

**LAKE SUPERIOR STATE UNIVERSITY
STUDENT HANDBOOK
2007-2008**

This Handbook serves to familiarize all students with Lake Superior State University's services and policies. Some departments may have an additional handbook pertinent to their programs of study or department. These are your resource guides and you should find them helpful as you become involved in life at Lake Superior State University.

The policies and procedures in this Handbook are designed to promote fairness and will be adhered to as faithfully as possible. While the Handbook is comprehensive and applicable to all students, the Handbook is not a contract between the University and its students. It is not written with the specificity of a criminal statute, and it is not an exhaustive attempt to codify every possible type of problematic behavior. If circumstances dictate variation from the policies and procedures described in the Handbook, the variation will not invalidate a decision unless a student has been subjected to arbitrary or capricious conduct on the part of the University.

This Handbook may be altered by the University at any time. Appropriate notice will be provided. Students are urged to contact the Office of Campus Life to ensure that they have obtained the latest version of the Handbook.

OUR INSTITUTION

1. MISSION

Lake Superior State University empowers capable and responsible students in the pursuit of academic excellence. Faculty, staff, and students value rigorous education, collaborative learning, flexible and innovative programs, and a safe and supportive environment. Honoring the history and traditions of the people of Michigan and Ontario, LSSU offers a balanced education in arts, sciences, and professional studies. LSSU graduates are broadly educated for personal and professional success in a diverse and rapidly changing world.

OUR JUDICIAL SYSTEM

1. CODE OF CONDUCT

1.01. INTRODUCTION

The Code of Conduct illustrates the standards of behavior expected of every student at Lake Superior State University. Each student is an integral part of our campus community and is encouraged to internalize these expectations. Ideally, each student is expected to use these guidelines as a catalyst to personally impact the Lake Superior State University community in meaningful, thoughtful ways.

It is the student's responsibility to know and abide by all University policies and procedures. The University reviews policies on a regular basis and reserves the right to amend any provision herein at any time in accordance with established University procedures. Communication of any changes will be made to the University community in an appropriate and timely fashion.

A student voluntarily joins the Lake Superior State University community and thereby assumes the obligation of abiding by the standards prescribed in the Code of Conduct. The University, through the Office of Campus Life, maintains the exclusive authority to impose sanctions for behaviors that violate the Code of Conduct. Students may also be held responsible for their actions by local, state or

federal authorities. The University as well as civil authorities have jurisdiction over violations of law that occur on University property.

Students must abide by this code of conduct anytime during the school year, including term breaks and academic sessions. If a student moves on campus prior to the first day of class, s/he is responsible for upholding all rules and regulations of Lake Superior State University.

All students enrolled at Lake Superior State University have access to the Code of Conduct through the Lake Superior State University website (www.lssu.edu).

1.02. COMMUNITY EXPECTATIONS

Lake Superior State University, as an institution of higher education, exists for the purpose of nourishing the growth of its students as thoughtful, productive and responsible members of society. In an effort to communicate our vision of living and learning in a safe, supportive environment, we have developed the following codes and systems.

- 1.02.a. As members of the Lake Superior State University community, we support the application of rules which encourage the development of our campus environment as a constructive educational setting.
- 1.02.b. We all have rights and responsibilities. Each person conducts him/herself in such a way as to enhance the well-being of all members in the community. Each person is also held accountable for his/her own actions and is responsible for the consequences of said actions.
- 1.02.c. Community responsibility consists of actively supporting the physical, emotional, intellectual, and spiritual well-being of one another.
- 1.02.d. As we participate in this community, we strive for open mindedness, sensitivity, justice and equality.
- 1.02.e. We are fortunate to attract a diverse student body. To further each person's understanding of the world around him/her, we challenge each person to value the differences in one another.
- 1.02.f. We expect that students accept their responsibility to respect and protect the rights and properties of our extended community, including our Lake Superior State University neighbors, businesses, and the residents of the city of Sault Sainte Marie.

1.03. ACADEMIC AND SOCIAL EXPECTATIONS

In addition to these community responsibilities, Academic and Social Expectations were written to emphasize more specific commitments to one another. Your assistance is needed to enhance our fundamental principles of academic freedom, equality of opportunity and human dignity.

- 1.03.a. Students will share with faculty the responsibility for academic integrity.
- 1.03.b. Students will treat each other with dignity and respect.
- 1.03.c. Students will act with concern for the safety and well-being of one another.

- 1.03.d. Students will observe federal, state and local laws and University regulations.
- 1.03.e. Students will assume responsibility for their conduct on the University campus and at campus-sponsored events.
- 1.03.f. Students will refrain from any conduct which adversely affects personal or community well-being.
- 1.03.g. Students will support one another through constructive confrontation and dialogue.

2. SCOPE AND AUTHORITY

- 2.01. The University has established these regulations regarding standards of conduct in order to give all students at Lake Superior State University full opportunity to attain their educational goals and to protect the health, safety, welfare, property and rights of all members of our community. The Code of Conduct is applicable to all students, whether enrolled for credit or non-credit, while on the premises and at University-sponsored or University-related events off-campus.
- 2.02. The Vice President for Student Affairs retains ultimate responsibility for the administration of this Code. In situations where ambiguity or other uncertainty exists, the Vice President for Student Affairs or designee expressly retains final authority to rule on questions regarding policies, procedures, sanctions, and/or processes.
- 2.03. The University will not, as a matter of general practice, pursue alleged off-campus student misconduct. However, in those exceptional cases that endanger the personal safety of members of the University community and/or their property, action may be taken in accordance with University judicial procedures. The University will use the following criteria in deciding when to take action for violations of University policy occurring off campus. Not all criteria need to be met in order for the University to take action.
 - 2.03.a. the accused person was registered and/or enrolled as an Lake Superior State University student at the time of the incident.
 - 2.03.b. the incident involves endangering behavior, defined as violent assault, rape, arson, or other similar serious offenses or behavior that has the potential to significantly damage the reputation of the University.
 - 2.03.c. the incident involves behavior that puts students, faculty or staff or the property of students, faculty or staff at risk.
 - 2.03.d. the incident occurred at a University-sponsored event or function.

3. GENERAL PROVISIONS

- 3.01. These regulations are set forth in writing in order to give students general notice of prohibited conduct and are not designed to define misconduct in all-inclusive terms.
- 3.02. This Code of Conduct will apply to conduct which occurs on University property and to conduct which occurs elsewhere during the course of a University function, including but

not limited to student teaching, student internships, clinical experiences, intercollegiate athletic competitions, student activities and other University events.

- 3.03. The actions of a student organization involved in University-related activities that are in violation of University regulations may result in disciplinary action against the organization and/or the individual.
- 3.04. Any policy violation that constitutes a civil infraction under federal or Michigan state law will be reported to the Sault Sainte Marie Police Department by the Office of Public Safety. Lake Superior State University also retains the right to conduct an internal investigation and adjudicate the matter according to stated University policies and procedures. The University sanctions are separate from any pending or completed police investigation and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.
- 3.05. Any behavior which may have been influenced by a student's mental state (regardless of the ultimate evaluation) or use of drugs or alcoholic beverages will not in any way limit the responsibility of the student for the consequences of his or her actions.
- 3.06. All students are responsible for the behavior of their guests. Students may be held judicially accountable for violations of the Student Code of Conduct committed by their guest(s).

4. REGULATIONS FOR STUDENT CONDUCT

The following actions/behaviors shall constitute violations of the Code of Conduct. Any student committing a violation of this Code will be subject to disciplinary sanctions including expulsion from the University or any lesser sanction authorized by the Code.

- 4.01. University Policies and Services. Violating published Board or University policies, rules, or regulations including, but not limited to, the policies on sexual assault, zero tolerance, computer use, and alcohol and controlled substances; violating the rules and regulations of other University departments including, but not limited to, Residence Life, Student Activities, Information Services, Dining Services, Public Safety, and the Library.
- 4.02. Federal, State or Local Laws. Violating federal, state, or local laws on University premises or while in attendance at University sponsored or supervised events or committing off-campus violations of federal, state, or local law that adversely affect the University and/or the pursuit of its objectives.
- 4.03. Sexual Assault. Committing acts of sexual assault (stranger, date, or acquaintance), sexual abuse, or other forms of coerced sexual activity.

For more information, please refer to Policy Statement B, "Sexual Assault", at the close of this document.

- 4.04. Harassment. Committing any of the following, knowing or having reasonable grounds to know that it will or potentially could tend to alarm, anger, harm, or disturb others, or provoke an assault or breach of peace. This policy includes written and verbal forms of harassment.

Use of technology, including, but not limited to laptops, cell phones, PDAs, digital cameras, and personal music devices, is also subject to this policy. Online community

users (i.e. Facebook and MySpace) are subject to the same policy as e-mail and other communication.

- 4.04.a. Engaging in actions which harass, threaten, or otherwise endanger the physical and/or emotional health or safety of any person.
- 4.04.b. Intimidating, demeaning, or injuring an individual physically, mentally or emotionally.
- 4.04.c. Engaging in a course of conduct or repeatedly committing acts that alarm or seriously annoy another person and which serve no legitimate purpose.

For more information, please refer to Policy Statement C, "Sexual Harassment", at the close of this document.

- 4.05. Hate Motivated/Bias Based Incidents. Conduct directed at an individual on the basis of age, race, ethnicity, gender, sexual orientation, religion, socioeconomic status or ability with intention to intimidate, demean, or injure an individual(s) physically, mentally, or emotionally.
- 4.06. Disorderly Conduct. Committing any of the following acts in University facilities, on University-owned grounds, or at University-sponsored functions:
 - 4.06.a. Engaging in acts which breach the peace or are lewd, indecent, or obscene.
 - 4.06.b. Assembling to commit or intend to commit any unlawful act by force; carry out or plan to carry out any action which has the potential to disturb or threaten the public peace, even without unlawful intention; or conduct themselves in a disorderly manner so as to disrupt or threaten to disrupt the public peace, even without unlawful purpose.

