist for continued professional growth, employees reported that more training was needed on the administrative policies and procedures within the university setting. In addition, more training was welcomed in the area of diversity, dealing with both attracting a more diverse faculty and staff, and also handling diversity issues with current faculty and staff. A comprehensive professional development program may benefit the University.

Although LSSU articulates a diversity commitment to the value of study abroad programs, attempts have been unsuccessful. The institution initiated a pilot program with Northwest University in China, however, the program was not continued due to the low return on investment between the two institutions.

**3. Evidence that one or more specified Core Components require Commission follow-up.**

The institution contracts the services of WebCT/Blackboard CE 8 for online opportunities. However, it is very unclear as to how many fully online course offerings are available to students. The institutions has implemented other forms of technology in the classroom such as i>clickers, WIMBA and interactive whiteboards. The infrastructure is in need of expansion to fully utilize the benefits of Blackboard CE 8, which is a very expensive LMS to use based on the relatively small number of full online course offerings. A strategic plan would enhance the ability for more courses or programs to be offered for students who are not physically located near the LSSU campus. At the present time, it is unclear as to how courses are developed with only one staff member fulfilling the duties of this role. There is identified faculty on campus that assists with training, but this is in addition to their full time faculty responsibilities. The university may benefit from the services of a consultant for web-based education or from other universities which have online education to gain more perspective on how to expand and/or enhance its online presence. Opportunities exist for the University to further serve its constituencies.

**4. Evidence that one or more specified Core Components are not met and require Commission follow-up. (Sanction or adverse action may be warranted.)**

**Recommendation of the Team**

Criterion is met; Commission follow-up is necessary.

**CRITERION FIVE: ENGAGEMENT AND SERVICE.** As called for by its mission, the organization identifies its constituencies and serves them in ways both value.

**1. Evidence that Core Components are met.**

The Aquatics Research Laboratory is a good example of responsible practices yielding considerable benefit to Michigan and its natural environment. LSSU has the primary facility in the state for supporting efforts of the Department of Natural Resources to maintain levels of Atlantic Salmon.

LSSU has partnered with multiple external organizations in response to prompts from those organizations or from LSSU's own environmental scans. Examples of these partnerships are: Little Traverse Constituency in developing the Vermilion Project, and with Algoma Public Health in Sault Ste. Marie, Ontario, the establishing of an International School of Public and Environmental Health. LSSU has also has partnered with the local Coast Guard agencies to make classes available to its service members at the station and on those members' schedules. LSSUS and the Coast Guard also partnered in establishing an Environmental

Analysis Lab that is able to serve local needs while providing on-site laboratory experience for students.

The University is committed to providing services that are of mutual benefit to the community, town, and constituencies and to align its resources and programs to meet their needs. Recent examples in the science and engineering programs include the Environmental Analysis Laboratory (EAL), the Produce Development Center (PDC), the Exercise Physiology Laboratory (EPL), and the Aquatic Research Center (ARC). Each program provides student and faculty expertise to benefit community needs.

LSSU is responsive to constituencies that depend on its services by offering service-oriented connections to the community. These connections are enriched by students' senior projects and other capstone experiences. Examples of student community service include fund raisers and unpaid internships, practica, or clinical experiences. For example, in the School of Engineering and Technology, students are required to participate in a capstone project. The projects enable students to interact with other engineering and technology students with diverse educational backgrounds. Students in Environmental Health and Environmental Management are required to complete an internship working in their field. Students spend summers working for public health departments, tribal agencies, municipalities, townships, state agencies, Ontario public health agencies, and private businesses. Criminal Justice students typically are assigned work with local police, border patrol, customs, LSSU security, state police, and other agencies

The community and other internal and external constituencies value the many services and resources that LSSU provides. Examples of recent collaborations with the community include pursuit and successful designation as a SmartZone in the state of Michigan, expansion of the role of Environmental Analysis Laboratory and Aquatics Research Laboratory by a donation from the Edison Sault Electric Company of a 16,000 square-foot building. Also, some students and staff voiced the opinion that the university needs to become more of a "college town" rather than a "town with a college", and perhaps value students more in the downtown area. In response to these sentiments, in 2010 the City of Sault Ste. Marie received a 21st Century Communities (21c3) grant and began collaborating with LSSU to establish a town/gown strategy integrated with the region's economic development.

2. **Evidence that one or more specified Core Components need organizational attention**
3. **Evidence that one or more specified Core Components require Commission follow-up.**

- 4. Evidence that one or more specified Core Components are not met and require Commission follow-up. (Sanction or adverse action may be warranted.)**

**Recommendation of the Team**

Criterion is met; no Commission follow-up is necessary.

**V. STATEMENT OF AFFILIATION STATUS**

**A. Affiliation Status**

No Change

**B. Nature of Organization**

**1. Legal status**

Public – No Change

**2. Degrees awarded**

A, B, M – No Change

**C. Conditions of Affiliation**

**1. Stipulation on affiliation status**

No Change

**2. Approval of degree sites**

No Change

**3. Approval of distance education degree**

No Change

**4. Reports required**



## **Monitoring Report**

**The following reports are due by February 1, 2013:**

1. A clearly defined Tenure and Promotion process aligned with the faculty collective bargaining agreement
2. IT Strategic plan and Professional Development/Training Plan for IT personnel
3. A university assessment plan outlining a clear process for collecting, disseminating and implementing assessment results.
4. A plan indicating how the Shared Governance model has progressed and results from the model as it has impacted the new reorganizational structure

## **Rationale and Expectations**

**Monitoring Report #1:** During the time of the visit, the team reviewed the faculty collective bargaining agreement for clarity in the area of tenure and promotion policies and procedures. After interviewing faculty and administration, it was evident to the team that this is an area that lacks clarity, procedure and implementation. It was also evident that faculty have little input on the tenure and/or promotion guidelines. Junior faculty indicated that they were not sure when consideration for their tenure would be possible and only became aware of tenure if the department chair or Dean notified them.

**Monitoring Report #2:** The team also found during the visit that a clearly defined IT Strategic plan did not exist. With the fast-paced change in technology, it is imperative that the institution plan for infrastructure updates and hardware and software replacement. The team also noted that the IT area lacked a professional development plan to stay current and abreast of IT needs and updates. Faculty and staff clearly articulated the need for professional development/training in all areas of technology. In addition, the team was unclear about the actual use of online course offerings due to varying responses to this question from faculty.

**Monitoring Report #3:** The team also found that assessment had not been articulated across campus. The institution was cited for assessment during their accreditation visit in 2002 and progress in this area lacked evidence on the university level. The team saw evidence of assessment on the department level and college level, but there was no “closing of the loop” of centralized location for university assessment plans. The team believes that assessment is being completed but is not being aggregated or implemented as a part of a university assessment plan.

**Monitoring Report #4:** The team did confirm that the institution had implemented a new “shared governance” model during the past academic year.

There was evidence of the beginning stages of the process of shared governance with newly formed committees and the discussion of new policies, but there was no evidence at the time of the visit that demonstrated that this model will be continued beyond what is written in the self-study and what was shared with the team. The team would like to see how the model of shared governance moves the institution into the state of continuous improvement across all levels to help reconnect the constant flux of administration with faculty and staff.

If the institution is not able to clearly articulate the results needed in the monitoring reports required then a focused visit is recommended immediately to evaluate the progress made by the institution.

**5. Other visits scheduled**

None

**6. Organization change request**

None

**D. Commission Sanction or Adverse Action**

None

**On Notice**

**Due Date for Report**

**Rationale and Expectations**

**Areas That Must Be Addressed**

**Probation**

**Next Evaluation Visit**

**Rationale**

**Areas That Must Be Addressed (requirements for removal of probation)**

**Denial or Withdrawal of Status**

**Rationale**

**E. Summary of Commission Review**

Timing for next Comprehensive Visit: 2016-2017

Due to the constant flux in administrative changes the past decade, the institution has not had an opportunity to reevaluate its priorities. With each new President came a new mission and vision for the university. Since 2001 the institution has changed its mission and vision three times. Even though they have focused on serving the region and State with undergraduate programs, it has not been able to move forward with advancing these programs due to leadership and budgetary constraints. With the flux of leadership and the implementation of yet another organizational restructure, the team believes there is a need for a shortened reaccreditation timeline to ensure that the institution is moving forward and has implemented the structural mechanisms for a culture of communication with the new Shared Governance model. This new model includes an avenue for faculty and administration to work as a collaborative unit. This model includes a committee on Strategic Planning and Budget Committee which was discussed by faculty and staff as an area in need of improvement. This reaccreditation visit will also lead the institution into the new pathways model being implemented at this time.

## **VI. ADDITIONAL COMMENTS AND EXPLANATIONS**

NA

## **WORKSHEET FOR THE EVALUATION TEAM ON FEDERAL COMPLIANCE REQUIREMENTS**

This worksheet becomes an appendix to the team report.

### **INSTITUTIONAL MATERIALS RELATED TO FEDERAL COMPLIANCE REVIEWED BY THE TEAM:**

The Self Study provided by the institution including an attachment addressing Federal Compliance.

**One page document provided by the President regarding financial challenges. Websites for the Admissions Office, Registrar, Risk Manager and Ombudsperson.**

**Notes taken in meetings with the Vice President for Finance and Administration, Director of Athletics and Provost.**

**Notebooks used to maintain records of student complaints and dispositions.**

### **EVALUATION OF FEDERAL COMPLIANCE PROGRAM COMPONENTS**

*The team reviews each item identified in the Federal Compliance Guide and documents its findings in the appropriate spaces below. Generally, if the team finds in the course of this review that there are substantive issues related to the institution's ability to fulfill the Criteria for Accreditation, such issues should be raised in appropriate sections of the Assurance Section of the Team Report or highlighted as such in the appropriate AQIP Quality Checkup Report.*

**1. Credits, Program Length, and Tuition:** *The institution has documented that it has credit hour assignments and degree program lengths within the range of good practice in higher education and that tuition is consistent across degree programs (or that there is a rational basis for any program-specific tuition). New for 2012: The Commission has a new policy on the Credit Hour. Complete the Worksheet in Appendix A and then complete the following responses. Attach the Worksheet to this form.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

  X   The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

\_\_\_\_\_ The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments: NA

Additional Monitoring, if any: None

**2. Student Complaints:** *The institution has documented a process in place for addressing student complaints and appears to be systematically processing such complaints as evidenced by the data on student complaints for the three years prior to the visit.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

\_\_\_\_\_ The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments: NA

Additional Monitoring, if any: None

**3. Transfer Policies:** *The institution has demonstrated it is appropriately disclosing its transfer policies to students and to the public. Policies contain information about the criteria the institution uses to make transfer decisions.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

\_\_\_\_\_ The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments: NA

Additional Monitoring, if any: None

**4. Verification of Student Identity:** *The institution has demonstrated that it verifies the identity of students who participate in courses or programs provided to the student through distance or correspondence education and has appropriate protocols to disclose additional fees related to verification to students and to protect their privacy.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

X The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments: NA

Additional Monitoring, if any: None

**5. Title IV Program and Related Responsibilities:** *The institution has presented evidence on the required components of the Title IV Program.*

