

Lake Superior State University
Gender-Based Discrimination and Sexual Misconduct Policy
Policy Number: 1.5.2 Policy
Date of Present Issue: August 31, 2018
Dates of Previous Issue: 8/2017
(The most recent version of this policy is located on the University web site.)

1. Policy Statement

- 1.1. Members of the Lake Superior State University campus community are entitled to an educational and working environment free of all forms of gender-based discrimination and sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others and to treat others with respect and dignity. When an allegation of prohibited conduct, as later defined, is brought to an appropriate responsible employee's attention and a responding party is found to have violated this policy, sanctions will be used to reasonably make sure similar actions do not occur in the future.
- 1.2. This policy applies to all Lake Superior State University students, faculty, staff, administrators, board members, consultants, vendors, others engaged to do business with the University, guests and visitors (collectively or individually referred to as "covered individuals", as defined in the policy). The policy also applies to other third parties under circumstances within the University's control.
- 1.3. This policy is intended to define community expectations, to establish a process for determining when those expectations have been violated, and to set guidelines for follow up and action, as appropriate. The University is committed to providing safe opportunities for concerns to be reported and appropriately investigated, taking appropriate action to end prohibited conduct, educating and increasing awareness to prevent the reoccurrence of prohibited conduct, and remedying the impact on the campus community.

2. Summary of Policy

- 2.1. This summary highlights key parts of this policy for easy reference.
- 2.2. The University has obligations under Title IX, a federal law that prohibits gender-based discrimination in education. The law requires that sexual misconduct must be reported and investigated and that follow up action be taken. The full policy language provides greater detail.
- 2.3. Gender-based discrimination includes sexual misconduct. Sexual misconduct includes non-consensual sexual contact with others.
- 2.4. Consent is given when each person in a sexual situation actively articulates or demonstrates an affirmative decision to mutually engage in sexual activity. The way a person dresses or looks is not consent. If a person does not verbally say "no" it does not mean they are saying "yes" and only "yes" means "yes" – consent must be consciously and affirmatively given. A current or prior relationship does not constitute consent. Consent to one behavior does not mean consent has been given to other behaviors. Consent cannot be given by a person who is incapacitated or unconscious, asleep or under the age of sixteen (16). Consent cannot be given under threat or coercion.
- 2.5. The law states that employees, faculty and staff have a duty to report sexual misconduct. If you know, or reasonably should know, of sexual misconduct you are expected to report it. The University has an obligation to promptly investigate and take appropriate action to assist the individuals affected and ensure the safety of the campus community.
- 2.6. Any suspected violation must be reported. Reports may be made to the Title IX Coordinator, the Public Safety Department, Office of Campus Life, the Provost's Office, your immediate supervisor or a faculty member. As responsible employees, with a duty to report, these individuals or offices will forward reports to the Title IX Coordinator.

3. Definitions

- 3.1. Prohibited Conduct: Prohibited conduct includes sexual and gender based discrimination, sexual and gender-based harassment, sexual assault, non-consensual sexual contact, sexual exploitation, stalking, cyber stalking, intimate partner violence, retaliation, and prohibited relationships by persons in authority. Prohibited conduct may take place in-person, online, or through any other form of technology or method of communication. Threats or failed attempts to commit any prohibited conduct will be treated as though the misconduct had occurred. When assessing whether a policy violation has occurred, consideration is given to whether the prohibited conduct forms a pattern, is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern or a repetitive series of incidents. Any prohibited conduct involving a minor is a violation of state and federal law and will be reported to the appropriate law enforcement officials.
 - 3.1.1. Sexual or Gender Based Discrimination: This prohibited conduct includes any distinction, preference, advantage for, detriment to, or adverse treatment of an individual compared to others that is based on that individual's actual or perceived gender, gender identity, genetic information, marital status, pregnancy, sex or sexual preference. This policy covers sexual and gender based discrimination in employment and in access to educational opportunities. Discrimination against any employee, applicant for employment, student or applicant for admission is prohibited.
 - 3.1.2. Sexual and Gender Based Harassment: This prohibited conduct includes any unwelcome gender-based or sexual advances, request for favors, or other unwelcome verbal or physical conduct when (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University program or activity; or (2) submission to or rejection of such conduct is used as a basis for decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance. This also includes gender-based harassment, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature.
 - 3.1.3. Sexual Assault: This prohibited conduct includes having or attempting to have sexual intercourse, or to engage in other forms of sexual activity such as inappropriate touching, with another individual without consent. Sexual intercourse includes oral, vaginal, or anal penetration, however slight, with a body part (e.g. penis, tongue, finger, hand) or object.
 - 3.1.4. Non-Consensual Sexual Contact: This prohibited conduct includes having sexual or intimate or socially unacceptable contact with another individual without consent. For example, sexual contact includes, but is not limited to, touching the intimate parts of another, causing another to touch one's intimate parts, exposing another without consent, or other contact of a sexual or intimate nature. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, legs, back, or any other part of the body that is touched in a sexual or socially unacceptable manner.
 - 3.1.5. Sexual Exploitation: This prohibited conduct includes taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to: (1) surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; (2) non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; (3) exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances; (4) knowingly exposing another