Important note regarding assembly: Peaceable assembly and demonstration is permitted with written notification to the Public Safety Office.

- 4.06.c. Interrupting or disturbing the day-to-day academic and operational functions of the University or committing intentional acts that obstruct, disrupt, or physically interfere with the use of University premises, buildings, or passages.
- 4.07. Assault. Committing any violent physical or verbal attack against another person or group; attempting to inflict offensive physical contact or bodily harm on a person that puts the person in immediate danger of or in apprehension of such harm or contact.
 - 4.07.a. Domestic violence is an assault, as defined above, between people who have an ongoing romantic or intimate relationship or between people living together as roommates.
- 4.08. Hazing. Any intentional, knowing or reckless action taken or situation created, whether on or off campus, to produce mental or physical discomfort, humiliation, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: Use of alcohol; paddling in any form; creation of excess fatigue; physical and psychological shocks; inappropriate non-academic quests, treasure hunts, scavenger hunts, road trips or any other such activities either on or off-campus; wearing of public

apparel which is conspicuous and not normally in good taste; engaging in public stunts; morally degrading or humiliating games and activities; and any other activity which is not consistent with the regulations and policies of Lake Superior State University, or the State of Michigan and National/International policies.

- 4.08.a. Hazing occurs when the act is committed for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization or athletic team whose members are or include students at an educational institution.
- 4.08.b. A person commits an offense if the person engages in hazing, encourages another to engage in hazing, knowingly permits hazing to occur or has knowledge of hazing and fails to report said knowledge to an appropriate official of the university.
- 4.08.c. It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.
- 4.09. Keys and Identification. Possessing, lending or duplicating keys to any University building or facility without authorization by appropriate University officials; possessing, lending, or duplicating a University ID card.
 - 4.09.a. Student identification cards are valid until graduation, at which time they must be surrendered.
- 4.10. Trespass. Prohibited entry or presence on University property or in University-owned facilities.
- 4.11. Damage to Property. Engaging or participating in acts of destroying, damaging or defacing property of the University, University vendors, members of the University community, or any others.
 - 4.11.a. Damage to property done with malicious intent will be considered vandalism.
 - 4.11.b. Tampering with or changing locks to University-owned facilities without authorization.
- 4.12. Weapons. Weapons are allowed on campus for classroom or sporting purposes. All weapons must be registered with and stored at Public Safety. The following information is required to register your weapon: manufacturer, caliber, model and serial number. Individuals must also present a safety inspection certificate.
 - 4.12.a. Weapons include, but are not limited to, firearms (such as handguns and rifles), BB guns, paintball guns, pellet guns, air guns, spring-guns or other instrument or weapons in which the propelling device is a spring, air, piston or CO2 cartridge or other similar devices, **deadly substances, knives with a blade of 3" or greater, blackjacks, martial arts weaponry, antique and ornamental weaponry, bow and arrows, or any other lethal object.**
 - 4.12.b. All weapons and ammunition must be stored in the designated area by the Public Safety Office and may not be stored anywhere else on campus. Any exceptions to this policy, such as weapons used in class (including any

criminal justice student activity), must be authorized by the Public Safety Office. Students must provide a lock to secure the weapons locker. A student ID is required when checking out weapons. Firearms and ammunition must never be taken to any residence hall room or on-campus apartment. Cleaning firearms is permitted only in the designated area set by the Public Safety Office.

- 4.12.b. Concealed weapons are not permitted on campus, except by a certified law enforcement officer in accordance with their duties. **Visitors with a concealed weapons permit must register and store their weapon with the Public Safety Office.**
- 4.13. Arson/Fire Hazard. Committing acts of arson, creating a fire hazard, or possessing or using, without proper authorization, flammable materials or hazardous substances on University property.
- 4.13.a. Explosives, explosive devices, fireworks, and flammable materials are prohibited on campus, **except as a part of academic instruction.**
- 4.14. Life Safety. Discharging, causing to be discharged or tampering with fire and life safety equipment, including but not limited to altering or misusing any fire fighting equipment, safety equipment, or emergency device; exiting through alarmed doors; propping open exterior or interior doors that allow access to a locked facility.
- 4.15. False Representation. Providing false information to the University. This includes, but is not limited to:
- 4.15.a. Making false reports of a fire, bomb threat, or other dangerous condition; causing or contributing to the cause of a false fire alarm; failing to report a fire, or interfering with the response of University or municipal officials to emergency calls.
- 4.15.b. Engaging or participating in cheating, plagiarism, or other forms of academic dishonesty. (Students committing acts of academic dishonesty are also subject to academic sanctions.)
- 4.15.c. Furnishing false information to any University official, faculty member, or office.
- 4.15.d. Forging, altering, or misusing any University document, record, or instrument of identification.
- 4.15.e. Tampering with the election of any University-recognized student organization.
- 4.15.f. **Attempting to officially represent or act on behalf of** the University, any recognized student organization, or any official University group without the explicit prior consent of the officials of that group.
- 4.16. Non-Compliance. Non-compliance is defined as the following:

- 4.16.a. Failing to comply with the directions of or obstructing University officials acting in the performance of their duties. **This includes faculty, staff, and student staff (e.g. Public Safety and Residential Life staff).**
- 4.16.b. Failing to positively identify oneself to a University official when requested to do so (the preferred form of identification shall be a current, valid University identification card).
- 4.16.c. Failing to comply with the sanction(s) imposed under the Student Code of Conduct.**

Please refer to Policy Statement I, "Sanctions for Non-Compliance", at the close of this document.

- 4.17. Aiding and Abetting. Aiding and abetting another person in committing an act that violates the Code of Conduct. Having knowledge of the intent of another to commit any of the following violations may also constitute a violation of such policy.
- 4.18. Gambling. Gambling for money or other items of value on University property or at University-sponsored events.
- 4.19. Solicitation. Engaging in unauthorized canvassing or solicitation on University property.
- 4.20. Theft. Engaging in acts of theft or to possess without authorization goods belonging to other members of the community, including, but not limited to, food and other items not designated as "carry-out" by dining services, University furniture, and/or University property.
- 4.21. Tobacco: Use of tobacco in any form in any University-owned facility.
- 4.22. Controlled Substances. Using, possessing, or distributing any state or federally controlled substance or drug paraphernalia except as expressly permitted by law.
- 4.23. Alcohol. Unauthorized possession, use, manufacture, distribution or sale of alcoholic beverages on or in University property or illegally using, possessing, or distributing alcoholic beverages at any off-campus University-sponsored event. Being in the presence of a violation of the alcohol policy may lead to judicial charges. Violations associated with alcohol use include, but are not limited to:
 - 4.23.a. Sale or provision to minors of alcohol.
 - 4.23.b. Possession or consumption of alcohol by a person under the age of 21.
 - 4.23.c. Furnishing alcohol to an obviously or visibly intoxicated person, regardless of age.
 - 4.23.d. Violation of the alcohol policy as it pertains to the residence halls **(see the Residential Life Navigator for specifics).**
 - 4.23.e. Possession or consumption of alcoholic beverages at athletic events, concerts or any other event open to the campus community or general public, without prior authorization.
 - 4.23.f. Use of student organization funds for the purchase of alcoholic beverages.

- 4.23.g. Possession of empty alcohol containers, regardless of consumption location, by underage persons.
- 4.23.h. Open alcohol containers in public areas.
- 4.23.i. Hosting a party or guests involving the illegal use of alcohol.
- 4.23.k. Driving while under the influence or in possession of alcohol.

For more information, please see Policy Statement A, "University Alcohol Policy", at the close of this document.

- 4.24. Abuse of Judicial System. Engaging in abuse of the judicial system. This includes, but is not limited to:
 - 4.24.a. Providing false information before a judicial body.
 - 4.24.b. Disrupting or interfering with a judicial proceeding.
 - 4.24.c. Knowingly instituting a judicial complaint without cause.
 - 4.24.d. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - 4.24.e. Harassing or attempting to influence witnesses or victims prior to, during, and/or after a judicial proceeding.
 - 4.24.f. Harassing or attempting to inappropriately influence a member of a judicial body prior to, during, and/or after a judicial proceeding.
- 4.25. Vehicles. Violating the University, local or state driving and traffic rules and regulations.
 - 4.25.a. Parking in a way that constitutes a hazard or an inconvenience to pedestrians or the operators of other vehicles; blocking sidewalks, driveways, or building access; parking on or driving across sidewalks, lawns, playing fields, or any other restricted areas.
 - 4.25.b. Completion of major vehicle repairs on campus property. Storage of motorized vehicles (e.g. mopeds, motorcycles) in a building.
 - 4.25.c. Failure to adhere to posted traffic signs and signals.
 - 4.25.d. Driving on campus property at excessive speed or driving dangerously (i.e. "doughnuts", endangering the lives of others, etc.).
 - 4.25.e. Operating any unauthorized motorized vehicle on University sidewalks, grounds or athletic field.
 - 4.26.f. Tampering with or subverting the parking enforcement system and/or process.

- 4.26. Official University Communication. Your Lake Superior State University e-mail account is your official electronic address while you are at LSSU. Not only is it the address that will be used by your instructors to contact you about your classes, but LSSU administrative offices regularly send important information, including billing and grade information, exclusively to this address. **It is your responsibility to check your LSSU e-mail account and the My.LSSU portal at least once each week.**

Important note regarding judicial notice: Judicial notices will not be delivered electronically; written notice will be sent to the student's on-campus mailbox or the address officially registered with Lake Superior State University (see section 7 for more information).

PROPOSED POLICY – CURRENTLY UNDER REVIEW BY PROVOST & DEANS

- 4.27. *Academic Misconduct. This includes, but is not limited to:*

4.27.a. *Knowingly, without authorization, procure, provide or accept any materials which contain questions or answers to any examination or assignment.*

4.27.b. *Complete, without authorization, in part or in total, any examination or assignment for another person.*

4.27.c. *Allow, without authorization, any examination or assignment to be completed, in part or in total, by another person.*

4.27.d. *Knowingly plagiarize or copy the work of another person and submit it as his/her own.*

4.27.e. *Submit work that has been previously graded, or is being submitted concurrently to more than one course, without authorization from the instructor(s) of the class(es) to which the student wishes to submit it.*

For more information, please refer to Policy Statement "H" at the close of this document.