- **General Program Requirements:** *The institution has provided the Commission with information about the fulfillment of its Title IV program responsibilities, particularly findings from any review activities by the Department of Education. It has, as necessary, addressed any issues the Department raised regarding the institution's fulfillment of its responsibilities in this area.*
- **Financial Responsibility Requirements:** *The institution has provided the Commission with information about the Department's review of composite ratios and financial audits. It has, as necessary, addressed any issues the Department raised regarding the institution's fulfillment of its responsibilities in this area. (Note that the team should also be commenting under Criterion Two if an institution has significant issues with financial responsibility as demonstrated through ratios that are below acceptable levels or other financial responsibility findings by its auditor.)*
- **Default Rates.** *The institution has provided the Commission with information about three years of default rates. It has a responsible program to work with students to minimize default rates. It has, as necessary, addressed any issues the Department raised regarding the institution's fulfillment of its responsibilities in this area.*

- ***Campus Crime Information, Athletic Participation and Financial Aid, and Related Disclosures:*** *The institution has provided the Commission with information about its disclosures. It has demonstrated, and the team has reviewed, the institution's policies and practices for ensuring compliance with these regulations.*
- ***Student Right to Know.*** *The institution has provided the Commission with information about its disclosures. It has demonstrated, and the team has reviewed, the institution's policies and practices for ensuring compliance with these regulations. The disclosures are accurate and provide appropriate information to students. (Note that the team should also be commenting under Criterion One if the team determines that disclosures are not accurate or appropriate.)*
- ***Satisfactory Academic Progress and Attendance.*** *The institution has provided the Commission with information about policies and practices for ensuring compliance with these regulations. The institution has demonstrated that the policies and practices meet state or federal requirements and that the institution is appropriately applying these policies and practices to students.*
- ***Contractual Relationships:*** *The institution has presented a list of its contractual relationships related to its academic program and evidence of its compliance with Commission policies requiring notification or approval for contractual relationships (The institution should review the Contractual Change Application on the Commission's Web site for more information. If the team learns that the institution has a contractual relationship that may require Commission approval and has not completed the appropriate Commission Contractual Change Application the team must require that the institution complete and file the form as soon as possible.)*
- ***Consortial Relationships:*** *The institution has presented a list of its consortial relationships related to its academic program and evidence of its compliance with Commission policies requiring notification or approval for consortial relationships (The institution should review the Consortial Change Application on the Commission's Web site for more information. If the team learns that the institution has such a consortial relationship that may require Commission approval and has not completed the appropriate Commission Consortial Change Application the team must require that the institution complete and file the form as soon as possible.)*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

**Comments:**

**There were references in publications to additional locations and it was not clear whether these locations already had or require HLC approval. The Commission was advised to communicate with the institution to gather additional information to determine if approval is**

**required. Given the institution's history of leadership change, the question of whether there are any ongoing Contractual or Consortial relationships which need review and approval should be looked into by the Commission.**

**6. Institutional Disclosures and Advertising and Recruitment Materials:** *The institution has documented that it provides accurate, timely and appropriately detailed information to current and prospective students and the public about its accreditation status with the Commission and other agencies as well as about its programs, locations and policies.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments:

**See above section.**

**7. Relationship with Other Accrediting Agencies and with State Regulatory Boards:** *The institution has documented that it discloses accurately to the public and the Commission its relationship with any other specialized, professional or institutional accreditor and with all governing or coordinating bodies in states in which the institution may have a presence. Note that if the team is recommending initial or continued status, and the institution is currently under sanction or show-cause with, or has received an adverse action from, any other federally recognized specialized or institutional accreditor in the past five years, the team must explain the action in the body of the Assurance Section of the Team Report and provide its rationale for recommending Commission status in light of this action. In addition, the team must contact the staff liaison immediately if it learns that the institution is at risk of losing its degree authorization or lacks such authorization in any state in which the institution meets state presence requirements.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.



\_\_\_\_\_ The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments: NA

Additional Monitoring, if any: None

**8. Public Notification of an Evaluation Visit and Third Party Comment:** *The institution has made an appropriate and timely effort to solicit third party comments. The team has evaluated any comments received and completed any necessary follow-up on issues raised in these comments. Note that if the team has determined that any issues raised by third-party comment relate to the team's review of the institution's compliance with the Criteria for Accreditation, it must discuss this information and its analysis in the body of the Assurance Section of the Team Report.*

CHECK THE APPROPRIATE RESPONSE THAT REFLECTS THE TEAM'S CONCLUSIONS:

The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution to meet the Commission's requirements but recommends follow-up.

\_\_\_\_\_ The team has reviewed this component of federal compliance and has found the institution not to meet the Commission's requirements and recommends follow-up.

\_\_\_\_\_ The team also has comments that relate to the institution's compliance with the Criteria for Accreditation. See Criterion (insert appropriate reference).

Comments: NA

Additional Monitoring, if any: None

# **ADVANCEMENT SECTION**

## **REPORT OF A COMPREHENSIVE EVALUATION VISIT**

TO

Lake Superior State University  
Sault Ste. Marie, MI

October 24-26, 2011

FOR

### **The Higher Learning Commission**

A Commission of the North Central Association of Colleges and Schools

### **EVALUATION TEAM**

Dr. Robert Baumann, Director, Graduate Programs, U.S. Army Command and General Staff College, Ft. Leavenworth, KS 66027

Dr. Patricia A. Clanton, Assoc. Prof., Southern Arkansas University, Magnolia, AR 71754

Dr. David M. Sammeth, Professor, New Mexico Highlands University, Las Vegas, NM 87701

Ms. Judith P. Siminoe, Special Advisor to the President, St. Cloud State University, St. Cloud, MN 56301

Dr. David E. Todt, Provost, Shawnee State University, Portsmouth, OH 45662

Dr. Gayle A. Kearns (Chair), Associate Dean, University of Central Oklahoma, Edmond, OK

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## **I. OVERALL OBSERVATIONS ABOUT THE ORGANIZATION**

Despite the institution's history of accreditation successes, dating back to their first accreditation in 1968, the past 20 years have presented accreditation challenges for the institution. The 2001 team did recommend that the institution be granted continued accreditation at the Bachelor's level with the next comprehensive evaluation to take place during the academic year 2010-2011. However, the team recommended that a progress report be sent to NCA by April 2004 to be focused on plans for and accomplishments in addressing issues of diversity and assessment. The institution submitted the required reports on diversity and assessment to the NCA and the reports were accepted by the Commission. The 2010-2011 Comprehensive visit was delayed for one year due to a request from the institution based on the constant flux of administration for the past 10 years and a lack of leadership to drive the institution forward with a model of continuous improvement.

The 2011 team visited a university that has made an attempt at moving the institution forward. The current President has been at the institution for the past two years and has been the catalyst to rejoin the campus. A disconnect between faculty, staff and administration has caused the lack of progress in many areas—assessment, shared governance and growth in campus leadership. However, there is the rebuilding of trust with the new leadership team which will allow the university to move forward. With the stability of leadership the understanding of the mission is much more widespread by all constituencies. There appears to be a coherent, dynamic planning process that links external and internal trends, institutional values, and the concerns of multiple constituencies to actions and resource allocation. Governance structures are formed and policy is being formulated. Assessment has begun to pervade the institution and with consistent leadership, the loop should be closed and a university assessment model should drive the improvement of the programs. The beginnings of improvement are in place now to ensure continuous improvement. Effective teaching is valued and promoted. Academic integrity, scholarship and creative activities, and a lifetime of learning for all constituencies are clearly supported.

## **II. CONSULTATIONS OF THE TEAM**

### Charter Schools

There is ambivalence about the benefits and burdens of charter schools. Management of this responsibility has been recently assigned to a newly hired individual in the College of Education. While it would be inappropriate for the team to advocate for a particular approach to charter schools, these schools could be used to strengthen academic programs or provide community engagement experiences. They are distant from campus but there are ways to move people and to communicate without being present. It is possible that the institution's primary role is an administrative one involving only a few members of the campus community but it is also possible that greater involvement could enrich the campus community.

### Governing Board Role

Governing Board members have a handbook for their new members and have expressed interest in board development. Finding the exact calibration of board involvement within the institution is challenging. Board members who understand the board's policy role must hold one another accountable to maintain that focus and to trust administrators to carry out implementation steps. The high level of administrative turnover Lake Superior State University has experienced calls out for leadership from the Board of Trustees as well as from faculty and student leaders. Lake Superior State University seems to have almost a new lease on life. It has weathered very significant financial and leadership challenges. Now it is poised to embrace shared governance approaches to planning for the future. There will likely be more changes in leadership at the institution and faculty leaders have said their hope for shared governance is to provide institutional stability and preserve progress. In these activities there are important roles for the governing board. The staggered terms and members with multiple terms mean the Board of Trustees can assist with continuity. Board members must share the internal work with the rest of the state and protect the credibility of the shared governance processes.

### Student technology fee

Many institutions have determined that the only way to maintain current technology is to permit students to adopt a dedicated technology fee. There may be legislative restrictions on adding fees in Michigan. If not, students will sometimes vote to impose this dedicated fee on themselves since they see the direct return in ensuring higher quality technical capabilities. Usually when students take on technology fees they also adopt criteria for eligible investments and review and approve some or all of the funding requests annually. This provides additional experience for students.

### Undergraduate Research

LSSU has done a commendable job of engaging undergraduates in research projects. Both the Aquatic Research Laboratory and the Robotics Laboratory, to cite only two examples, involve students in scientific investigation of great relevance to Michigan and society as a whole. The excellent opportunities afforded undergraduates are possible by virtue of both the institution's small size and its dedicated faculty. One of the best ways to instill an appreciation of research in students is for faculty members to model appropriate scholarly behaviors. While LSSU has made significant strides during the past decade in cultivating a culture of scholarship among the faculty, the institution would if interest in scholarly pursuits continued to spread more widely among the faculty. Given the current wording of the labor agreement with faculty, it remains possible for individual faculty members to focus almost exclusively on teaching. Although good teaching rightfully holds first priority among the skills expected of LSSU faculty, there is benefit to scholarship as well, both in terms of maintaining currency in a discipline and in imparting to students a sense of wonder associated with the discovery of new knowledge.

Moreover, increased faculty scholarship would create additional opportunities for undergraduates to make direct contributions to ongoing projects.

### Diversity Challenges

From an analysis of data provided in the self-study due to the 2001 team visit report on diversity, it is clear the university is generally perceived by constituents to be a “warm, inviting, and welcoming place.” The evidence also suggests that the university is committed to advancing its diversity goals as exemplified in part by the initiatives outlined in their diversity report and the recommendations made by the consultant that have been implemented. The university also appears to be taking a more aggressive stand in diversifying its faculty and staff by employing more international individuals and by ensuring that applicant pools are much more diverse.