individual to a sexually transmitted disease or virus without their knowledge; (5) sexually-based bullying; or (6) inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

- 3.1.6. Stalking: This prohibited conduct includes physical or verbal conduct (generally demonstrated by two or more events) directed at another individual in a manner that could be reasonably regarded as likely to alarm, intimidate, control, coerce, harass, cause fear of harm or injury to that person or to a third party. The feared harm or injury may be physical, emotional, psychological, or related to the personal safety, property, education, or employment of the individual. For example, failure to comply with a no contact order may be construed as stalking behavior.
- 3.1.7. Cyber-Stalking: This prohibited conduct includes stalking through the use of electronic media such as the Internet, social networks, blogs, cell phones, texts, or any form of contact made using an electronic communication device.
- 3.1.8. Intimate Partner Violence: This prohibited conduct includes violence towards an intimate partner (also known as dating violence, domestic violence or relationship violence) which includes any act of violence or threatened act of violence against a person who is, or has been, involved in a sexual, dating, domestic or other intimate relationship with the responding party. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation may all be forms of intimate partner violence.
- 3.1.9. Retaliation: This prohibited conduct includes actions, behaviors, words, or attempts to take adverse action against the reporting party, responding party, or any individual or group of individuals because of their good faith participation in an investigation or resolution of an allegation of prohibited conduct. Retaliation can be committed by an individual or group of individuals, including, but not limited to a reporting party or responding party. Retaliation can take many forms, including threats, harassment, intimidation, pressuring, continued abuse, violence, or other forms of harm to others. Retaliation also includes pressuring a party to withdraw their report or intimidating a party or witness to stop participating in the investigation process. A difference of opinion and/or dislike of another person's good faith decision does not constitute retaliation. Retaliation has significant potential to interfere with a person's ability to file a report or participate in an investigation, and to interfere with or limit the University's ability to investigate, stop, prevent and remedy allegations of prohibited conduct. Any allegations of retaliation will be assessed and promptly investigated.
- 3.1.10. Prohibited Relationships by Persons in Authority: This prohibited conduct includes sexual or other intimate relationships between persons occupying asymmetrical positions of power (or perceived positions of power). Even when both consent, such relationships violate the standards of professional conduct. Romantic or sexual relationships between individuals in unequal positions may be less consensual than perceived by the individual whose position confers power. Therefore, relationships in which one party maintains a direct supervisory or evaluative role over another party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other non-student University personnel. Similarly, University employees who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision. The effect of such a relationship may render an individual's work, academic, or social environment intimidating, offensive, or hostile.

Persons with direct supervisory, evaluative or coaching responsibilities who contemplate beginning or are involved in such relationships are required to promptly (1) discontinue any supervising role or relationship over the person; and (2) report the circumstances to their direct supervisor. This includes Resident Advisors, Community Advisors and students over whom they have direct responsibility.