- 4.28. Pets. No animals, except those specifically trained to aid persons with disabilities and those used as bona fide instructional aids, are allowed in campus buildings, including residence halls, offices, and laboratories. Within campus housing, non-aggressive fish in a tank no larger than 30 gallons are permitted. Animals are not to be tethered outside or left to wander the grounds at any time.

- 4.29. Sex Offender Registration. In accordance with the Wetterling Act, Megan's Law, and the Campus Sex Crimes Prevention Act of 2000, it is mandatory that all registered sex offenders report to the law enforcement agency having jurisdiction in which the institution of higher education is located (Sault Sainte Marie Police Department and Public Safety Office).

5. SANCTIONS

- 5.01. In recommending or determining a sanction(s), a hearing board or judicial officer will consider all relevant factors including the nature of the offense; the severity of any damage, injury or harm resulting from the offense; the student's current demeanor; and the student's past disciplinary record, if any.
- 5.02. The disciplinary actions listed in this section are not meant to be inclusive, but serve as guidelines which may be imposed in any combination.

5.03. Students may be asked to sign a statement acknowledging receipt of assigned sanctions. This document may also stipulate additional consequences if the assigned sanctions are not completed accordingly.

5.04. The following are sanctions which may be imposed for a violation of this Code:

5.04.a. Disciplinary Reprimand: A written warning to the student that the cited behavior is not in accordance with the Code of Conduct. The student is warned that further misconduct may result in more severe disciplinary action.

5.04.b. Disciplinary Probation: A specified period of time during which the student is removed from good disciplinary standing. Any additional violations during the probationary period will result in more severe consequences, up to and including expulsion.

5.04.c. Disciplinary Removal from Residence: Removal of the student from University housing on either a temporary or permanent basis. Normally, a student who is found to be in violation of this Code by the appropriate hearing body or judicial officer is entitled to five calendar days to vacate his/her University housing facility. If, however, there is reason to believe that the student poses a substantial threat to harm oneself or others, damage University property, or disrupt the stability and continuance of normal University operations and functions, this process can be accelerated.

5.04.d. Loss of Extracurricular Privileges: A student may lose the privilege of participating in extracurricular activities and/or running for or holding office in any student group or organization as part of a disciplinary sanction. This includes, but is not limited to, participation in athletic, music, and dramatic events, programs, groups, and teams. Any exceptions must be expressly stipulated by a judicial officer and approved by the Vice President for Student Affairs.

5.04.e. Restitution: In cases of damage, destruction, defacement, theft, injury or unauthorized use of property, restitution to the University or to an individual may be required. In cases of restitution to the University, the charge will be posted directly to the student's account. Payments not received by the deadline will result in late charges being incurred. All Student Accounts policies will apply in the case of restitution.

5.04.f. Loss of Contact: Loss of contact may be imposed when a student is found responsible for such violations as harassment, assault or similar offenses against an individual. Students who receive this sanction may not initiate contact with a particular person or persons in person, by telephone, electronic mail, voice mail, in writing, by friends on his or her behalf, or by any other means, anywhere on campus. This sanction is usually imposed for the tenure of the student found responsible.

5.04.g. Support Services Intervention: Mandates the student utilize specific support service(s) at the University as a requirement of maintaining their student status.

- 5.04.h. **Last-Chance Clause:** Written notification that further infraction of policy will result in suspension or expulsion.
- 5.04.i. **Suspension:** Separation of the student from the University for a specified period of time. The student will not participate in University-sponsored activities and may not be on campus without specific written permission of the Vice President for Student Affairs or designee. Some restrictions may be placed on the student as a condition of his or her return to campus.
- 5.04.j. **Expulsion:** Permanent separation from the University. Students who have been expelled may not be on campus without specific written permission of the Vice President for Student Affairs or designee.
- 5.04.k. **Other Sanctions:** Other sanctions may be imposed instead of or in addition to those specified above, including but not limited to the following: community service; educational or research projects; mandated counseling or therapy; relocation to another University living area; trespass from specified University premises; loss of specified University privileges; assignment of a failing grade in an academic course; or fines for alcohol or controlled substance policy violations. The imposition of such sanctions must be related to the nature of the violation.

6. SUMMARY ACTION

- 6.01. Summary action is a temporary resolution that will be imposed pending disciplinary or criminal proceedings, or medical evaluation. The required formal hearing pertaining to the campus disciplinary system will be provided within a reasonable length of time which, unless unusual circumstances are present, will be held not later than ten calendar days from the date the written notice was served.
- 6.02. For alleged violations of the Student Code of Conduct, summary action, including but not limited to, interim suspension, loss of contact with another student, immediate removal from the residence halls, reassignment to alternate housing, and/or restrictions from designated residence halls or campus facilities or events on a temporary basis may be imposed by the Vice President for Student Affairs or designee. Summary action should be assigned only when there is reason to believe that the student poses a threat to harm oneself or others, damage college property, or disrupt normal college operations.
- 6.03. The Vice President for Student Affairs or designee contemplating taking the action shall meet with the student prior to imposing an interim sanction to inform his or her of the alleged violation(s) and of the reasons for the proposed interim sanction. During this meeting, the student will be afforded an opportunity to make a brief statement regarding the alleged violation(s). If the student fails to attend a scheduled meeting, or if such a meeting is unreasonably difficult to afford, action may be taken in his/her absence.
- 6.04. If, following the meeting (or in absence of a meeting as described above), the administrator decides that implementation of an interim sanction is warranted, the student will be served with a written notice of the interim sanction. An interim sanction will become effective immediately upon being served with the written notice. If the attempt to serve written notice is rejected, the administrator will serve verbal notice. The interim sanction will become effective immediately upon notification to the accused.
- 6.05. Summary action is not subject to appeal prior to the required formal hearing.

7. JUDICIAL PROCESS

- 7.01. Any student, faculty, staff member or guest is expected to complete and submit an Incident Report if they are a victim or witness of a violation. Blank incident report forms may be obtained from Public Safety. This report provides information pertinent to the allegation. The individual filing the Incident Report (presenter/complainant) may be expected to appear at any subsequent hearing related to the matter.

Redacted Incident Reports (those with personal, private, and confidential information removed) may be obtained from the Public Safety Office through a written request. The Director of Public Safety, in consultation with the Vice President for Student Affairs, reserves the right to deny such requests.

- 7.02. The following members of the University are considered judicial officers of the University: University President, Provost, Vice President for Student Affairs, Director of Housing & Residential Life, Director of Student Activities & Leadership Development, and Residential Life Area Coordinators. The University retains the right to appoint additional judicial officers at any time.

- 7.03. All incident reports will be forwarded to the appropriate University Judicial Officer.

7.03.a. If the violation is allegedly committed by a resident student in a residence hall or on the surrounding grounds, the complaint will be forwarded to the Director of Housing & Residential Life, who will assign the case to the appropriate University Judicial Officer. First violations will typically be adjudicated by a Residential Life Area Coordinator; significant violations or complex cases will be heard by the Director of Housing & Residential Life or Vice President for Student Affairs.

7.03.b. If the violation is allegedly committed by a student or students acting on behalf of a student organization, including Greek organizations, the complaint will be forwarded to the Director of Student Activities & Leadership Development.

7.03.c. All other complaints will be forwarded to the Vice President for Student Affairs, who will hear the case or assign it to the appropriate University Judicial Officer.

- 7.04. The University Judicial Officer will review the report, determine charges of policy violation, and notify the student(s) of the charge(s). The student will be allowed seven calendar days from receipt of notification to arrange a disciplinary conference. During this conference, the student will have the option to resolve the incident through an administrative hearing with the Judicial Officer or a formal hearing with the Judicial Board. If the student does not schedule the conference within the allotted time, an administrative hearing may proceed in his/her absence; a decision and sanction (if applicable) will be rendered.

7.05. Students are presumed not responsible until proven responsible for a violation of the Code of Conduct. Pending final action on a charge, the status of the student is not altered, unless the continued presence of the students would, in the opinion of the University Judicial Officer, constitute a clear and present danger to themselves, to the

safety of others or to the property of the University. In these instances, students may face summary action.

- 7.06. Investigations into alleged policy violations may be conducted individually or collaboratively by a University Judicial Officer and/or the Director of Public Safety or designee. Lake Superior State University reserves the right to involve civil authorities in investigations.
- 7.07. In cases where it can be reasonably foreseen by the University Judicial Officer that the student charged may be suspended or dismissed from the institution, the case will be referred directly to the Vice President for Student Affairs or designee.
- 7.08. In most instances, hearing notification letters will be sent via campus or United States mail or delivered in person by Public Safety. Notification letters will be considered to be received upon delivery to a student's current local address as recorded with the Office of the University Registrar. Failure to notify the University of a change of address, failure to pick up one's notification letter, failure to accept delivery of the letter, or failure to read one's notification letter could result in a case being reviewed in absentia.
- 7.09. Students may be accountable both to civil authorities and to the University for acts that constitute violations of law and of this Code. Disciplinary action at the University will normally proceed during criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.
- 7.10. The purpose of campus disciplinary proceedings is to provide a fair evaluation of an accused student's responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the University may result. Responsibility for violation of University regulations is determined by the preponderance of evidence against the complainant.
- 7.11. During the final week of the academic year, portions of the formal judicial process may be suspended in order to adjudicate violations prior to the departure of students.
- 7.11.a. The typical seven-day timeframe will be suspended. University Judicial Officers reserve the right to conduct judicial hearings with students for significant policy violations at the time of the incident or the next working day.
- 7.11.b. The student will be notified verbally of the charge(s) against him/her.
- 7.11.c. The University Judicial Officer will conduct an administrative hearing, per the procedures listed below. The student will be provided with written notification of the resolution of the case, including any sanctions, within 24 hours of the hearing.
- 7.11.d. Students may be contacted during the summer session to resolve incidents occurring during the final week of classes. Failure to respond to a hearing notification letter will not absolve the student of responsibility and will compel the University Judicial Officer to make a decision without benefit of the student's input.