However, it is equally clear from the evidence that the University recognizes the challenge it still faces in diversifying the campus. In this regard, the university may want to consider SOME widely-used strategies employed at other institutions: (1) include leading members from the area’s minority community in the university’s search process; (2) create targeted searches, specifically aimed at recruiting minority faculty; (3) train and encourage search committees concerning inclusiveness and proactive recruiting in searches; (4) continue to examine the pattern of searches--are they launched early enough, proceed expeditiously, etc. What happens to candidates along the way?; (5) consider spousal/partner hiring and hiring in specific disciplines that offer distinct opportunities; and (6) consider whether the leadership team is sufficiently diverse and modeling in its own actions aggressive searches with diverse outcomes.

### Administrative Leadership

LSSU has made clear progress in strengthening the role of the President and Provost. The leadership team has been strengthened with the hiring of the new President and the internal selection of a proven faculty member to serve as Provost. These two administrative roles working as a strong academic leadership team will enhance the continuous improvement of assessment, general education, and research development.

### Enrollment Strategies

While continuing to increase full-time undergraduate enrollment is feasible, there are two issues that the University must confront: first, the Sault Sainte Marie area has a limited pool of potential full-time students; and second, the number of traditional age high school graduates has declined across the nation—statistics have predicted that this decline will continue through 2016. These facts underscore the importance of the University making decisions about its niche and developing/implementing a strategic enrollment plan to achieve its niche through a University-wide effort that cannot be left solely to the enrollment management staff to achieve. If the University pursues a strategy to increase full-time student enrollment, it must be prepared to address two additional issues:

improving co-curricular student life on campus and reviewing housing needs regularly. This will be especially important if the full-time undergraduate enrollment continues to increase.

#### Community Support

Lake Superior has a very unique campus, a strong, caring faculty, and a supportive local community that should enable it to shape its image and niche, to market that niche successfully to people in the Eastern Upper Peninsula of Michigan and Canada, and to develop increasing pride among its students, faculty, staff, and alumni. LSSU is postured well to make important strategic decisions that can stabilize enrollment and can solidify the public image that it desires – what a great opportunity for the leadership of this University.

#### Co-Governance and Educational Unity

A well understood and clearly defined interface between the administration and the faculty requires considerable effort. The goal is not to divide duties and responsibilities, but rather create a system which promotes and encourages debate and discussion. Typical models require that faculty input is provided to the administration in the form of a recommendation before any final decisions are made by the administration. And while the final decision ultimately rest with the administration, it requires at the minimum that the voice of the faculty is heard. This guarantees that channels of communication remain open even during times of intense disagreement between parties. The present discussion regarding co-governance at LSSU is crucial to the future success of the institution. It is strongly encouraged that LSSU make use of the vast information available regarding the implementation of various models of co-governance.

LSSU Faculty has the responsibility of oversight for not only their courses, but also the structure and content of programs in their department, then school, and ultimately the entire institution. A strong functioning model of co-governance drives the oversight of academics from the bottom-up, i.e., the faculty, as well as the top down, i.e., the academic vice-president. The views of the LSSU faculty must ultimately create a consistent academic vision across the institution. This requires a strong, functioning faculty governance system which successfully interacts with the administration.

**III. RECOGNITION OF SIGNIFICANT ACCOMPLISHMENTS, PROGRESS, AND/OR PRACTICES**

The team wishes to conclude by commending LSSU for fully embracing the reaccreditation process during a time of constant leadership changes and a lack of consistent leadership across the institution. The institution has worked purposively to reengage the faculty, staff and administration to provide focus on the areas of improvement to inform, promote and advance the continued development of the institution's newest strategic plan. In addition to the transition of leadership during the past 10 years, the institution has experienced a drop in campus morale, serious budget implications and a static enrollment. The focus of the institution has been fraught with change, yet the institution has managed to enjoy the scholarly success of its students and faculty.



*Team Recommendations for the  
STATEMENT OF AFFILIATION STATUS*

**INSTITUTION and STATE:** Lake Superior State University, MI

**TYPE OF REVIEW (from ESS):** Continued Accreditation

**DESCRIPTION OF REVIEW (from ESS):**

**DATES OF REVIEW:** 10/24/11 - 10/26/11

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**Nature of Organization**

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**LEGAL STATUS:** Public

**TEAM RECOMMENDATION:** No Change

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**DEGREES AWARDED:** A, B, M

**TEAM RECOMMENDATION:** No Change

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**Conditions of Affiliation**

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**STIPULATIONS ON AFFILIATION STATUS:** Accreditation at the Master's level is limited to the Master of Arts in Curriculum and Instruction. International offerings are limited to courses in Canada.

**TEAM RECOMMENDATION:** No Change

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**APPROVAL OF NEW ADDITIONAL LOCATIONS:** The Commission's Expedited Desk Review Program is only available for offering existing degree programs at new locations within the state.

**TEAM RECOMMENDATION:** No Change

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**APPROVAL OF DISTANCE EDUCATION DEGREES:** New Commission policy on institutional change became effective July 1, 2010. Some aspects of the change processes affecting distance delivered courses and programs are still being finalized. This entry will be updated in early 2011 to reflect current policy. In the meantime, see the Commission's Web site for information on seeking approval of distance education courses and programs.

**TEAM RECOMMENDATION:** No Change

---

**REPORTS REQUIRED:** None

**TEAM RECOMMENDATION:** Monitoring Report due February 1, 2013; a report on aligning tenure and promotion with collective bargaining agreement. Monitoring Report due February 1, 2013; a report on Information Technology planning and professional development. Monitoring Report due February 1, 2013; a report on Assessment. Monitoring Report due February 1, 2013; a report on shared governance.

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**OTHER VISITS SCHEDULED:** None

**TEAM RECOMMENDATION:** No Change

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**Summary of Commission Review**

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*Team Recommendations for the  
STATEMENT OF AFFILIATION STATUS*

**YEAR OF LAST COMPREHENSIVE EVALUATION: 2000 - 2001**

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**YEAR FOR NEXT COMPREHENSIVE EVALUATION: 2011 - 2012**

**TEAM RECOMMENDATION: 2016 – 2017**

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## ORGANIZATIONAL PROFILE

**INSTITUTION and STATE:** Lake Superior State University, MI

**TYPE OF REVIEW (from ESS):** Continued Accreditation  
\_x\_ No change to Organization Profile

### Educational Programs

	Program Distribution	Recommended Change (+ or -)
Programs leading to Undergraduate		
Associate	24	
Bachelors	66	
Programs leading to Graduate		
Masters	1	
Specialist	0	
First Professional		
Doctoral	0	

### Off-Campus Activities

<p>In-State:</p> <p style="padding-left: 40px;">Campuses: Additional Locations:</p> <p style="padding-left: 40px;">Course Locations:</p>	<p>Present Activity:</p> <p>None            Dearborn (Lake Superior State University - Dearborn University Center) ; Escanaba (Escanaba Regional Center) ; Gaylord (University Center at Gaylord Michigan) ; Iron Mountain (Bay de Noc Community College, Iron Mountain, MI) ; Lansing (Lansing Community College) ; Newberry (Newberry) ; Petosky (Petoskey Regional Center)</p> <p style="padding-left: 40px;">3</p>	<p><b>Recommended Change:</b> (+ or -)</p>
<p>Out-of-State:</p> <p style="padding-left: 40px;">Campuses: Additional Locations: Course Locations:</p>	<p>Present Wording:</p> <p>None None None</p>	<p><b>Recommended Change:</b> (+ or -)</p>
<p>Out-of-USA:</p>	<p>Present Wording:</p>	<p><b>Recommended Change:</b> (+ or -)</p>

Campuses:	None
Additional Locations:	None
Course Locations:	None

**Distance Education Programs:**

Present Offerings:

Bachelor - 43.0201 Fire Prevention and Safety Technology/Technician (BS, Fire Science) offered via Internet; Videocassettes, DVDs, and CD-ROMs

**Recommended Change:**

(+ or -)

**Correspondence Education Programs:**

Present Offerings:

None



## **Appendix K**

Title IV Program Responsibilities: Correspondence - Default Rates

Not Applicable - no management plan is required.



## **Appendix L**

Title IV Program Responsibilities: Sample Loan Agreements



# LAKE SUPERIOR STATE UNIVERSITY LOAN APPLICATION & NOTE

4791

(Please print in ink).

Full name \_\_\_\_\_ Student ID \_\_\_\_\_  
Last First Initial

Local Address \_\_\_\_\_ Local Phone \_\_\_\_\_  
Address City

Permanent Address \_\_\_\_\_  
Address City State Postal Code

Driver's License # \_\_\_\_\_ Class:  Freshman  Sophomore  Junior  Senior

Semester/Year \_\_\_\_\_ Number of Credits \_\_\_\_\_

Purpose of the loan:  Books  Other \_\_\_\_\_

Source of funds to repay loan: \_\_\_\_\_

Amount you want to borrow \$ \_\_\_\_\_

### Loan Office Use Only

Amount	\$ _____
Service Charge	\$ _____
Total Borrowed	\$ _____

Loan Due on or before \_\_\_\_\_  
Approved by \_\_\_\_\_  
Date \_\_\_\_\_  
Authorized signature

### PROMISSORY LOAN & CERTIFICATION (LOAN DETAILS ON REVERSE)

I certify the information on this form is true and complete to the best of my knowledge. I have read and understand the eligibility requirements, terms and conditions of this loan. I promise to pay to the order of Lake Superior State University, Sault Ste. Marie, Michigan the sum of \$ \_\_\_\_\_, on or before \_\_\_\_\_ payable at the Student Service Center. If sufficient excess financial aid is available on my account, I authorize the University to use my excess financial aid to pay this debt. I understand that I will be charged a late fee, interest and collection costs, if my loan is considered in default.

**X** \_\_\_\_\_  
Signature Date

Concurrence - Business Office \_\_\_\_\_ Date \_\_\_\_\_ Check no. \_\_\_\_\_  
Repayment record \_\_\_\_\_ Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

## **Short Term Educational Loan Program**

The short-term educational loan program has been established to assist students with a short term need for cash. If the student is in good standing with the University, the University may offer the student a short-term loan (not to exceed 30 days). A service fee will be charged for all short-term loan checks. If the student has excess financial aid on their account, the short term loan and fee will be charged to their account and subtracted from the next excess aid refund. If the student does not have sufficient excess financial aid to pay the loan and fee within 30 days, payment must be made to LSSU, Student Service Counter, Fletcher Center for Student Services, Lake Superior State University, 650 W. Easterday Ave., Sault Ste. Marie, MI 49783.

## **Application of Financial Aid to University Charges**

Lake Superior State University will apply Federal Title IV financial aid toward the payment of tuition, fees, and room and board charges before any other authorized charges. Other charges may include short term loans, parking/library fines, deferred payment charges, vehicle registrations, sport/activity passes, etc, if authorized by the student. The student has the right to rescind their authorization, in writing, without penalty, if the student prefers to pay other charges without the use of financial aid. The cancellation or modification of the authorization is not retroactive.