8. ADMINISTRATIVE HEARING PROCEDURES

- 8.01. University Judicial Officers have the authority to conduct administrative hearings. Based on the information presented, the judicial officer may rescind any charge deemed without basis. If the judicial officer finds that a violation has occurred, appropriate sanctions will be imposed.
- 8.02. In the hearing, the student and University Judicial Officer meet and discuss the incident, the student's behavior, judicial history and consequences. During or after this meeting the University Judicial Officer will determine whether or not the student is responsible for the alleged policy violations and impose appropriate sanctions. The University Judicial Officer will also communicate the finding and judicial sanctions in writing.
- 8.03. At the discretion of the University Judicial Officer, the accused student may be accompanied by an advisor whose role is to confer with and advise the student charged on his or her rights and offer counsel on behavior during the hearing. Advisors take no direct part in the hearing. The advisor must abide by the guidelines established for the hearing.

Important note regarding advisors: The advisor must be an Lake Superior State University faculty or staff member. No outside legal counsel will be permitted.

- 8.04. The University Judicial Officer hearing and ruling on the charges will track the student's completion of all assigned sanctions.

9. ADMINISTRATIVE HEARING APPEALS

- 9.01. Students may appeal the decision of a judicial officer. A letter of appeal must be submitted in writing to the appropriate Appeals Officer (see section 9.03.) within seven calendar days from the date of the student's receipt of the official decision. The Appeals Officer will render a decision within ten calendar days from the date of the request. Failure to appeal within the allotted time will render the original decision final and conclusive.
- 9.02. Students who file an appeal may request a meeting with the Appeals Officer. Such a meeting may or may not be granted subject to the discretion of that official.
- 9.03. Appeals of administrative hearings will be heard one administrative level up from the original judicial officer. If the resulting sanctions include suspension or expulsion from the University, the student may opt to appeal the case to the University Judicial Board (see sections 10-12). Assigned sanctions are not subject to appeal.
- 9.04. Only one appeal may be heard per case and are based on the following grounds for appeal:
- 9.04.a. an erroneous finding of fact contrary to the substantial weight of the evidence;
 - 9.04.b. incorrect interpretation of a policy or of the responsibilities of the administrator;
 - 9.04.c. bias on the part of the University Judicial Officer which materially affected the hearing;

- 9.04.d. new evidence material to the case that was not available at the time of the hearing.
- 9.05. After receiving an appeal and reviewing all available information, the Appeals Officer may elect to:
 - 9.05.a. deny the appeal and, in doing so, affirm the finding and the sanction originally determined.
 - 9.05.b. remand the case to the original hearing body with recommendations.
 - 9.05.c. order a new hearing with a new hearing body.
 - 9.05.d. dismiss the case.
- 9.06. The imposition of sanctions will normally be deferred during appellate proceedings. Sanctions imposed under summary action will remain in effect, pending the outcome of the appeal.

10. FORMAL HEARINGS

- 10.01. Students have the right to choose a formal hearing with the Judicial Board, rather than resolve an incident through an administrative hearing. Any student facing suspension or expulsion from the University will complete a formal hearing.
- 10.02. Formal hearings are not legal proceedings. Hearings are an administrative process to determine action within the Lake Superior State University disciplinary system. Outcomes are not dependent on what may or may not be found in a court of law and such comparisons are not relevant to the hearing process.
- 10.03. The Vice President for Student Affairs or designee will be responsible for coordinating all formal hearings.
- 10.04. Formal hearings will be conducted by the Judicial Board, comprised of students, faculty, and staff.

11. JUDICIAL BOARD MEMBERSHIP

- 11.01. The Judicial Board will be comprised of an ex-officio member/chair, who serves as the hearing officer, and general members.
 - 11.01.a. The Vice President for Student Affairs will appoint an appropriate University Judicial Officer to serve as the ex-officio member/chair.
 - 11.01.b. Members of the Judicial Board will be comprised of students, full-time faculty, and staff at Lake Superior State University.
 - 11.01.c. A quorum shall consist of three members, including at least one student, and the chair.
- 11.02. An ad hoc hearing board may be established by the Vice President for Student Affairs whenever the regular board is not constituted, is unable to obtain a quorum, or is

otherwise unable to hear a case. An ad hoc hearing board shall be composed of three members, including at least one student, and the chair.

- 11.03. Prior to participating in board deliberations, all members will participate in at least one orientation session coordinated by the Vice President for Student Affairs or designee.
- 11.04. All board members are expected to maintain the highest level of confidentiality with regards to judicial cases and will be asked to sign a confidentiality agreement.
- 11.05. The purpose of the Judicial Board is to determine what, if any, violations of the Code of Conduct have taken place and, when appropriate, recommend sanctions or uphold or reject appeals brought before the board. The board will hear all testimony and review all evidence in order to resolve the case.

12. JUDICIAL BOARD PROCEDURES

- 12.01. Prior to the hearing, the ex-officio/chair of the board will determine the complainant (victim/accuser) and the respondent (accused).
- 12.02. The ex-officio/chair of the hearing board will serve as the hearing officer and shall conduct the hearing. S/he may participate in Board deliberations and discussions, but shall not vote.
- 12.03. The ex-officio/chair shall give accused students reasonable notice of the hearing date and the specific charges against them. Notice shall be by personal delivery or by certified mail to the last address provided by the student to the University. Accused students shall be accorded reasonable access to the case file, retained by the ex-officio/chair.
- 12.04. The hearing officer may call relevant witnesses. University students and employees are expected to comply with this request, unless compliance would result in significant and unavoidable personal hardship, or substantial interference with normal University activities.
- 12.05. The hearing board will provide due process for those charged with or appealing violations of the Student Handbook or any departmental handbook.
- 12.06. Any board hearing will be subject to the following:
 - 12.06.a. Absence of the Student Charged: Accused students who fail to appear after proper notice will be deemed to have pled "not responsible" to the charges pending against them. A hearing may be conducted in their absence, if necessary. The hearing board considers the evidence available and bases its decision on a consideration of such evidence.
 - 12.06.b. Impartiality: Any party may challenge a hearing board member or the hearing officer on the grounds of personal bias. Board members may be disqualified by the hearing officer, or upon a majority vote of the voting members, conducted by secret ballot.
 - 12.06.c. Advisor: Both the respondent and complainant may be accompanied by an advisor whose role is to confer with and advise the student charged on his or

her rights, suggest questions to ask witnesses, and offer counsel on behavior during the hearing. Advisors take no direct part in the hearing. The advisor must abide by the guidelines established for the hearing. A student may opt not to have an advisor present.

Important note regarding advisors: The advisor must be a Lake Superior State University faculty or staff member. No outside legal counsel will be permitted.

- 12.06.d. Public Access: The hearings are closed to the public unless the students charged have a compelling reason to request an open hearing. Such requests must be received in writing a minimum of two business days in advance of the hearing. The University, other students charged and/or victim(s) involved will be notified of the request. All parties participating in the hearing must agree in writing for the hearing to be open to the public.
- 12.06.e. Presentation of Information: All parties will be interviewed separately; the complainant will be interviewed first, followed by the respondent, and witnesses. Any party may be recalled, as necessary. Board members may ask questions of the parties and all witnesses. They may also take judicial notice of matters which would be within the general experience of University students, staff and faculty members.
- 12.06.f. Witnesses: Prospective witnesses will be excluded from the hearing during the testimony of other witnesses. The accused student and the complainant will have the privilege of presenting witnesses who will be subject to questioning by members of the judicial board. The accused student and the complainant will be given the opportunity to request that the judicial body question witnesses about relevant aspects of their testimony. Witnesses will not be subject to penalty for failure to give evidence; however, if a witness who has given evidence refuses to respond to relevant questions, the witness's testimony will be given less weight. It is assumed that the complaining student will appear in person at the hearing to give testimony regarding the incident. Only in the most extenuating circumstances, as determined by the hearing board, would the complaining student be excused from attendance. In such cases, the hearing board shall request written testimony student from the complaining student. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of violating this Code by intentionally providing false information to the University.
- 12.06.g. Board Deliberations: All parties, the witnesses, and the public shall be excluded during Board deliberations, which shall not be recorded or transcribed.
- 12.06.h. Votes: Votes by the hearing board, as to responsibility or non-responsibility, and sanctions to be assessed, are by simple majority. Any member not participating in all aspects of a hearing shall not cast a vote.
- 12.06.i. Recommendations: A case report will be completed for each board hearing by the hearing officer. The case report will include a record of all parties involved in the hearing, pleadings of the accused, the board's findings and sanction recommendations, and a rationale for the recommended sanctions. The board will consider the past disciplinary record of the charged student

only after a finding of violation has been determined. The entire record will be forwarded to the Vice President for Student Affairs or designee for final approval of the decision and sanctions (if appropriate).

- 12.06.j. Decision and Notification: The ex-officio/chair will, within a reasonable length of time after receiving the hearing board's recommendation, render a decision in the disciplinary matter and notify the accused student. Such notification will be in writing and include the findings of fact, sanctions (if found responsible), and rationale for determinations. The complainant may be apprised of the decision. Such information will be communicated orally to the complainant with a reminder that the information is subject to privacy laws.
- 12.06.k. Record and File: A single record of proceedings, such as a tape recording, will be made of all hearings before a judicial body. The record and file will be the property of the University and be used for deliberations and appeals. No other recording, audio or video, will be permitted. The record and file of the hearing is University property and it may not be copied or removed from the campus, in accordance with the provisions of the Family Educational Rights and Privacy Act. A student found responsible for a violation of the Code of Conduct and his or her advisor may have access to the hearing record and file, for appeal purposes, through the Vice President for Student Affairs.

13. FORMAL HEARING APPEALS

- 13.01. A student found responsible following a Judicial Board Hearing may appeal the findings or sanctions to the Vice President for Student Affairs or designee.
- 13.02. A letter of appeal must be submitted in writing to the Vice President for Student Affairs within three calendar days from the date of the student's receipt of the official decision. A decision will be rendered within ten calendar days. Failure to appeal within the allotted time will render the original decision final and conclusive.
- 13.03. Students who file an appeal may request a meeting with the Vice President for Student Affairs. Such a meeting may or may not be granted subject to the discretion of that official.
- 13.04. Appeal decisions will be based solely upon the record of the original proceeding and upon the written appeal.
- 13.05. The following will be considered grounds for appeal:
- 13.05.a. an erroneous finding of fact contrary to the substantial weight of the evidence;
 - 13.05.b. incorrect interpretation of a policy or of the responsibilities of the administrator or panel;
 - 13.05.c. bias on the part of a judicial board member which materially affected the hearing;
 - 13.05.d. error in hearing procedure;

- 13.05.e. new evidence material to the case that was not available at the time of the hearing.
- 13.06. After receiving an appeal and reviewing all available information, the Appeals Officer may elect to:
 - 13.06.a. deny the appeal and, in doing so, affirm the finding and the sanction originally determined.
 - 13.06.b. remand the case to the original hearing body with recommendations.
 - 13.06.c. order a new hearing with a new hearing body.
 - 13.06.d. dismiss the case.
- 13.07. The decision of the Vice President for Student Affairs is final and not subject to additional appeal.
- 13.08. The imposition of sanctions will normally be deferred pending the outcome of an appeal.

14. DISCIPLINARY FILES AND RECORDS

- 14.01. Case referrals will result in the development of a disciplinary file in the name of the accused student. All resolutions (responsible, not responsible, and/or charges rescinded) will be noted in the disciplinary file.
 - 14.01.a. Disciplinary files will be maintained by the University Judicial Officer. One copy will also be retained in the Office of Campus Life.
- 14.02. The files of students found responsible of any charges against them will normally be retained as disciplinary record for four years from the date of the letter providing notice of final disciplinary action.
- 14.03. Disciplinary records may be voided by the Vice President for Student Affairs for good cause, upon written petition. Factors to be considered in review of such petitions shall include:
 - 14.03.a. the present demeanor of the student.
 - 14.03.b. the conduct of the student subsequent to the violation.
 - 14.03.c. the nature of the violation and the severity of any damage, injury, or harm resulting from it.

15. CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires all colleges and universities that receive financial assistance, under the programs authorized by Title IV of the Higher Education Act of 1965, to report the following crimes that occurred on "campus." The definition of "campus" includes any property owned, controlled, or used by the University as well as all public property that is within the same reasonably contiguous geographic area of the institution such as a sidewalk, street, other thoroughfare, or parking facility that provides immediate access to facilities owned or controlled by the institution.

- 15.01. Murder - The willful (non-negligent) killing of a human being by another.
- 15.02. Manslaughter - The killing of a human being through gross negligence.
- 15.03. Sexual Offenses - Encompasses a number of sexual crimes involving penetration or intrusion (however slight) by whatever means against the victim's will.
- 15.03.a. Forcible - Crimes categorized as forcible are: forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.
- 15.03.b. Non-forcible - Non-forcible sex crimes include: incest and statutory rape
- 15.04. Robbery - The taking or attempting to take, of anything of value under confrontational circumstances: by force or threat of force or violence and/or by putting the victim in fear of immediate harm.
- 15.05. Aggravated Assault - An unlawful attack by one person upon another where the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, internal injury, severe laceration, or loss of consciousness.
- 15.06. Burglary - The unlawful entry into a building or structure with the intent to commit a felony or theft.
- 15.07. Arson - 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.
- 15.08. Motor Vehicle Theft - The theft or attempted theft of a motor vehicle.
- 15.09. Liquor Law Violations - Violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; and all attempts to commit any of the aforementioned (drunkenness and driving under the influence are not included in this definition).
- 15.10. Drug Law Violations - Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous nonnarcotic drugs (barbiturates, Benzadrine).
- 15.11. Weapon Law Violations - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- 15.12. Disciplinary Referrals For University Alcohol Policy Violations - Individuals referred for sanctions for the distribution, possession, or use of any alcoholic beverage while on campus or while attending any University sponsored event off campus.

- 15.13. Disciplinary Referrals For University Drug Policy Violations - Individuals referred for sanctions for the distribution, possession, or use of any illicit drug(s) while on campus or while attending any University sponsored event off campus.
- 15.14. Disciplinary Referrals For University Weapon Policy Violations - Individuals referred for sanctions for the possession or use of firearms, explosive devices, air (pellet) guns, crossbows, slingshots, swords, knives (longer than 4"), shurikens, and other weapons or dangerous articles.

Clery Act statistics for Lake Superior State University are available from the Office of Public Safety or on the web at <http://www.lssu.edu/publicsafety/stats.php>.

POLICY STATEMENT A: UNIVERSITY ALCOHOL POLICY

Unauthorized possession, use, manufacture, distribution or sale of alcoholic beverages on or in University property is forbidden. The following are also considered provisions of the alcohol policy:

- The sale of/or providing alcoholic beverages to minors is illegal.
- Possession or consumption of alcohol is not permitted on campus by any person who is under 21 years of age.
- Furnishing alcohol to an obviously or visibly intoxicated person, regardless of age, is prohibited.
- Consumption of alcohol by those 21 years of age or older is permitted only in accordance with University Housing policy.
- Alcoholic beverages are not permitted at athletic events, concerts or any other event open to the campus community or general public, without prior authorization.
- Student organization funds will not be used for the purchase of alcoholic beverages.

Alcoholic Beverage Policy for Approved University Functions

- Information is available from LSSU's Walker Cisler Student and Conference Center.
- Consumption of alcohol is permitted by those 21 years of age or older on campus during an approved University function.
- Non-profit organizations that receive a special liquor license may serve alcohol.
- Alcohol must be served by LSSU Food Service personnel. Activity participants are not permitted to supply their own beverages.
- Alcoholic beverages are not permitted at athletic events, concerts or any other event open to the campus community or general public, without prior authorization.
- Kegs of any size or any common source of alcoholic beverages are not permitted on campus without University approval.
- University funds will not be used for the purchase of alcoholic beverages.
- The use of alcohol in the teaching of LSSU courses is permitted when the instruction occurs in an academic building of the University. The course must be under the supervision of a faculty member, the purpose must be solely educational, and the beverage must be a legal one as defined by the Michigan Liquor Control Act.
- Advertising in University publications or publicized notice on or off campus of the availability of alcoholic beverages at any event sponsored by a University group or individual is prohibited.

Alcohol in University Housing

- Brady Hall, Osborn Hall and the Student Village are alcohol-free living areas; no intoxication, consumption or possession of alcohol or alcohol containers is permitted.
- Possession or consumption of alcohol is permitted by those residents 21 years of age or older in Moloney, Neveu and Marquette Halls, Row Houses and Townhouses where all residents are at least 21 years of age. Alcohol is not to be consumed when underage guests are present. Possession or consumption of alcohol is not permitted in rooms or apartments where any resident is under 21 years of age.

- Social events, (parties, large gatherings, etc.) allowing alcohol are not permitted in any University Housing facility where minors are present.
- Students in possession of alcohol containers will be considered in violation whether or not the containers contain an alcoholic beverage.
- Possession of open alcohol beverage containers outside living units is not permitted.
- Alcoholic beverages in factory sealed containers may be transported by individuals (21 years or older) from off campus directly to approved residences.
- A common source of alcohol (kegs, trash cans, etc.) or quantities of alcohol determined to be excessive by University personnel is not permitted on campus grounds.
- Residents are responsible for the actions of their guests.
- All provisions of state law pertaining to possession and use of alcohol, furnishing of alcoholic beverages to minors, and falsification of an I.D. for the purchase of alcoholic beverages will be enforced.
- Social events (parties, large gatherings, etc.) may be terminated at any time at the discretion of University staff.
- Intoxication, disruptive behavior and/or damage related to the consumption of alcohol is in violation of University policy and will be treated under the University's Code of Student Conduct and/or criminal laws.

Off-campus Activities

The University accepts no responsibility for the use or distribution of alcoholic beverages at off-campus social functions sponsored by University-related organizations or individuals. All persons planning or attending such an off-campus activity should be aware of the alcoholic beverage laws that apply to the situation. Each person participating in the activity assumes responsibility for his or her own actions. Violations of pertinent alcoholic beverage laws may result in disciplinary action by both the University and the civil authorities.

Parental Notification

In October of 1998, Congress passed an amendment to the Family Education Rights and Privacy Act (FERPA) which allows an institution of higher education to disclose to parents or legal guardians of a student, information involving a violation of federal, state or local law, or a rule or policy of the institution governing the use or possession of alcohol and/or other drugs if the student is under the age of 21 and the institution has determined that a disciplinary violation occurred. In response to the recent alcohol-related tragedies in the State of Michigan and across the country, LSSU has adopted this Parental Notification policy.

Alcohol Disciplinary Sanctions

Sanctions may be imposed upon a student for an infraction of the LSSU Alcohol Policy. These sanctions do not preclude criminal prosecution resulting from violations of federal, state or local laws. Students are cautioned that significant and timely sanctions will be imposed for all alcohol violations. Sanctions will include fines, alcohol education, suspension from the residence halls and/or suspension from the University. In addition, parents or legal guardians may be notified of sanctions at the conclusion of a disciplinary case.