## **Collection Procedure for Delinquent Student Loans**

- 1. The student whose loan becomes delinquent will be assessed a late fee of 1.5% for each month the payment is delinquent.**
2. After the loan becomes delinquent, all funds due to the student will be applied against the loan until the balance due plus any penalties or service charges are paid.
3. When a loan becomes delinquent, THE STUDENT AUTOMATICALLY FORFEITS THE PRIVILEGE TO MAKE ANOTHER LOAN APPLICATION until all outstanding debts are satisfied.
4. If a loan becomes delinquent and the student willfully ignores our payment request, the privilege of using the student loan funds will be permanently withdrawn from the student. (Determination of this negligence will be made by the Business Office, the record keeping and collections agent for the loan fund.)
5. If no satisfactory explanation is received within 60 days, the account will be turned over to the State of Michigan, or another collection agency for collection. The student will be responsible for all costs and fees associated with the collection of the debt.
6. Students with delinquent accounts will not be allowed to register nor will their transcripts be released by the Registrar's Office until said accounts are cleared.

It is the policy of Lake Superior State University that no person shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in employment, or in any program or activity for which the University is responsible on the basis of race, color, national origin or ancestry, gender, age, disability, religion, height, weight, sexual preference, marital status or veteran status.

Under certain conditions, my loan may be discharged in bankruptcy. In order to discharge a loan in bankruptcy, I must provide undue hardship in an adversary proceeding before the bankruptcy court.



## Short-Term Education Loan Procedures

Ensure the form is completed with appropriate student signature. It is especially important that the Driver's License is on the application. The contract must NEVER be given to the student to return at a later time.

**Check the following BANNER screens.**

**SOAHOLD** – If the hold is for Parking or Library fine the student must pay the fine prior to receiving the Loan. (The loan may be used to pay these fines). All other financial hold must be cleared prior to eligibility.

**TSAAREV** – Student must have a current balance owing of zero “0”. If the student does not have a 0 balance and indicate forthcoming financial aid, refer student to the Director of Financial Aid for written approval.

Check carefully for NSF charges.

**SFAREGS** – Student must be currently enrolled in a minimum of 6 LSSU credits. Student must be in a degree program at LSSU

*SFAREGF Have to be current*

**Have Student complete the Short-Term Education Loan Application. Upon approval the student must receive the back copy of the application. Ensure that the following fees are stated to the student:**

Amount of Loan	Fee
\$ 50 - \$100	\$5
\$101 - \$200	\$10
\$201 - \$300	\$15

At this point the student may leave with the understanding that their check will be ready the next business day after the application completion.

The form then goes to the Staff Accountant responsible for input of the charge and check.



## **Appendix M**

Title IV Program Responsibilities: Campus Crime Information

<http://www.lssu.edu/publicsafety/clery/>



**LAKE SUPERIOR**  

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**STATE UNIVERSITY**

# **Annual Fire & Safety Report**

**Statistics 2012, 2013 & 2014**



## WELCOME

Medical emergencies, crimes, fires and other hazards are present in any community and do occur on the campuses of the Lake Superior State University. However, if you are prepared, you can help protect yourself and others. If precautions are taken, many incidents can be prevented. By using proper procedures, you can get help quickly for yourself and others.

### *Annual Campus Public Safety Report*

The annual Public Safety Report contains college policies regarding facility safety and access, law enforcement, the reporting of criminal activity and emergencies, security awareness and crime prevention programs. The report also contains crime statistics for the college and other useful information regarding security. The report can be accessed on the Internet at [www.lssu.edu/publicsafety/clery](http://www.lssu.edu/publicsafety/clery). To compare Universities/Colleges the report can be accessed on the Internet at <http://ope.ed.gov/security>

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.

The Annual Campus Crime 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.

We hope you have a successful and safe year.

Priscilla Stevens, Director of Public Safety

Crime Statistics for North Central Michigan College and Bay de Noc Community College have separate links on the [www.lssu.edu/publicsafety](http://www.lssu.edu/publicsafety) web page.

## **The Reporting of Criminal Actions or Emergencies**

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The Lake Superior State University Public Safety Department is responsible for security and enforcement of Michigan State Statutes at the University. The Public Safety Department is located in the Administration Building, main level. Twenty-four hour a day phone service to the department is available by dialing 906-635-2100 from off campus and 2100 from on campus phones. The department is staffed by the Director, four full-time Public Safety Officers, and four part-time Public Safety Officers and 25 student auxiliary officers and dispatchers. The Sault Sainte Marie Police Department provides law enforcement services to the campus, and is supported by the Chippewa County Sheriff's Department for criminal activity. To report a crime or if assistance is needed, members of the campus community should call the Public Safety Department at 635-2100 (2100 from on campus) or 911 (9-911 from on campus) if immediate threat is present (**severely hurt, sick or in danger**).

It is important not to hang up the phone until the Dispatcher or 911 Dispatcher tells you to do so. Free on-campus public telephones are located in the lobbies or public areas of all campus buildings. Using these easily accessible telephones, the Public Safety Department can also be reached by dialing 2100.

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.

A college Incident Report Form or Accident/Injury Report must be filled out following any emergency situation. All reports must be taken by a member of the Public Safety Department.

LSSU permits victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, to the extent that the university knows the identity of persons reporting such crimes, the university may be legally required in some circumstances to disclose that information.

### **Access to Campus Facilities**

Academic and administrative buildings are accessible to members of the campus community and general public during normal business hours, Monday through Friday (excluding most holidays), Saturday and Sunday access is limited.

Student residents can access their hall with the use of their key at any time. Current residential hall students can access any residence hall between 9:00 a.m. to 10:00 p.m. Sunday thru Thursday and from 9 a.m. to 12 a.m. Friday and Saturday. During the hours between those times, residents can only access the hall they currently reside in. During break, student residents cannot access their hall. During move in and move out doors will be unlocked for a limited time. Guests from outside the building are to be escorted by their hosts in compliance with the Residence Hall contract.

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

The University maintains a very strong commitment to campus safety and security. Exterior lighting is an important part of this commitment. 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 are documented and acted upon by the Physical Plant Department. A comprehensive survey of all exterior lighting is conducted annually, and recommendations for improvements or adjustments are forwarded to the Physical Plant Department. Members of the campus community are encouraged to report any exterior lighting deficiencies to the Public Safety Department by calling 906-635-2100.

Exterior doors to 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. Public Safety Officers patrol parking lots and other public areas on campus by vehicle and on foot. As they patrol the campus they are alert for areas where the landscaping has become overgrown, and report those areas to the Physical Plant Department so it can be corrected.

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

Public Safety Officers at Lake Superior State University are security officers and therefore do not have arrest authority. The Sault Sainte Marie Police Department or the Chippewa County Sheriff's Department provides these services. The LSSU Public Safety Department maintains a close working relationship with law enforcement agencies at the local, state, and federal level.

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

It is the philosophy at LSSU to prevent crimes from occurring whenever possible. A primary vehicle for accomplishing this goal is the creation of a University crime prevention program. The University crime prevention programs are based upon the concept of eliminating or minimizing criminal opportunities, whenever possible, and encouraging students and employees to be partners in crime prevention efforts. LSSU's description of security awareness (crime prevention) programs is listed below. The frequency varies based on the needs of the community. Flyers may be seasonal, orientation is about six times during the summer, Campus Escort is ongoing, security survey one to two times a year. Also note sections on page 36-37.

## **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 held each summer; meeting new students and their parents and making available to them information regarding campus safety.

## **Emergency Blue Light Phones**

These two-way call boxes are located in Norris Center, "H" lot, "O" lot, "C" lot, ROC (Regional Outdoor Center), Public Safety Office entrance and one at the Townhouses. They allow an individual in need of assistance to speak directly with a member of the department. The officer or dispatcher will contact the appropriate emergency response team to the caller.

## **Campus Escort Program**

If you must travel alone at night, the campus escort program provides a reliable way to travel throughout the campus. Public Safety Officers will either walk with you or offer a ride in a Public Safety vehicle. Dial ext 2100 or 635-2100 to request an escort.

## **Security Surveys**

These surveys are conducted on a regular basis with other members of the University community. The primary goal of these surveys is to identify areas of the campus that may present vulnerabilities to one's safety. The department works with the appropriate facilities office to address concerns.

## **On-Campus Student Housing Facility Fire Prevention Information**

**Smoke detectors.** All On Campus Student Housing Facilities have smoke detectors and a Fire Alarm Control Panel. There are smoke detectors in each student room as well as in common areas. The common area detectors are connected to the central alarm system, which, in turn, is connected to the Public Safety Department, also monitored at the Physical Plant during normal business hours and the Central Heating Plant 24 hours a day.

**Fire drills.** Public Safety in conjunction with the housing department conducts eight fire drills (evacuations) from each on campus student housing facility during the academic year. **Lake Superior State University conducted 8 fire drills in residential halls in 2014.** The University requires complete evacuation of buildings during a fire alarm. Individuals who ignore fire alarms and required evacuations may face disciplinary action. Since false alarms may lower the evacuation response from students, the University will analyze the cause or causes of false alarms and work to reduce their occurrence. By reducing the number of false alarms, we hope to maintain students' diligence in responding. \*Fire Statistics and other information listed at end of this report.

**Fire Safety training and education** at LSSU consists of fire evacuation training for instructional staff before the first class in the Fall. Students receive evacuation training with each drill performed. October is Fire Prevention month, Public Safety performs a "Mock Dorm Burn" which allows students, faculty and staff see how quickly a dorm room may burn. During the presentation a PSD Officer speaks to the on-lookers regarding safety to help reduce the possibility of a Fire. Students, Faculty and Staff are invited to participate in Fire Extinguisher Training, held several times a year.



## Campus Recording

Efforts are made to advise members of the campus community on a timely basis about campus crime and crime related problems. These efforts include the following.

1. **Annual Report.** A comprehensive annual report of crime related information is compiled and published. This annual report is available to any interested party.
2. **Crime Alert.** When special circumstances warrant it, special printed "Crime Alerts" are prepared and distributed, either selectively or throughout the campus, notifying employees and students of important crime related information.
3. **Public Safety Bulletin.** The Bulletin publishes a summary of criminal incidents that have been reported to the Public Safety. This summary is prepared by members of the Public Safety staff and includes most reported activity. The Bulletin is sent via email to employees and students.
4. **Crime Log.** This crime log is available at the Public Safety Department, Administration Building during normal business hours, Monday thru Friday, 8 a.m.-5 p.m., except holidays. Log entries for the previous day are updated each morning by 10 a.m. In order to protect an ongoing criminal investigation or the identity of a victim, the Director of Public Safety or designee may classify information as "confidential" and prohibit its release.
5. **Fire log.** A daily fire log is available for review at the LSSU Public Safety Department in the Administrative Building 1<sup>st</sup> floor, from 8 a.m.–5 p.m. Monday through Friday, excluding holidays. The information in the fire log typically includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

## Timely Warnings

If LSSU Public Safety, or appropriate administrative office, is notified that a reportable crime (see crime statistics) has occurred which presents a continued threat to the campus community, notices and/or instructions will be communicated to students, employees, and the campus community in an effort to prevent similar crimes. Warnings may be distributed in several different ways including posting on the LSSU website, by e-mail, orally, through signage, or other appropriate means. The exact means of timely warnings may vary due to the situation.

## Emergency Response

The University conducts emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. LSSU public safety staff has received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually LSSU

PSD, Soo PD, Fire and Emergency Medical Services Department, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other LSSU departments and other local or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for LSSU are publicized each year as part of the institution's Clery Act compliance efforts, and that information is available on the LSSU PSD website <http://www.lssu.edu/publicsafety/>.

## **Notification to the LSSU Community About an Immediate Threat**

The Public Safety Department receives information from various offices/departments on campus. If the PSD confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the LSSU community, Public Safety will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the LSSU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. PSD and Public Relations will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: LSSU PSD, Soo PD, and/or the Soo Fire and Emergency Medical or Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the LSSU community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the LSSU campus community. These methods of communication include posting on the LSSU website, orally, through signage, network emails, emergency text messages that can be sent to a phone or PDA (individuals can sign up for this service on the LSSU website <http://www.lssu.edu/alerts/>).

The University will post updates during a critical incident on the LSSU website. Individuals can call LSSU's recorded information telephone line for updates by calling 2858 from on campus or 906-635-2858 from off campus. Members of the larger community who are interested in receiving information about emergencies on campus should sign up for the emergency text message system and should use the Campus website. LSSU community members are encouraged to notify LSSU Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. LSSU PSD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, LSSU PSD has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, Federal Law requires that the institution notify the campus

community or the appropriate segments of the community that may be affected by the situation.

## **Emergency Notification**

The Public Safety Staff Officers in conjunction with the Director of Public Safety and the Director of Public Relations has autonomous authority on activation upon confirmation, message content and messaging on the multiple mass-communication emergency alert and notification systems and take into account the safety of the community while determining the content of the notification before initiating the notification system.

The position titles of those persons given such autonomous authority include the Director of Public Safety or designee, or Staff Officer in the absence of either the Director or designee. Concurrently or contemporaneously, the official initiating the Emergency Notification will inform the Vice President of Student Affairs of the Emergency at hand and the justification for the broadcast of the related Notification. The university authorities are working on regularly scheduling drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

## **Emergency Evacuation Procedures**

An evacuation drill is coordinated by LSSU PSD once a month (weather permitting) during the academic year for all residential facilities. Thus, the emergency response and evacuation procedures are tested at least eight times each year for residential facilities. Academic buildings are tested at least once per semester. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. LSSU PSD does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, LSSU PSD and Residential Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At LSSU, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits 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.

Evacuation drills are monitored by LSSU PSD, and Residential Life (for residential facilities) to evaluate egress and behavioral patterns. Reports are prepared by participating departments that identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments for consideration.

Students receive information about evacuation and shelter-in-place procedures during floor meetings and during other educational sessions that they can participate in throughout the year. The Residential Life Staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities. Public Safety conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. LSSU PSD coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. LSSU will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

## **Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, LSSU ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, including LSSU PSD, Residential Staff members, other University employees, the federal or local government, SooPD, or other authorities utilizing the University’s emergency communications tools.

## **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are 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 outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (House Staff, faculty, or other staff) to call the list in to LSSU PSD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## **Annual Fire Safety Report**

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.

LSSU PSD publishes this fire safety report as part of its annual Clery Act Compliance document, via this brochure, which contains information with respect to the fire safety practices and standards for LSSU. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see chart at end of this report). The compliance document is available for review 24 hours a day on the LSSU PSD website at <http://www.lssu.edu/publicsafety/>.

### **Fire Protection Equipment/Systems**

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

### **Health and Safety Inspections**

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

All other inspections are unannounced. The inspections are primarily designed to find and eliminate safety violations. Students are asked to read and comply with the Residential Fire Safety Handbook [www.lssu.edu/housing/pdf/firesafetybook.pdf](http://www.lssu.edu/housing/pdf/firesafetybook.pdf), which include the H&S 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.

## Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are generally effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.
- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University Policy.
- Some fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any LSSU building.

## General Evacuation Procedures: University Buildings

### Before a Fire

1. **Know the location of:**
  - All fire alarm pull stations
  - The nearest exit and at least one alternate exit in your area
  - The evacuation re-assembly area for your building
2. **Know the location of fire extinguishers in your area.** Contact Public Safety at Ext. 2100 for fire extinguisher training. Fire extinguishers are used to extinguish small fires (trashcans, cloth, small appliances, etc.). Only if a fire is small and you have received fire safety training should you try to extinguish it.
3. Call 911 if you need special assistance during an evacuation.

### If You Discover a Fire

1. Sound the Alarm. Pull the nearest fire alarm pull station. The fire alarm will sound throughout the building. It **will not** alert the Fire Department. The alarm will go to Public Safety and the Central Heating Plant. Generally, pull stations are located near egress points: entrances to stairwells and exit doors. Locate the ones in your building.
2. Evacuate. Follow the evacuation procedure described below under “When the Fire Alarm Sounds.”

3. Call Public Safety at 906-635-2100 or dial 911 (9-911 from internal phones) once you are in a safe place. Give the dispatcher the location of the fire (if you know it) and any details about anyone needing special assistance. Do NOT hang up on dispatcher, let the dispatcher terminate the call.

## **When the Fire Alarm Sounds**

1. **Automatically Assume There is a Fire.** When the fire alarm sounds, follow these evacuation procedures:

- **Close doors.** If time permits, close doors as you exit. This helps confine the fire and protect possessions from smoke damage.
- **Leave the building.** Evacuate the building quickly by using the nearest stairway and exit. Walk quickly but do not run. Take only essential personal items such as car keys and purse in case the building is closed for some time.
- **DO NOT USE ELEVATORS-** If you need assistance, dial 911 (from cell or 9-911 from internal phone) or Public Safety at 906-635-2100 and tell the dispatcher you location. Notification to the Fire Department will be made that you need assistance.
- **Go to your post-evacuation assembly area.** Go at least 300 ft. from building. As the instructor take note of any student that is not with the group but was in class. Let someone in uniform (Fire Department, Public Safety or Police) know that you are missing a student and what classroom you were in.
- Do not go back into the building until the Fire Department or Public Safety indicates it is safe to do so. Just because the alarm stops sounding does not mean it is safe to re-enter the building wait for instructions.

2. **Specific Responsibilities for Classroom or Laboratory Instructor:**

- Each instructor should select one or two students to lead the class safely out of the building and to the post evacuation assembly area. The instructor should bring up the rear of the class. Evacuate the building quickly by using the nearest stairway and exit.
- 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.
- At the post evacuation assembly area, take attendance. Call Public Safety if it is safe to do.



## **Evacuation of Persons with Disabilities**

- In the event that evacuation from an upper floor or non-ground level floor of any University building is required, a person with a disability needs only to proceed or be taken to the nearest safe stairwell. Make every attempt to ensure the person has a cell phone, if not give them one to keep until rescue arrives.
- A person from the class should be appointed to notify a person in uniform or the dispatcher where the person is that needs assistance. Public Safety or Firefighters will then locate and evacuate the individual according to safe guidelines.
- Offer to guide the visually impaired and assist the hearing impaired to evacuate.
- If you have individuals with disabilities working or taking classes in your area, remind them of this procedure. Also, if an alarm sounds and it is possible, notify Public Safety and Fire fighters that an individual with a disability(s) will need assistance evacuating the building.

## **Notification of Missing Students**

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.

After investigating the missing person report, should Public Safety determine that the student is missing and has been missing for more than 24 hours, LSSU will notify Soo PD and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, LSSU will notify the student's parent or legal guardian immediately after Public Safety has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by LSSU in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, LSSU will notify that individual no later than 24 hours after the student is determined to be missing.

A student who wishes to identify a confidential contact can do so with Public Safety. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

## **Alcohol and Drug Policies**

Lake Superior State University complies with all federal, state and local laws governing the consumption 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. Full guidelines and statutes are listed in the University Alcohol Policy pamphlet.

The University Counseling Center, located SE corner of W. Easterday and Meridian Ave., and the LSSU Health CARE 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, Health CARE Center, Public Safety Department and other University organizations.

## **Firearms and Weapons Policies**

Weapons are permitted on campus but must be registered and stored in the Campus Public Safety Department upon arrival on campus. This includes all firearms, ammunition, bows, arrows, knives and any other dangerous weapons.

These weapons are to be stored in an area designated by the Public Safety Department and may not be stored anywhere else on campus (including vehicles). Access to your weapon is available 24 hours a day and proper identification will be required to check it out.

Any student who keeps prohibited weapons in any place other than the designated area will face disciplinary action and possible dismissal from the University.

<http://www.lssu.edu/publicsafety/weapons.php>.

## **Sexual Assault**

LSSU promotes an environment to minimize sexual assault. The University recognizes the problems of sexual assault and has developed programs and information to educate the students, faculty and staff of sexual assault. The University provides care and assistance to victims of sexual assault and encourages all who feel they have been sexually assaulted to contact Campus Security, the Health CARE Center and the Counseling Center for help and assistance.

The Counseling Center, Resident Assistants, Health CARE Center, Student Services, Office of Human Resources and Campus Public Safety all play a role in providing the campus community with information on sexual assault awareness and help. Programs, brochures, counseling and medical assistance are provided to the campus community. If a sexual assault occurs, the victim will be given the opportunity for medical help, counseling and proper security. The case is turned over to the local police, Director of Campus Life, the Counseling Center and the Health CARE Center. Any additional assistance available will be given by the University to help the victims of sexual assault.

The university is committed to taking reasonable measures to safeguard the campus community against sexual assault.

### **What to do if you have been sexually assaulted:**

- Go to a safe place.
- Seek help. Contact friends, family or others that can offer support.
- Retain the evidence.
- Do not shower.
- Do not change clothes.
- Do not alter any physical evidence if at all possible.
- Go to the hospital. Get medical attention immediately. You should be evaluated for injury and sexually transmitted diseases. You do not have to report the rape at this time; however, the medical staff can collect evidence in case you decide to press charges later. Take an extra set of clothing for after the exam. Your clothing could contain evidence.
- Call the police to report the assault. The choice to notify campus and local law enforcement is yours. Lake Superior State University encourages you to do so and will assist you in any way possible in reporting the offense to the proper authorities. The University will further assist the victim by changing academic and residence hall situations if the victim so requests and the changes are reasonably available.

### **State Sexual Offender Registry**

Michigan State Police (MSP) Public Sex Offender Registry (PSOR). This registry is made available through the Internet with the intent to better assist the public in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders.

The [Sex Offenders Registration Act](#), MCL 28.721et seq., directs the Michigan State Police to develop and maintain a public registry and provides guidelines on the type of offender information available to the public. The registration requirements of the Sex Offenders Registration Act are intended to provide the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose such

a potential danger. This link reflects the current statute and due to continuous legislative changes, may not be indicative of the statute at the time the offender was convicted. You can find the registry at: [www.mipsor.state.mi.us/](http://www.mipsor.state.mi.us/)

## **Clery Act Information**

The Clery Act requires institutions to disclose three general categories of crime statistics:

1. **Types of Offenses**—Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter; and b) Negligent Manslaughter; Sex Offenses; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
2. **Hate Crimes**—Disclose whether any of the above mentioned offenses, new for 2009 to include the crimes of larceny-theft, simple assault, intimidation, destruction of property, or any other crimes involving bodily injury, were hate crimes; and
3. **Arrests and Referrals for Disciplinary Action** for illegal weapons possession and violation of drug and liquor laws.