Any of the following constitute a violation of LSSU's alcohol policy:

- Underage consumption of alcohol or possession of alcohol or alcohol containers regardless of their contents (containing any liquid or no liquid)
- Intoxication
- Open container of alcohol in public areas.
- Hosting a party or guests involving the illegal use of alcohol
- Dispensing alcohol to minors
- Driving while under the influences of alcohol or in possession of alcohol

Sanctions for Students Violating Alcohol Policy

First Offense	Second Offense	Third Offense	Fourth Offense
Alcohol Education	Alcohol Education	Counseling Referral	University Suspension for a minimum of one year
\$50 fine	Counseling Referral	University Probation or Suspension (minimum 1 year)	Counseling and/or additional developmental requirements for reinstatement
Possible Relocation or Removal from Housing	\$100 fine	\$200 fine	\$250 fine
Parent Notification	Possible Relocation or Removal from Housing	Removal from University Housing	Parent Notification
Documentation Filed	Parent Notification	Parent Notification	Documentation Filed
	Behavioral Agreement	Behavioral Agreement	
	Documentation Filed	Documentation Filed	

Other Liability Involving Alcohol**Civil (Dram Shop) Liability**

Students should also be aware that civil liability may be incurred when the sale or furnishing of alcoholic beverages to a visibly intoxicated person is found to be the proximate cause of damage, injury or death of an innocent person. Such liability may arise independently of any University sanctions or prosecution under local, state or federal.

Infractions of State Law

Students may be prosecuted under state and local laws pertaining to alcohol consumption, use, possession, manufacture or furnishing to minors. University policy does not supercede such action.

Health Risks Related to Alcohol and Other Drugs

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

- Psychological and/or physical dependence.
- Impaired learning ability, memory loss, inability to solve complex problems.
- Inability to perform sexually, infertility problems.
- Increased risk of sexually transmitted diseases (including AIDS).
- Complications due to the combination of prescription medication and other drugs or alcohol.
- Death, coma or toxic reactions especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions.
- Guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, risk-taking, legal difficulties.
- Organic damage to brain, cardiovascular system, liver, etc.
- Increased risk of cancer.
- Fetal alcohol syndrome, birth or genetic defects.
- Psychosis (hallucinations, loss of contact with reality, extreme changes in personality).
- Diet deficiencies.
- Other physiological, psychological or interpersonal problems.

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

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

Resources

Campus and Community Resources

- Health CARE Center, 635-2110
- LSSU Public Safety Department, 635-2210
- Counseling Services, 635-2752
- Office of Campus Life, 125 Cisler Center, 635-2411

Chippewa County Resources

- Alcoholics Anonymous 906-495-7220
- Great Lakes Recovery Centers 632-9809
- Upper Michigan Behavioral Health 632-0008

Web Resources

- <http://www.factsontap.org>
- <http://www.alcoholics-anonymous.org>
- <http://www.jointogether.org/sa>
- <http://www.health.org>

POLICY STATEMENT B: SEXUAL ASSAULT

Lake Superior State University considers sexual assault to be an extremely serious offense, one not only traumatic to its victim, but damaging to the entire campus community and the educational process that is its purpose. Students found guilty of sexual assault, either in the courts or in the University's student judicial system, will be subject to penalties up to and including expulsion. The following policy statement defines sexual assault, indicates the procedures that sexual assault victims should follow, and describes the disciplinary process that will be followed when sexual assault complaints involve Lake Superior State students.

Definition of Sexual Assault

Sexual assault is defined as any sexual contact without consent. It includes, but is not limited to, (1) any unwanted touching or forced touching of a person's genitals, breasts, thighs or buttocks; (2) sexual intercourse or attempted sexual intercourse; (3) sodomy (oral or anal intercourse); (4) sexual penetration with an object. Consent for any of the above acts must be specific and must be freely given. An act will be considered without consent if force, threats or intimidation are used or if the victim is under the influence of alcohol or other drugs.

Reporting Operations and Procedures

Rights of the Survivor

The Criminal Sexual Conduct Statutes of Michigan define sexual assault as a crime involving forced or coerced sexual penetration (first and third degree) or sexual contact (second and fourth degree). The University encourages the reporting of sexual assaults to the appropriate University officials. Filing such reports is the only way the University can take action against the accused assailant. Survivors may report sexual assault to the:

- LSSU Public Safety Department,
- Sault Ste. Marie Police Department,
- Director, Assistant Director of Residence Life or any Residence Life Staff member,
- Any University official.

Survivors and persons receiving reports of sexual assault are reminded of the importance of preserving evidence that may be necessary to the proof of criminal sexual assault or for use in University disciplinary proceedings. All University personnel are encouraged to immediately refer sexual assault survivors to the Diane Pepler Resource Center.

1. The survivor has the right to have any and all sexual assaults treated seriously and the right to be treated with dignity. The University recognizes that a sexual assault is more than an assault on an individual's body it is an attack on the individual's dignity and sense of self. The University is committed to ensuring that the decision to take action against the accused shall rest solely with the survivor. There may be circumstances, however, depending on the status of the alleged assailant and the seriousness of the offense, in which the University must take action to protect the survivor or other members of the University community.

The best way for a survivor to retain control over actions is to report the assault in the first instance to a confidential counselor, such as the University's Counseling Center or the Diane Pepler Resource Center, where no action will be taken without the survivor's consent, unless required by law.

2. The University upholds the right of the survivor to be free from undue coercion of any kind from the University's personnel including, but not limited to, staff, faculty, and peer or student staff. Such coercion includes, but is not limited to, pressuring the survivor to report, not to report, or to under-report a sexual assault; suggesting that the survivor is somehow responsible for the sexual assault; suggesting that the survivor was contributorily negligent or assumed the risk of being sexually assaulted; or suggesting that the survivor or the University would incur unwanted publicity or humiliation by reporting the sexual assault.
3. Survivors who report the assault to the University will be fully informed of all their rights and options in a timely manner, including the necessary steps and potential consequences of each option. All University personnel are encouraged to immediately refer sexual assault survivors to Diane Pepler Resource Center.
4. The victim is free to pursue all legal or disciplinary remedies or counseling services without academic penalty. If the victim chooses to file criminal charges, University personnel will cooperate fully and promptly with law enforcement authorities in obtaining evidence. Conversely, victims who choose not to file criminal charges will also receive all available counseling and support from University personnel and will not be pressured to file charges for any reason.

University Disciplinary Procedures

1. The survivor has the right to pursue the University judicial process against the accused student assailant through the University's discipline system. The procedures to pursue University action

against a faculty or staff member are dependent upon the employment status of the accused. The Public Safety Department, in consultation with the Human Resources can advise a survivor which procedures would be applicable in a given case.

2. The University will provide judicial and disciplinary processes that are sensitive, supportive, expedient and respectful of the individual rights of all involved. Both the survivor and the accused have the right to be accompanied by a support person through every phase of the process. Student survivors may choose to change University housing and academic arrangements without academic penalty, if such changes are reasonably available.
3. Possible sanctions for students resulting from the University's judicial process range from formal reprimands to suspension and expulsion. Possible sanctions for faculty and staff range from reprimands to termination of employment. Both the accuser and the accused shall be informed of the outcome of the campus disciplinary process.

Off-Campus Legal Options

1. In addition to the University's judicial process and those disciplinary procedures applicable to faculty and staff, the survivor has the right to pursue criminal prosecution and/or civil litigation. The Public Safety Department is available to provide assistance and information on criminal prosecution. The University is committed to providing full and prompt cooperation and assistance in notifying the proper law enforcement personnel if the survivor so chooses. The survivor has the right to pursue all legal and disciplinary remedies and counseling services without academic penalty.
2. The Public Safety Department can also provide information on the rights and remedies accorded to crime victims generally, including information about State and Federal laws regarding mandatory testing of sexual assault suspects for communicable diseases, assistance in pursuing action under these laws, and notification of results of any such tests.

Medical Services

1. A survivor who seeks medical assistance from the Lake Superior State University Health Care Center will be provided with counseling and the appropriate referral for evaluation and sample collection. The Health Care Center is currently seeking training and certification for evidence collection. Emergency contraception is available at the Health Care Center if care is sought within 72 hours of sexual intercourse.
2. When the University's Health CARE Center is not open, medical care is available at War Memorial Hospital, 500 Osborn Boulevard, Sault Ste. Marie, MI, 906-635-4402

Statistical Reporting

The University will provide statistics of reported sexual assaults as required and defined by the Campus Security Act and the Student-Right-to-Know-Act. All personally identifying information will be removed from statistical reports.

Educational Services, Community and Campus Counseling

1. The Lake Superior State University has created sexual assault and domestic violence awareness, and educational programs. These programs provide information to students about sexual assault reporting options, counseling services, myths and facts about sexual assault, strategies to reduce the risk of becoming a victim, community outreach services and assistance for the survivor, and the survivor's rights.
2. Diane Pepler Resource Center personnel are available to accompany survivors and provide support during hospital or medical exams, contact with law enforcement personnel, during campus judicial

hearings, and for local court. The Diane Pepler Resource Center is a community agency that ensures survivors' confidentiality as per MICHIGAN COMP. LAW 600.2157A(1985)

3. The University Counseling Center is located in the lower level of the library (LBR 119A). The center provides licensed professional counseling to University students as well as coordinating services provided through community agencies. The center also will work with survivors to assist them with their academic requirements, housing arrangements and other University departments. Confidentiality is assured at the University's Counseling Center per Michigan Statute(MCLA-600.2165), FERPA Act of 1974 and Public Health Code Part 181-Sec 18117 qualifies relations and communications between client and Licensed Professional Counselor as privileged

In Closing

1. All members of the Lake Superior State University community share a responsibility for upholding this policy as we strive to attain our goal of creating a violence-free community.
2. If you are a survivor of sexual assault or a friend wishing to seek help, please contact the following local agencies:

University Counseling Center

Lake Superior State University
Kenneth Shouldice Library
Lower Level, Rm. #119A
906-635-2733

Diane Pepler Resource Center

P.O. Box 636
Sault Ste. Marie, MI 49783
906-635-0566 (24 Hour Hot Line)
1-800-882-1515 (Toll Free)

POLICY STATEMENT C: SEXUAL HARASSMENT

Lake Superior State University is committed to a policy of nondiscrimination on the basis of gender. Discrimination because of gender includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. submission to such conduct or communication is made a condition either explicitly or implicitly to obtain employment, public accommodations or public services, education or housing;
2. submission to or rejection of such conduct or communication is used as a factor in decisions affecting an individual's employment, public accommodations or public services, education or housing; or
3. such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing environment.

The University is committed to the protection of the rights of all individuals in the University community and to the elimination of barriers that would prevent individuals from realizing their highest potential of human excellence. Sexual harassment is a particularly noxious form of discrimination that interferes with these goals and commitments, and is difficult to combat due to the intimidation and destruction of the self-esteem of its victims.

If you believe that you are being sexually harassed, please contact the Director of Human Resources at 635-2697.

POLICY STATEMENT D: Psychological Disorders

Lake Superior State University strives to balance their concern for the health and welfare of individual students with those of the larger campus community. Consequently, when a student's conduct is dangerous or disruptive to campus life, the University may take action against him or her. In some cases, the Vice President for Student Affairs or designee may offer the student the option of obtaining psychological assessment from an agency, institution or practitioner selected by the college, instead of or in addition to such action.

A student selecting this option will be required to sign a release giving appropriate college officials access to the assessment results. The University will use the information gathered through the assessment to determine whether the individual will be allowed to continue as a student and/or remain in a University residence hall.

A student who is permitted to continue at the University will be required to follow the recommendations of the assessing agency/practitioner as well as those imposed by the Vice President for Student Affairs or designee. The student will be required to execute a release to enable college officials to receive copies of the agency's/practitioner's records to monitor the student's compliance with the treatment plan.

The student will be responsible to pay the costs of treatment, including those associated with the initial assessment. Any failure to adhere to the treatment plan, further endangerment to the well being of the student or others, or further disruption of the campus environment will result in immediate suspension or expulsion.

POLICY STATEMENT E: Involuntary Withdrawal

Subject to the University's duties under the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, a student may be asked to withdraw voluntarily or may be administratively withdrawn involuntarily from the University when, in the judgment of the Vice President for Student Affairs or designee, the student:

- a. poses a direct threat to the health or safety of self or others; or
- b. has interfered with the rights of other students, faculty, staff, or other members of the University community; or
- c. has repeatedly harassed any member of the University community; or
- d. has behaved in a way that demonstrates that he or she is emotionally or psychologically incapable of functioning properly in the University setting.

The Vice President for Student Affairs or designee will determine whether each individual case should be handled through this policy or through normal disciplinary procedures. Any involuntary withdrawal decision will be made by the Vice President for Student Affairs or designee. It is understood that involuntary withdrawal from the University will be undertaken as a last resort. Every effort will be made to help the student understand the consequences of his or her behavior, make responsible decisions, and develop skills that will allow him or her to successfully function within the Lake Superior State University community.

The Vice President for Student Affairs or designee may choose to conduct a personal interview with the student. If, as a result of this interview, the Vice President for Student Affairs or designee determines that the student's withdrawal from campus is necessary, s/he will recommend withdrawal to the student. If the student will not withdraw voluntarily, the Vice President for Student Affairs or designee may pursue involuntary withdrawal. In either case, the Vice President for Student Affairs or designee reserves the right to consult with appropriate University faculty or staff regarding a withdrawal decision.

A student subject to involuntary withdrawal will be provided written notice of this decision by personal delivery or certified mail. Should a student wish to appeal the decision to be involuntarily withdrawn, a letter of appeal must be submitted in writing within seven calendar days of the date of the decision to the Provost.

Permission for readmission will typically be based on the student's demonstration of a period (of at least one semester) of stable behavior outside of the University and will require a statement from a physician, psychologist, or other qualified professional external to the campus who gives an opinion that the student is ready to return and cope with university life. Conditions for follow-up services may be required as a part of the readmission decision. These conditions will be established by the Vice President for Student Affairs or designee.

POLICY STATEMENT F: Publicity and Posting

Publicity for events on the Lake Superior State University campus is allowed for all officially recognized student organizations, clubs, academic classes and departments, and other non-academic LSSU departments. Advertising for events not affiliated or officially sanctioned by LSSU will also be approved for posting, as long as the content meets the criteria outlined in this policy. All publicity materials must be approved by the Office of Campus Life. Prior to approval for publicity, the event must be approved and the room reservation confirmed.

All publicity materials must indicate the name of the group sponsoring the event; the date, time, and location of the event; and contact information for the event. It is the responsibility of the sponsoring group to remove all postings within three days of the event. Publicity containing any of the following will not be approved and will be removed immediately if posted:

- Any reference to illegal substances, unless in connection with an educational message or event.
- Any reference promoting the use of alcohol, unless in connection with an educational message or event.
- Offensive language or images and/or graphic illustrations.
- Language and/or graphic illustrations/images that dehumanize individuals on the basis of race, age, gender, religion, sexual orientation, national or ethnic origin, disability, or any other characteristic protected by Lake Superior State University policy and/or applicable law.
- Any information that would violate local, state, or federal law or Lake Superior State University policy.

Please adhere to the following when posting:

- Only staples, tacks, or masking tape may be used to post flyers.
- Materials may only be posted on bulletin boards in hallways and classrooms designated for general use.
- Postings may not be attached to walls, doors, ceilings, or window.
- Do not slide postings under doors or place on vehicles.
- Postings may not cover, deface, or remove the posted materials of another group or event.
- All postings must be approved by the Office of Campus Life.

Non-compliance with posting policies will be referred to the Office of Campus Life. Repeat violations of the posting policy may result in judicial action.

POLICY STATEMENT G: Online Communities

Lake Superior State University recognizes that students are using online communities such as Facebook and MySpace, in positive ways to connect with each other. At the same time, however, users of these virtual communities should be aware of the potential consequences when posting to these sites.

Important note regarding online communities: Faculty and staff will not actively monitor the use of Facebook or any other online community for policy violations. However, policy violations brought to the attention of the University will be subject to investigation and may be pursued through the judicial system.

Given the significant use of online communities among Lake Superior State University students, it is important to share cautions and concerns regarding the use of these tools.

Students should be careful about how much and what kind of **identifying information** is posted online. Virtually anyone can access your profile or page. It is unwise to put information like date of birth, social security number, address or phone number on these pages, as doing so could lead to identity theft or stalking. Most online communities provide numerous privacy settings for information contained on their pages; please use these settings to protect private information.

Students should be aware that **potential current and future employers** can often access information placed online and many are increasingly using online communities in just this way. Think about any information posted as potentially providing an image to a prospective employer.

Students must be aware of the legal implications of posting in an online community. **"Privacy"** is a complicated matter in American law. It evokes everything from the right to family planning through Fourth Amendment search and seizure to torts, or civil rights, "to be let alone" in our person. If a student posts an alleged fact about another that proves incorrect, that student may be liable for damages under defamation or libel. If a photograph or other information is posted that could be construed as "invasion of privacy" (i.e. posting a picture of someone taking a shower), "false light" (suggesting that someone is something they are not), or "misappropriation of likeness" (claiming a person is someone else), the student may be liable for tort under the broad rubric of "privacy".

POLICY STATEMENT H: Academic Integrity

<Insert procedure for dealing with academic misconduct>

POLICY STATEMENT I: Sanctions for Non-Compliance

Students charged with violation of University policy 4.16, Non-Compliance, may have the following sanctions imposed, in addition to other appropriate sanctions:

First offense: Educational paper/project

Second offense: Educational paper/project; \$50 fine

Third offense: \$50-\$100 fine; letter to parents, athletics coach, and/or advisor

Fourth offense: \$100-\$200 fine; letter to parents, athletic coach, and/or advisor; increased status sanction (i.e. probation, suspension)

Additionally, students failing to complete assigned sanctions will be charged with violating University policy 4.16, Non-Compliance. Those students found responsible for this charge may have any of the following sanctions imposed in addition to the original sanctions:

- A) Failure to attend or complete alcohol/drug education class
 - \$50-\$200 additional fine;
 - Letter to parents;
 - Letter to coach, advisor, etc.
 - New educational requirement;
 - Increased probationary status (e.g. move from written warning to disciplinary warning status) and/or increased time on status (e.g. from 3 months to 6 months or 12 months)
- B) Failure to complete community restitution
 - Fine equal to the number of hours assigned, multiplied by \$10;
 - Letter to parents;
 - Letter to coach, advisor, etc.
 - Increased probationary status (as above)
- C) Failure to attend required counseling session(s)
 - \$60 fine for each session missed;
 - Letter to parents;
 - Letter to coach, advisor, etc.
 - Increased probationary status (as above)
- D) Any sanction if placed on disciplinary probation
 - Increased probationary status (as above);
 - Suspension from University

POLICY STATEMENT J: Information Technology

In order to carry out its educational, research and public services missions, Lake Superior State University (LSSU) strives to create an intellectual environment with access to information resources and technology in which faculty, students and staff may create, work and collaborate with each other and with colleagues at other institutions, without fear that the products of their efforts will be violated by any inappropriate use, taking or destruction.

This policy and the guidelines herein set forth the conditions for the use of information technology resources, including the University Local Area Network (ULAN) computer technology equipment, software and digital media. Lake Superior State University, as a state constitutionally created body, has a public trust to maintain with regard to its mission, activities, services and property. Computing and information resources, services, activities and property must therefore be used by all members of the University community with respect for the public trust through which these state resources are provided.

Access to, and use of, LSSU computing networking and information technology resources is a privilege extended to faculty, students and staff and is subject to compliance with this and other related LSSU policies, rules and regulations; laws; all applicable contracts, including those pertaining to computers and software; and all associated ethical principles and standards adopted by the University community.

Compliance with these provisions is required for continued use and access to information technology resources.

This policy is applicable to all members of the LSSU community whether at the University or off campus, and this policy covers all information resources and equipment even if owned by an individual or shared, or networked.