## **Definitions of Reportable Crimes**

### **Aggravated Assault:**

Is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could, and probably would, result in serious personal injury if the crime were successfully completed.

### **Arson:**

Is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Burglary:**

Is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

### **Dating Violence:**

The term “dating violence” means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim and
2. the existence of such a relationship shall be 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-

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

For the purposes of complying with the requirements of this section and section 668.41 Code of Federal Regulations, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Domestic Violence:**

The term “domestic violence” means:

- 1) Felony or misdemeanor crimes of violence committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) 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; or
  - (v) 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.
- 2) For the purposes of complying with the requirements of this section and section 668.41 Code of Federal Regulations, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Drug Law Violation:**

Is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful

possession, sale, use, growing, manufacturing and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, benzedrine).

### **Hate Crime:**

Is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity/national Origin or gender identity.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender Bias.** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender. e.g., male or female.
- **Gender Identity Bias.** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity. e.g., bias against transgender or gender non-conforming individuals.
- **Religion.** A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A performed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national Origin Bias.** A performed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- Disability. A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Hierarchy Rule:**

A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

**Intimidation:**

To willfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-theft:**

Is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Liquor Law Violations:**

Are defined as the violations of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification is the furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

**Motor Vehicle Theft:**

Is the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

**Murder and Non-Negligent Manslaughter:**

Is defined as the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:**

Is defined as the killing of another person through gross negligence.

**Robbery:**

Is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sexual Assault:**

“Sexual assault” means 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:**

Is defined as 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:**

Is defined as 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:**

Is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.



### **Statutory Rape:**

Is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

Michigan State definition of sexual assault can be found at:

[http://www.legislature.mi.gov/\(S\(gyy1a04500h5r1ja1yox5h55\)\)/mileg.aspx?page=GetObject&objectname=mcl-750-520b](http://www.legislature.mi.gov/(S(gyy1a04500h5r1ja1yox5h55))/mileg.aspx?page=GetObject&objectname=mcl-750-520b)

### **Simple Assault:**

Is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Stalking:**

The term “stalking” means:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (i) Fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
  - (i) 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.
  - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Michigan State definition of stalking can be found at:

[http://www.legislature.mi.gov/\(S\(uef5ra45gwx0fm55y02yqs45\)\)/mileg.aspx?page=getObject&objectName=mcl-750-411h](http://www.legislature.mi.gov/(S(uef5ra45gwx0fm55y02yqs45))/mileg.aspx?page=getObject&objectName=mcl-750-411h)

## **Vandalism:**

Is to willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

## **Weapons Law Violations:**

This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

## **Crime Statistics**

The University believes that an informed public is a safety conscious public. The following crime statistics, provided in compliance with the Clery Act, are for your information.

If you have any questions, please contact the Public Safety Department at 906-635-2100.

Crimes that occur on public property immediately adjacent to the campus in the City of Sault Sainte Marie.

## **Hate Offenses - Campus**

For the criminal offenses listed below, the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity (“hate crimes”) that took place On-campus, as prescribed by the Hate Crimes Statistics Act (28U.S.C 534). This data is collected as the summary of these six types of prejudice. Forcible rape is a subset of all forcible sex offenses.

## **Hate Offenses – On-Campus Student Housing Facility**

For the criminal offenses listed below, the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity (“hate crimes”) that took place On-campus Student Housing Facility, as prescribed by the Hate Crimes Statistics Act (28U.S.C 534). This data is collected as the summary of these six types of prejudice. Forcible rape is a subset of all forcible sex offenses.

## **Hate Offenses – Non-Campus**

For the criminal offenses listed below, the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity (“hate crimes”) that took place at Non-campus buildings, as prescribed by the Hate Crimes Statistics Act (28U.S.C 534). This data is collected as the summary of these six types of prejudice. Forcible rape is a subset of all forcible sex offenses. These CRIMINAL OFFENSES occurred on public property immediately adjacent to the campus.

## **Hate Offenses – Public Property**

For the criminal offenses listed below, the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity (“hate crimes”) that took place at Public Property Non-campus buildings, as prescribed by the Hate Crimes Statistics Act (28U.S.C 534). This data is collected as the summary of these six types of prejudice. Forcible rape is a subset of all forcible sex offenses. These CRIMINAL OFFENSES occurred on public property immediately adjacent to the campus.

## **Crimes at Non-Campus Buildings**

LSSU collects statistics from the Sault Ste. Marie Police Department for crimes reported as having occurred at non-campus buildings, that students use for instructional purposes. LSSU has only 2 such buildings. The buildings and locations are as follows:

Aquatic Research Lab  
Cloverland Electric Building  
725 E. Portage  
Sault Sainte Marie MI 49783

SSMart building  
2345 Meridian  
Sault Ste. Marie MI 49783

The following non-campus buildings have submitted separate reports and are included on the Lake Superior State University Public Safety web page (same as LSSU Annual Security and Fire Report page).

Bay De Noc Community College  
2001 N Lincoln Rd  
Escanaba, MI 49829

Petoskey Regional Center  
1515 Howard St. Room 48  
Petoskey MI 49770

## **Additional Statistics**

Following are arrest statistics for three additional offense categories--Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possessions.

## **Disciplinary Referrals**

Statistics as provided by Residential Life and as reported to Public Safety, for individuals referred for disciplinary action.

**Due to new requirements statistics for 2014 are on a separate chart.  
Statistics for 2012 and 2013 are below:**

**Crime Statistics Reporting Table 2012 and 2013**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2012	0	0	0	0
	2013	0	0	0	0
NEGLIGENT MANSLAUGHTER	2012	0	0	0	0
	2013	0	0	0	0
SEX OFFENSES, FORCIBLE	2012	1	1	0	0
	2013	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	2012	0	0	0	0
	2013	0	0	0	0
ROBBERY	2012	0	0	0	0
	2013	0	0	0	0
AGGRAVATED ASSAULT	2012	0	0	0	0
	2013	0	0	0	0
BURGLARY	2012	1	1	0	0
	2013	0	0	0	0
MOTOR VEHICLE THEFT	2012	0	0	0	0
	2013	0	0	0	0
ARSON	2012	0	0	0	0
	2013	0	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC	2012	0	0	0	0
	2013	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC	2012	0	0	0	0
	2013	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2012	0	0	0	0
	2013	1	1	0	0
DISCIPLINARY REFFERALS: DRUG ABUSE VIOLATIONS	2012	0	0	0	0
	2013	5	5	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2012	1	0	0	0
	2013	1	1	0	0
DISCIPLINARY REFFERALS: LIQUOR LAW VIOLATIONS	2012	69	68	0	0
	2013	62	62	0	0

There were no reported hate crimes for 2012, 2013, or 2014

## Crime Statistics Reporting Table 2014

Offense (Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non Negligent Manslaughter	2014	0	0	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0	0	0
Rape	2014	1	0	0	1	1	1*
Fondling	2014	0	0	0	0	0	0
Incest	2014	0	0	0	0	0	0
Statutory Rape	2014	0	0	0	0	0	0
Robbery	2014	0	0	0	0	0	0
Aggravated Assault	2014	1	0	0	1	0	0
Burglary	2014	0	0	0	0	0	0
Motor Vehicle Theft	2014	0	0	0	0	0	0
Liquor Law Arrests	2014	2	0	0	2	1	0
Drug Law Arrests	2014	2	0	0	0	2	0
Weapons Law Arrests	2014	0	0	0	00	0	0
Liquor Law Violations Referred for Disciplinary Action	2014	90	0	0	0	90	0
Drug Law Violations Referred for Disciplinary Action	2014	4	0	0	0	4	0
Weapons Law Violations Referred for Disciplinary Action	2014	0	0	0	0	0	0

Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Arson	2014	0	0	0	0	0	0
Domestic Violence	2014	0	0	0	0	0	0
Dating Violence	2014	0	0	0	0	0	0
Stalking	2014	0	0	0	0	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.*

The Higher Education Opportunity Act (HEOA), which requires two new safety-related requirements on institutions that participate in federal student financial aid programs which follow:

1. **Fire Log:** Institutions must keep a fire log that states the nature of the fire, date, time, and general location of each fire in on-campus student housing facilities.
2. **Annual Fire Safety Report:** Institutions with on-campus student housing facilities must publish annually a fire safety report that provides information on campus fire safety practices and standards.

### **Definitions for Fire Safety Report**

#### **Fire:**

Rapid oxidation of combustible material accompanied by heat, light and smoke of combustible material, which is found outside of its normal appliance, whether or not it is extinguished prior to arrival of emergency personnel; any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

#### **Fire related Deaths:**

Number of persons who were fatalities because of a fire incident, including death resulting from a natural or accidental cause while involved in fire control, attempting a rescue, or persons escaping from the fire scene (an individual who dies within one (1) year of injuries sustained as a result of a fire).

**Fire-related injury:**

Number of persons receiving injuries from fire-related incidents, including an injury from a natural or accidental cause who received medical treatment at a local medical facility. This includes first responders attempting to control the fire, attempting a rescue, or persons escaping from the fire scene. Persons may include students, faculty, staff, visitors, firefighters, or any other individual.

**Fire drill:**

A supervised practice of a mandatory evacuation of a building for a fire.

**Cause of fire:**

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Value of property damage:**

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Fire safety system:**

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.



## Fire Statistics for Each On-Campus Student Housing

LSSU On Campus Student Housing Facility	Year	Number of Fires	Cause of Fire	Number of Injuries that Required Treatment at Medical Facility	Number of Deaths related to fire	Value of property damage
Brady Hall 1145 CIRCLE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Chippewa House 910/912/914/916 COLLEGE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Easterday House 965 S CAMPUS CT	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Erie Hall 850/854 N CAMPUS CT	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Huron Hall 940/942/944/946 COLLEGE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Laker House 930 COLLEGE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Moloney Hall 1002 SHOULDICE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Neveu Hall 1004 SHOULDICE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Ontario Hall 950/952/954/956 COLLEGE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Osborn Hall 1150 COLLEGE DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Ryan House 963 S CAMPUS CT	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Student Village 780 W EASTERDAY AVE	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0
Townhouses 901-919, 902-940 SHERIDAN DR	2012	0	-	0	0	0
	2013	0	-	0	0	0
	2014	0	-	0	0	0

Appendix 1:

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

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

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

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

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

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

# LAKE SUPERIOR STATE UNIVERSITY

## JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

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

For a complete copy of Lake Superior State University's policy governing sexual misconduct, visit: <http://www.lssu.edu/procedures/1.5.2Gender-BasedDiscriminationandSexualMisconductPolicy1.php>

### **A. Definitions**

There are numerous terms used by Lake Superior State University in our policy and procedures.

**Consent** in Michigan (DEFINITION OF CONSENT PROVIDED BY STATE STATUTE ON PAGE 49).

**Sexual Assault:** "Sexual assault" means 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 if incapable of giving consent.

Rape is defined as 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 is defined as 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 is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined a nonforcible sexual intercourse with a person who is under the statutory age of consent.