Every individual user who has access to University information technology resources systems and other

resources such as services, equipment, and programs is required to protect the rights of the entire University community. Any individual who without authority accesses, appropriates, changes, destroys or tampers in any way with the ULAN system or any University information resources system, equipment or program, or that of a third party, is acting in violation of this policy and prejudices the intellectual environment of the University community. In order to preserve the integrity of the information resources systems and programs, the University will take appropriate action for any violation of its policies, the law or any applicable contract provision. The full range of disciplinary actions, including dismissal and legal action, may be used. Violations will be processed in accordance with University policies, employment contracts and the law.

The following list, while, not exhaustive, provides some examples and guidelines on what constitutes inappropriate, unacceptable or illegal use of information technology, computing and networking resources and would be the just cause for taking disciplinary and/or legal action:

- destruction of, or damage to, equipment, software, or data belonging to LSSU;
- disruption of, unauthorized access or seeking such access, or monitoring of electronic communications;
- violations of computer system security, including menuing systems;
- unauthorized use of computer accounts, access codes, or network identification numbers assigned to others;
- use of computer and/or network facilities in ways that may unduly impede the performance of a computer system, or deprive authorized personnel of resources or access to any University computer system resource;
- use of computing facilities for personal or business purposes unrelated to the mission of the University;
- violation of University or third party copyrights, patents, licenses, authorizations and contracts;
- violation of usage policies and regulations of the networks that LSSU is a member of or has authority to use;
- violation of another user's privacy;
- academic dishonesty (plagiarism or cheating);
- harassment or libelous conduct of other individuals or users as defined by law; and
- engaging in any action in violation of the law or University policies.

The University considers electronic mail and computer files private to the extent permitted by law. Generally, access requires the permission of the sender or recipient of a message, or the owner of the file, or such access must be based on a court order or some other statutory or legal basis. The law governing the privacy of electronic mail is in a developing stage, and the limits of privacy are not clearly defined. Users of electronic mail should utilize this service with the understanding that such mail may be disclosed without consent because of a statutory provision or a court ruling.

As in the use of other institutional resources, electronic mail should be used for the institutional purposes set forth in this policy related to the community's need to create, work and collaborate with each other and colleagues in the sharing of knowledge and information related to the mission of the University.

The University reserves the right to monitor its computing resources property to ensure the integrity of the system and compliance with its policies, rights, the law and its contractual agreements. In the course of a University review or investigation for alleged misuse or misconduct, e-mail or files may be locked or copied to prevent destruction or loss of information.

LSSU is not liable for damages of any nature or losses, including lost revenues, or for any claims or demands against the user by any other party. In no event can LSSU be held liable for consequential damages even if LSSU has been advised of the possibility of such damages. LSSU cannot be held responsible for any damages due to the loss of output, loss of data, time delay, system performance,

software performance, incorrect advice from a consultant, or any other damages arising from the use of LSSU's computer facilities.

Requests for the disclosure of information subject to a court order or the provisions of the Family Educational Rights and Privacy Act or the Freedom of Information Act shall immediately be referred to the designated University employee responsible for processing these inquiries.

POLICY STATEMENT K: Confidentiality and Student Records

Lake Superior State University intends to fully comply with the Federal Education Right to Privacy Act (F.E.R.P.A.) of 1974, as amended. This Act was designated to protect the privacy of educational records, to establish the right of the students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate or misleading data. Please refer to the University Catalog for policies and procedures related to F.E.R.P.A.

Under F.E.R.P.A., the University can release directory information about you without your prior authorization. LSSU considers the following 'directory information': name, address, telephone number, e-mail address, date and place of birth, major field of study, enrollment status (e.g. undergraduate or graduate, full-time or part-time), participation in officially recognized activities and sports, height and weight of members of the athletic teams, dates of attendance, degrees, honors and awards received (including scholarships), and most recent previous educational agency or institution attended by the student. You will have the right to refuse to permit the release of any or all of your directory information. Your written request to prohibit or restrict the use of your information should be delivered to the Registrar's office. Directory Restriction Forms are available in the Registrar's office. **Word of Warning:** When you restrict your name, you are telling us that you do not want us to acknowledge you as a student in any way. Your name will not appear in any official University publications nor will we be able to verify your enrollment to any outside source. This also means we will not be able to service you by telephone, nor will we be able to help you in person without you first showing proper picture identification. A restriction that you place on your record remains until you request, in writing, that it be removed. If you do not want your name, home and local addresses and phone numbers to be included in the Student Directory that LSSU publishes each year, your written request needs to be received before the end of the sixth day of the fall semester.

POLICY STATEMENT L: Good Samaritan Practices

The welfare of our students is of the highest importance to Lake Superior State University. There will be times when individual students, both on and off campus, may be in critical need of assistance from medical or other professional personnel. LSSU wants to minimize any hesitation that students or student organizations might have in obtaining help due to concern that their own behavior might be a violation of University policy.

While policy violations cannot be overlooked, the University will consider the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequences for the reporter of the problem will be evaluated against the possible negative consequences for the student who needed intervention. At a minimum, LSSU hopes that a student or student organization would make an anonymous report that would put the student in need in touch with professional assistance.

Examples where the Good Samaritan Policy may influence educational sanctions are:

1. A female student is reluctant to report that she has been sexually assaulted because she had been smoking marijuana prior to the assault.

2. A student is reluctant to call for medical assistance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.
3. A member of a student organization is reluctant to report a possible suicide attempt by a prospective member because prospective members have been required to perform activities that might be considered hazing.

In all three of these examples, a student's physical and/or psychological well being is in serious jeopardy. Immediate action is required to assist the individual.

If you or someone you know needs help, contact Public Safety at (906) 635-2210.

POLICY STATEMENT M: Non-Discrimination

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, sex, age, disability, sexual preference, religion, height, weight, marital status or veteran status. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Director of Human Resources
Administration Building
Lake Superior State University
Sault Ste. Marie, MI 49783
906-635-2697

Grievance Procedure

The director of Human Resources is the designated grievance officer for students, applicants for admission, employees, applicants for employment, and the public community.

The University encourages individuals to promptly report instances of discrimination and discriminatory harassment. Once the University has been informed of such behavior, it will take timely and appropriate steps to investigate the problem. At any step of the grievance process, time schedules as outlined in the procedure may be outlined in writing. Individuals may discuss concerns they have regarding possible discrimination or harassment with the grievance officer and learn what options are available.

The University not only prohibits discrimination, including harassment, but also strictly prohibits any retaliation against any individual who in good faith has registered a complaint under this procedure. Any supervisor, agent or employee of the University who, after investigation, has been determined to have retaliated against any individual for using the complaint procedure in this policy will be subject to appropriate discipline up to and including immediate discharge. If an employee or student believes he or she has been retaliated against for exercising his or her rights under this policy, this complaint procedure should be used.

All matters discussed in this process will be kept as confidential as possible.

Individuals have the right under the law to seek remedies from the Michigan Department of Civil Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights, Department of Education or by court action. Individuals may file complaints of illegal discrimination on the basis of gender (Title IX) or disability (Section 504 ADA) with the Office for Civil Rights, Department of Education, at the same time

a grievance is filed under the University's procedure, during or after the use of the grievance process, or without using the grievance process at all. A Title IX, Section 504, or ADA complaint must be filed in writing with the Office for Civil Rights no later than 180 days after the occurrence of the possible discrimination. This is the process to investigate and resolve complaints alleging discrimination:

Step 1: Informal Complaint: If you have a discrimination or harassment complaint as outlined above, you may contact the grievance officer in person. He or she will speak with you and try to resolve the matter on an informal basis. Any information will be kept confidential to the extent possible.

Step 2: Formal Complaint: If the problem cannot be resolved at Step 1 within five (5) working days from the date you first contacted the grievance officer, you (the complainant) may submit a written complaint on a form provided by the grievance officer. He or she will help you complete the form if you wish.

Within five (5) working days of receiving the written complaint, the grievance officer will send a Notice of Complaint, a copy of the complaint form, a response form and a copy of this procedure to the respondent. The respondent will submit a completed response within five (5) working days from the date he or she receives the complaint.

The grievance officer will conduct an investigation. The investigation should be completed within twenty (20) working days after receipt of the response. If the complaint is against the University as the employer, the grievance officer will have 30 days from receipt of the written complaint to investigate the matter.

Within ten (10) working days of completion of the investigation, the grievance officer will give you a written Determination stating whether the allegations of the complaint are true and any remedial action recommended. At Step 2, information will be kept confidential to the extent possible.

Step 3: Hearing: If either the complainant or the respondent is dissatisfied with the grievance officer's determination, he or she may request that the matter be referred to the Hearing Panel for a hearing by submitting a form. The request for a hearing must be submitted in writing to the grievance office within five (5) working days after receipt of the determination.

The president will appoint a permanent Hearing Panel composed of three members including, if possible, at least one female and one minority member. The vice president for Business and Financial Operations will be the chairperson and will conduct the hearing. The grievance officer will send a Notice of Hearing and a copy of the Request for Hearing to the complainant, respondent (if any), and Hearing Panel, scheduling the hearing within fifteen (15) working days, unless the panel chairperson provides otherwise and so notifies those involved.

At the hearing the complainant and respondent will be allowed to give their own testimony, present the testimony of witnesses, documentary evidence or other evidence relevant to the proceedings, and cross-examine the other party's witnesses. The complainant and respondent may have an attorney or other advisor present. The grievance officer will present the findings of the investigation conducted at Step 2 and may present witnesses as appropriate. To ensure the privacy of those involved, witnesses (other than the complainant and respondent) will be allowed into the hearing room only during their testimony. At the chairperson's discretion, the hearing may be recorded.

Within fifteen (15) working days after completion of the hearing, the chairperson will issue the decision and recommended order of the Hearing Panel. The decision will be mailed to the complainant and respondent with a copy to the grievance officer. The chairperson will implement any action recommended by the panel.

Step 4: Appeal: The decision of the Hearing Panel will be final and binding. If the grievants wish to

pursue the matter further, they may file with the outside agencies listed earlier in this procedure.

Section 5.02 of the by-laws of the Board of Trustees, approved July 24, 1989, will not be invoked for grievances submitted for settlement under this procedure.