## **MICHIGAN STATE DEFINITION FOR SEX OFFENSES FOUND ON PAGES 50 - 55**

**Domestic Violence:** The term “domestic violence” means:

- 1) Felony or misdemeanor crimes of violence committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) 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; or
  - (v) 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.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence:** The term “dating violence” means violence committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be 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-

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

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** The term “stalking” means:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (i) Fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

- (i) 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.
- (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **B. Education and Prevention Programs**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Michigan and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign<sup>1</sup> consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.

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<sup>1</sup> Under the 2013 Reauthorization of the Violence Against Women Act, institutions must implement "primary prevention and awareness programs for **all incoming students and new employees**" AND "ongoing prevention and awareness campaigns for

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 2014:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior Covered?</b>
Title IX Investigator/Adjudicator Training	September 24, 2014	Human Resources Conference Room	DoV, DaV, SA and S*
Title IX Training/Discussion	November 10, 2014	Human Resources Conference Room	DoV, DaV, SA and S*
Title IX Webinar	November 13, 2014	Human Resources Conference Room	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 2014:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior Covered?</b>
Behind Closed Doors Skits	August 14, 2014	RACA Training Brady Hall	DoV, (LGBTQ)*
Behind Closed Doors Skits	August 15, 2014	RACA Training Osborn H all	DaV, SA*
Let's Talk Speaker Series-1	April 15, 2014	RACA Program MacArthur Rm. Cisler	DoV, DaV, SA*
Consent/Bystander Awareness Poster Series	August-December 2014	All Residence Hall	DoV, DaV, SA*
Clothesline Project	April 7-25, 2014	Cisler/Fletcher Center	DoV, DaV, SA *
Safe Zone Hate Crime Prevention Training	August 12, 2014	RACA Training Cisler Center	LGBTQ
Safe Zone Hate Crime Prevention Training	August 22, 2014	Faculty Development Day Cisler Center	LGBTQ
White Out Campaign	February 1, 2014 February 7, 2014	Cisler/Fletcher Center	DoV, DaV, SA *
Talk Back the Night Walk and Lecture	April 15, 2014	National Speaker-Angela Rose-Crows Nest Cisler & walk around campus	DoV, DaV, SA and S*

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**students and employees** that include a-f above under section B. While "campaign" is yet to be defined, examples of "primary prevention programs" as they relate to incoming students may be found here: <http://www.ovw.usdoj.gov/docs/campus-minimum-standards-orientation.pdf>

Hazing and Sexual Misconduct Training for Social Greek Organizations	October 15, 2014	Superior Room  Cisler Center	SA
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### **C. Procedures for Reporting a Complaint**

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant<sup>2</sup> and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Public Safety or local law enforcement. Students and employees should contact the Title IX Coordinator, Philip Espinosa, Administration Building room 216 email: aespinosa@lssu.edu, Telephone: 906-635-2213.

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. offering a sexual assault nurse. **PHYSICAL EVIDENCE RECOVERY KIT COLLECTION/ACCESS TO FORENSIC NURSE EXAMINERS**. In Michigan, evidence may be collected even if you chose not to make a report to law enforcement<sup>3</sup>. 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 so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. Sault Ste. Marie Police Department may also be reached directly by calling 911, in person at 401 Hursley St. Additional information about the Sault Ste. Marie Police department may be found online at: <http://www.saultcity.com/domain/39> or facebook: <https://www.facebook.com/saultpolice>

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Philip Espinosa, Administration Building room 216 e-mail: aespinosa@lssu.edu, Telephone: 906-635-2213.

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<sup>2</sup> This document will use "victim" and "complainant" and "perpetrator" and "accused party" interchangeably. Each institution needs to use language consistent with their institutional policies.

<sup>3</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."



You may also report by calling, writing or coming into the Campus Public Safety Office (if the victim so desires.)<sup>4</sup> The University will provide resources, on campus and off campus or both, to include medical health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Incident Being Reported:	Procedure Institution Will Follow:	Evidentiary Standard TO MEET YOUR STANDARDS
<b>Sexual Assault/ Stalking/ Dating Violence/ Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties</li> <li>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> <li>7. Institution will provide written instructions on how to apply for Protective Order</li> <li>8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> </ol>	Preponderance of the evidence

<sup>4</sup> The Title IX Coordinator is regarded as a “Responsible Employee” under Title IX and also a “Campus Security Authority” under the Clery Act. Statistical information less the victims identifying information will be provided to campus public safety or whomever at the institution compiles the annual crime statistics even if the victim chooses not to alert campus public safety personally.

	<p>9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p>	
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**D. Assistance for Victims: 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: (specific information found on pages 57 - 59). Further, 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. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. University offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint and to the extent of the victim’s cooperation and consent. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Public Safety departments Daily Crime Log or online. Victims may request that directory information on file be removed from public sources. Printable request forms are at <http://www.lssu.edu/registrar/forms.php> and the form is called Directory Restriction Request and its link is <http://www.lssu.edu/registrar/documents/DirectoryRestrictionRequest.pdf>

**Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking (On-Campus)**

Counseling	Counseling Service	(Off campus) 906-635-2752 (On campus) 2752
Health	Health Care Center	(Off) 906-635-2110 (On) 2110
Disability	Disability Services	(Off) 906-635-2355(On) 2355
Visa and Immigration Assistance	Registrar	(Off) 906-635-2613(On) 2613
Campus Life	Campus Life	(Off) 906-635-2236 (On) 2236
Title IX Coordinator	Human Resources	(Off) 906-635-2213 (On) 2213

**Off Campus Resources – Mental Health**

Bay Mills Mental Health Services 906-248-3204  
 Great Lakes Christian Counseling—Dr. David Castner 906-630-8872  
 Hiawatha Behavioral Health Crisis Services 906-632-2805 800-839-9443  
 Little Traverse Psychiatric Association-Petoskey 231-487-2415  
 Marquette General Hospital Outpatient Psychiatry 906-225-3994 800-562-9753  
 Mountain View Psychological Services- Raquel Fernandez-Earns PhD 906-635-8461  
 A Therapy World, LLC – Jennifer Olmstead 906-632-2273  
 Rainbow’s End Counseling/Consulting-Chris Akkanen 906-635-1390  
 Sault Tribal Mental Health Services 906-632-5250  
 Weber & Devers Psychological Services 906-635-7270

**Off Campus Resources – Substance Abuse**

Great Lakes Recovery Intensive Outpatient 906-632-9809  
 Men’s New Hope 906-635-5542  
 New Leaf Substance Abuse Services– Julie Joseph-Barber 906-635-7270  
 Sault Tribe Substance Abuse 906-635-6075  
 Women’s New Hope 906-635-2522  
 Chippewa County Counsel for Youth and Families 906-635-1655

**Other Off Campus Resources**

Chippewa County Department of Human Services (DHS) 906-635-4100  
 Chippewa County Health Department Infant & Maternal Support Services 906-635-3572  
 Community Action Agency 906-632-3363  
 Community Health Access-CHACC 906-635-7483  
 Diane Pepler Shelter & Resource Center 906-635-0566  
 EUP Dispute Resolution Center 906-253-9840  
 EUP Food Bank 906-632-0348  
 800-882-1515

Hospice & Grief Support Group 906-253-3151  
Legal Services of Northern Michigan 906-632-3361  
Michigan Department of Career Development Rehabilitation 906-635-1341  
Michigan Works! Service Center or Evaluation Services (after hours) 906-635-1752  
Safe Haven Homeless Shelter After Hours 906-777-2027  
800-528-3532  
Safe Haven Homeless Shelter Monday-Friday 9:00-5:00 906-635-5841  
Safe Haven Homeless Shelter Weekends & Holidays 906-632-3344  
Salvation Army 906-632-6521  
Social Security Administration 906-632-4200  
U.P. Senior Help Line 800-338-7227  
Veteran Affairs 906-635-6370

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network  
<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice  
<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

### **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>5</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>6</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

### **Risk Reduction**

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

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.

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<sup>5</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792.

<sup>6</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

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:
  - a. **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.
  - b. **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.
  - c. **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.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **E. Adjudication of Violations**

Whether or not criminal charges are filed, the university<sup>7</sup> or a person may file a complaint under the Human Resource policy 1.5.2 alleging that a student or employee violated the university's Gender-Based Discrimination and Sexual Misconduct Policy.

- Policy Statement:

1. Lake Superior State University campus is committed to providing an educational and working environment free of all forms of discrimination and harassment.
2. This policy defines the process the University will follow to determine whether policy violations have occurred regarding allegations and reports of discrimination, harassment, sexual misconduct and other forms of prohibited conduct. The University is committed to providing opportunities for concerns to be reported in a safe manner, to assess and investigate concerns, and, when necessary, to impose sanctions and/or remedies.
3. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to an appropriate responsible employee's attention and a responding party is found to have violated this policy, sanctions may be used to reasonably make sure similar actions do not occur in the future.

- Reporting Concerns

1. All reports of discrimination, misconduct, sexual misconduct, prohibited conduct, or harassment shall be promptly reported as noted below, or brought to the attention of an immediate supervisor, Public Safety, Human Resources, or other responsible employee, who shall follow up and report as noted below.
2. Reports or allegations of sexual misconduct and associate prohibited conduct shall be immediately reported to the Title IX Coordinator (TIXC) or designee. In the case of matters involving sexual misconduct, investigators must have specific training investigating allegations of prohibited conduct.
3. Reports or allegations of student misconduct shall be reported to the Vice President of Student Affairs or designee.
4. Reports or allegations of academic misconduct or related to other academic concerns shall be reported to the Provost & Vice President of Academic Affairs or designee.
5. Reports or allegations related to employment / employee matters, harassment or discrimination shall be reported to the Associate Vice President of Human Resources, who serves as the University EEO officer, or designee.
6. Collectively, the Title IX Coordinator, the Vice President of Student Affairs, the Provost & Vice President of Academic Affairs, the Associate Vice President of Human Resources, their respective designees, or issue/event investigators, are referred to in this policy as designated administrators or individually as designated administrator.
7. All reports shall be assessed and, where appropriate, result in an informal or voluntary remedy or a formal investigation with associated follow up. This policy outlines the University's assessment, investigation, determination, and appeal process.

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<sup>7</sup> Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "University" may assume the role of the complainant.

- Investigation Timeline

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

- Initial Assessment

1. When a report is made the designated administrator will conduct an initial assessment to determine whether an informal/voluntary resolution or initial investigation is appropriate. The University will assess the facts and circumstances and consider the reporting party's expressed preference for manner of resolution.
2. When possible, the University will seek action consistent with the reporting party's request.

- Informal/Voluntary Resolution

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

- Initial Investigation

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

(9) consider whether the facts indicate a pattern of similar conduct by responding party; (10) discuss the reporting party's expressed preference for manner of resolution and any barriers to proceeding; and (11) explain the University's policy prohibiting retaliation.

2. The initial investigation will proceed until the designated administrator has sufficient information to make a reasonable assessment of the safety of the individual and of the campus community can be made, and determine the best course of action. The findings of an initial investigation may result in an informal/voluntary resolution or a formal investigation.

- Formal Investigation

1. The designated administrator may initiate a formal investigation to determine if there has been a policy violation, and if so, whether sanctions are warranted. The designated administrators have the discretion to consolidate multiple reports involving a responding party into one investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.
2. The University will designate an investigator(s) of its choosing. The investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.
3. During the formal investigation, both the reporting party and the responding party will have the opportunity to present witnesses and evidence. For sexual misconduct investigations, a reporting party's relationship history with those other than a responding party is not allowable evidence.
4. The investigators will update both the reporting party and responding party regarding the status of the investigation at reasonable, regular intervals.

- Investigation Report

1. At the conclusion of the formal investigation, the investigator will prepare a written report that summarizes the complaint, details of the information gathered, identifies the potential policy violations, synthesizes the area of agreement and disagreement between the parties, and includes supporting information or accounts.
2. The investigator presents a summary of findings and recommended remedies and sanctions, as appropriate, to the designated administrator.

- Review of Investigation Report

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

- Summary of Findings and Notice of Final Determination

1. The designated administrator will prepare a summary of findings and notice of final determination, which contains the outcome and the rationale for the outcome finding regarding responsibility for alleged misconduct and any violation. The final determination will be made within five (5) business days of receipt of the final investigation report.
2. Both the reporting party and responding party will be sent this notification concurrently, using email notification, which serves as a method for documenting distribution.



- Determining Appropriate Sanctions

1. When determining the proper sanction, the following factors will be considered: (1) the nature and violence of the conduct at issue; (2) the impact of the conduct on the reporting party; (3) the impact or implications of the conduct on the community or the University; (4) prior misconduct by the responding party, including the responding party's relevant prior disciplinary history both at the University or elsewhere, and any criminal convictions; (5) whether the responding party has accepted responsibility for the conduct; (6) maintenance of a safe and respectful environment conducive to learning; (7) protection of the university community; and (8) any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.
2. Other University offices may be consulted when determining or implementing sanctions.

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

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

- Sanction Process for Students as Responding Party

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

- Appeals Process for Sexual Misconduct Reports / Allegations

1. Written Appeal: The reporting party or responding party may submit written notice of appeal to the TIXC within five (5) business days of receiving the summary of findings and notice of determination. Grounds for an appeal are limited to conflicts of interest, introduction of evidence not previously available, requests to mitigate sanctions, or other considerations that are directly related to alleged violations, facts or findings of the case.
2. Response to Appeal: The receipt of the appeal will be acknowledged by the TIXC in writing, which may be by email. Prior to an appeal review, the appealing party or parties may be asked to submit additional information supporting the basis for the appeal, if not previously submitted. To complete an appeal request, any additional material requested must be submitted within five (5) business days in order to

form a completed appeal request. Failure to respond will result in an incomplete appeal. Incomplete appeals will not be reviewed.

3. Notification of Appeal: Each party will be notified of any complete appeal request.
4. Appeal Review: Appeal requests shall be reviewed by the chairperson of the hearing panel, and a determination will be made to proceed or to deny the appeal. Consideration will be given to whether or not the basis for the appeal could substantially impact the original findings or sanctions.
5. Notification: Parties will be notified in writing of the filing and status of appeals.
6. Appeal Hearing Panel
  - a. The Vice President for Finance, or other as designated, will be the chairperson for a hearing panel and will conduct the hearing. If the Vice President for Finance is a party to the case a substitute chairperson shall be appointed. Two other employees will be appointed to the three person hearing panel.
  - b. The TIXC will send a notice of hearing and a copy of a request for hearing to the reporting and responding parties, and to the hearing panel members.
  - c. The chairperson will schedule the hearing no later than five (5) business days of notice from the TIXC, with the hearing to convene no later than fifteen (15) business days from notice from the TIXC, unless the chairperson provides otherwise and so notifies those involved.
  - d. At the hearing the reporting and responding parties are allowed to give their own testimony, present the testimony of witnesses, and present relevant evidence to the panel. During the hearing, the reporting party and responding party may not directly question or cross-examine each other. The complainant and respondent may have an attorney or other advisor present for support and advice. The TIXC or designee will present the findings and determination of the investigation. At the chairperson's discretion, the panel hearing may be conducted as an open or a closed proceeding, based on the allegations, facts and findings of the case, and the desire for privacy or anonymity on the part of one or more of the participating parties.
  - e. Based on the nature of the complaint or allegations, the reporting party's presence at the hearing is not a prerequisite for the hearing to proceed.
  - f. Within fifteen (15) business days after completion of the hearing, the chairperson will issue a hearing panel determination to include sanctions and follow up actions, as appropriate. The hearing panel determination will be forwarded to the TIXC for concurrent distribution to the reporting and responding parties.
  - g. The hearing panel determination is final and binding.

- Appeals Process for Other Reports / Allegations:

1. Appeals for academic reports or allegations should be directed to the Provost for follow up.
2. Appeals for student life reports or allegations should be directed to the Vice President for Student Life.
3. Appeals for employment or employee reports or allegations should be directed to the Associate Vice President for Human Resources.

- Investigation Documentation

1. Individuals involved in the investigation and appeal process will adequately document the testimony of the parties and witnesses, completed forms and relevant investigation documents, all facts and evidence reviewed, the rationale for determinations, and interim and final remedies and sanctions imposed, if any.

## Sex Offender Registration

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

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

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

- First Degree – MCL § 750.520b
- Second Degree – MCL § 750.520c
- Third Degree – MCL § 750.520d
- Fourth Degree – MCL § 750.520e

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

### **First Degree – MCL § 750.520b**

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

- Other person is under 13 years of age
- Other person is at least 13 but less than 16 years of age AND any of the following:
  - Actor is member of same household as victim
  - Actor is related to victim by blood or affinity to the fourth degree
  - Actor is in position of authority over the victim and used this authority to coerce the victim to submit
  - Actor is teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
  - Actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
  - The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency.
- Sexual penetration occurs under circumstances involving the commission of any felony
- Actor is aided or abetted by 1 or more other persons AND either of the following circumstances exists:

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

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[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).

### **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 teacher, substitute teacher, or administrator of the public school, nonpublic school, school distribute, or intermediate school distribute in which that other person is enrolled.

- o 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.
- o 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:
  - o Actor knows or has reason to know that victim is mentally incapable, mentally incapacitated or physically helpless
  - o Actor uses force or coercion to accomplish the sexual penetration.
  - o 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.
  - o 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:
    - o When the actor overcomes the victim through the actual application of physical force or physical violence.
    - o 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.
    - o 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.
    - o 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.
    - o 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:
  - o The actor is related to the victim by blood or affinity to the fourth degree.
  - o 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:
  - o When the actor overcomes the victim through the actual application of physical force or physical violence.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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:
  - o 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.

- o 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:
  - o When the actor overcomes the victim through the actual application of physical force or physical violence.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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:
  - o 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.
  - o 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.

### **Stalking – MCL § 750.411h**

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

“Stalking”<sup>[2]</sup> means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

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

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

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

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

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

### **Aggravated Stalking – MCL § 750.411i**

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

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

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

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

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

## WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT

Act 87 of 1985

AN ACT to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies.

History: 1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 22, Eff. June 1, 1988

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The People of the State of Michigan enact:

Document	Type	Description
87-1985-1		
Division		ARTICLE 1 (780.751...780.775)
87-1985-2		
Division		ARTICLE 2 (780.781...780.802)
87-1985-3		
Division		ARTICLE 3 (780.811...780.834)

<http://www.legislature.mi.gov/Publications/CrimeVictims.pdf>

MI Department of Community Health Page

About Crime Victim Rights in Michigan

The Crime Victims Rights Act -PA 87 of 1985 (M.C.L. 780.751)

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

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

The county prosecuting attorney provides a substantial amount of additional case management and advocacy work under the Act. Capable and dedicated victim advocates in prosecutors' offices throughout the state perform much of these duties.

Contact your Michigan prosecutor and sheriff for more information about crime victim's rights in your community.

Michigan Crime Victim Notification Network(MCVNN)  
800-770-7657

A recent advancement to crime victim notification is the Michigan Crime Victim Notification Network. This automated notification system greatly enhances victim safety and convenience while providing added response capabilities for agencies implementing crime victims rights.

MCVNN is a free, confidential 24-hour telephone-computer interface that allows crime victims and other citizens to register to receive almost instantaneous telephone notice whenever a prisoner's custody status changes.

Notifications produced by the system include the majority of crime victim rights act requirements, including court schedule information. MCVNN also provides immediate information to callers wishing to determine the current custody status of a prisoner.

Department of Community Health partners in this project include the Department of Corrections, the Prosecuting Attorneys Association of Michigan and the Michigan Sheriffs Association.

### Constitutional Amendment For Crime Victims Rights

Upon legislative approval of House Joint Resolution P, 84th Legislature, and Proposal B by the electorate on November 8, 1988, Article I, Section 24 was added to the Constitution of the State of Michigan.

Effective December 24, 1988, the amendment gave constitutional authority for the statutory rights of crime victims, provided legislative authority to enforce victims rights, and provided legislative authority to assess convicted defendants to pay for crime victim's rights.

The Criminal Assessments Act-PA 196 of 1989 (M.C.L. 780.901)

This act provides for criminal assessments to support the Crime Victims Rights Fund. It authorizes courts to order and collect financial assessments from criminal defendants to support the fund, and provides for disbursements from the fund to support crime victim rights services.

The Crime Victim Services Commission is charged with recommending appropriate assessment amounts and with authorizing disbursements from the fund. This act has been amended several times to increase assessment amounts and the scope of assessable offenses.

The fund provides 100 percent of state dollars for crime victim rights services. No general tax dollars are used.  
[http://www.michigan.gov/mdch/0,4612,7-132-54783\\_54853-16955--,00.html](http://www.michigan.gov/mdch/0,4612,7-132-54783_54853-16955--,00.html)

## **Michigan Crime Victims' Rights** [www.michigan.gov](http://www.michigan.gov)

### **The Crime Victims Rights Act -PA 87 of 1985 (M.C.L. 780.751)**

In 1985 the Crime Victims 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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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**

- Be treated throughout the criminal justice process with fairness and respect for their dignity and privacy.
- Timely disposition of the case following the arrest of the accused.
- Receive an explanation of court procedures.
- 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.
- 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.
- Consult with the prosecuting attorney to give your views about the disposition of the case.
- Notice of:
  - Emergency and medical services from the investigating police agency.
  - The name of the person in the prosecutor's office with information about your case.
  - All scheduled court proceedings, including sentencing.
  - The defendant's release on bond or escape from custody while awaiting trial.
  - The address and telephone number of the probation department that is preparing the pre-sentence investigation report, if one is ordered by the judge.
  - Victim compensation benefits, including the address of the crime victims compensation board, and an explanation of eligibility requirements for compensation funds.
- Attend trial and all other court proceedings the accused has the right to attend (except possible sequestration during a trial before you testify).
- Confer with the prosecution before trial and before the jury is selected.
- Make an oral statement to a pre-sentence investigator, or to have a written impact statement included in the pre-sentence report.
- Make an oral or written statement to the court at sentencing.
- Your oral or written statement at sentencing is important.