- 3.2. Covered Individuals: This policy applies to all Lake Superior State University students, faculty, staff, administrators, board members, consultants, vendors, volunteers, others engaged to do business with the University, guests and visitors (collectively or individually covered individuals). The policy also applies to other third parties participating in programs under the University's control.
- 3.3. Title IX Coordinator or designee: The term Title IX Coordinator or designee (TIXC) refers to University employees designated as the Title IX Coordinator, Deputy Title IX Coordinator, Assistant Title IX Coordinator, and may also refer to those employees designated to investigate, review or adjudicate reports, allegations and appeals based on this policy. These individuals participate in mandatory training.
- 3.4. Student: The term student or students includes all persons taking one or more courses at Lake Superior State University. This includes both full-time and part-time students taking undergraduate, graduate, professional studies, or continuing education courses. Anyone who withdraws from the University after being notified of an alleged violation of this policy, or who is not officially enrolled for a particular term, is still considered a student if they have a continuing relationship with the University as a student. For example, a student who is on a summer break or a student on a leave of absence, remains identified as a student under this policy.
- 3.5. Responsible Employees: The term responsible employee refers to (1) any employee who has the authority to take action to redress the prohibited conduct; (2) any employee who has the duty to officially report prohibited conduct by students or employees; or (3) any employee a student could reasonably believe has the authority or responsibility to take action (such as a member of staff or faculty). A responsible employee has a duty to report a violation or suspected violation.
- 3.6. Privileged Employee: A privileged employee under this policy is a campus or community professional who is authorized to hold a privileged conversation by virtue of the position in which they are employed, and when acting in the capacity of the role for which they are actively employed by the University. For example, a licensed nurse employed by the university as a licensed nurse in a caregiver capacity is a privileged employee. However, a licensed nurse who is employed by the university in a non-caregiver capacity is not a privileged employee (since they are not employed as a clinical care giver); this person is a responsible employee with a duty to report.
 - 3.6.1. Individuals authorized to hold privileged conversations include those employees who are actively employed by the University as medical providers, mental health professionals, ordained clergy/pastoral counselors, or rape crisis counselors. Privileged employees are prohibited from breaking privilege without express permission of the individual seeking services, unless there is an imminent threat of harm to self or others or the conduct involves suspected abuse of a minor.
 - 3.6.2. If you believe a reporting party or person seeking advice or assistance erroneously considers you to be a privileged employee (and you are not officially employed in such a role), you have a duty to inform that person that, in your role, you are not a privileged employee. You must let them know you have a legal duty to report.
 - 3.6.3. When a report involves suspected abuse of a minor under the age of 18, these privileged employees are required by state law to notify child protective services and/or local law enforcement.
- 3.7. Privilege: Privilege means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission

- of the individual (for example, a licensed therapist employed by the University to serve as a licensed therapist).
- 3.8. Privacy: All University employees who are involved in LSSU's Title IX response, including the Title IX Coordinator, Deputy Title IX Coordinator, Assistant Title IX Coordinator, and Title IX Investigators, receive instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Though reporting parties, responding parties, and witnesses are asked to keep details private; they are not restricted from sharing or discussing information related to a report or allegation with others who may support them or assist them during an investigation process.
 - 3.9. Reporting Party: Any person, including a visitor, may be a reporting party and may initiate a report. The University may initiate a report on its own initiative. The reporting party is the person who reports an event, is the subject of prohibited conduct, the person who files a report or the person who makes an allegation. The University reserves the right to take action or pursue a report even if criminal charges are pending, reduced, or dismissed. All reports shall be referred to the University's Title IX Coordinator (TIXC), who can assist in supporting the reporting party, identifying university and external reporting options, and implementing reasonably available interim measures.
 - 3.10. Third Person Reporting Party: Any person who initiates a report about an alleged event in which they are not a primary party.
 - 3.11. Responding Party: Any person, including a visitor, may be named in a report or an allegation. The responding party is the person or persons about whom a report is filed, an allegation is made, or are named in a report of prohibited conduct.
 - 3.12. Location of Prohibited Conduct: This policy applies to prohibited conduct that (1) takes place on or near any LSSU campus or LSSU location; (2) takes place in the context of any educational program or any activity supported by or sponsored by the University, regardless of location; (3) takes place in the context of any service learning activities, study abroad program, internship programs, or community program in which the University participates; (4) takes place between persons where the reporting party or responding party are members of the LSSU community, regardless of location; or, (5) takes place off-campus when the conduct has continuing adverse effects on any person's participation in any on campus or off-campus education program or activity.
 - 3.13. Timing of Prohibited Conduct: This policy may be applied to conduct that takes place from the time a person applies for admission as a student and continues while the person maintains a continuing relationship with the University as a student, including semester breaks and the periods between semesters. For faculty, staff, administrators, and other non-student covered individuals, this policy may be applied to conduct that takes place from the time the person accepts employment at the University, or initiates a relationship with the University, and continues as long as the individual maintains that relationship with the University. This policy covers conduct that occurs during the time a person has a relationship with the University, and is applicable even if a report or allegation is filed after a person leaves or severs their relationship with the University, so long as the reported violation occurred during the time the responding party had a relationship with the University. For example, if a student transfers to another university or if an employee resigns, any allegation of misconduct reported for behavior while that person was with the University continues to be covered by this policy.
 - 3.14. Online Conduct: Online and/or social media conduct may violate this policy if the conduct meets the definition of any form of prohibited conduct. Blogs, web page entries on social media sites such as Instagram, Facebook, , and Twitter, file sharing applications, and other online postings are in the public sphere and are not private. Therefore, these postings can be subject to allegations of conduct violations. The University does not regularly search for information but may take action if and when such information is brought to the attention of University officials.

- 3.15. Consent, Force, Coercion, and Incapacitation: For all forms of prohibited conduct covered by this policy, the terms consent, force, coercion, and incapacitation are defined as follows:
- 3.15.1. Consent: Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Participants must act freely and voluntarily and have knowledge of the nature of the act involved. The following are essential elements of consent: (1) Consent must be informed and reciprocal. All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way. (2) Consent must be freely and actively given. Consent must be an affirmative action or communication that is freely, actively and voluntarily given. Consent cannot be obtained through the use of force, coercion, threats or intimidation, or by taking advantage of the incapacitation of another individual. (3) Consent must be mutually understandable. Communication regarding consent consists of mutually understandable words and/or actions that indicate a willingness to engage in sexual activity. Consent must be clearly communicated or outwardly demonstrated; therefore, consent cannot be inferred from silence, passivity, lack of resistance, lack of active response, or choice of clothing. For example, an individual's choice of clothing is not an outward demonstration of consent to a sexual activity. (4) Consent is not indefinite. Consent may be withdrawn by either party at any time. Withdrawal of consent can be a verbally expressed statement, such as "no" or "stop" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a willing participant. (5) Consent is limited. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to one sexual activity with one person constitute consent to activity with any other person. Additionally, consent to one sexual contact does not constitute consent to future sexual contacts.
- 3.15.2. Force: Force is the use of, or threat of, physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. The reporting party does not have to resist the sexual advancement or request in order to establish the use of force; however, resistance by the reporting party will be viewed as a clear demonstration of non-consent. Force can include a wide range of behaviors, including, but not limited to intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute force if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.
- 3.15.3. Coercion: Coercion is the improper use of pressure to compel another individual to engage in or to be the recipient of prohibited conduct. Coercion can include a wide range of behaviors, including, but not limited to intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they interfere with another individual's freedom of will and ability to consent whether or not to engage in sexual activity.
- 3.15.4. Incapacitation: Incapacitation is a state during which an individual lacks the ability (mentally or physically) to consent because they are unable to make an informed and rational decision to engage in intimate or sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g. to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless.
- 3.15.4.1. Incapacitation may result from the use of alcohol, medication, and/or drugs. The impact of alcohol and drugs varies from person to person. Alcohol consumption, medication usage, and/or use of other drugs can affect a person's ability to consent. To determine whether a party should have known about the incapacitation, consider the position of a sober, reasonable person. Being intoxicated or impaired by drugs, medication, or alcohol is never an excuse for failing to obtain consent from another person.

- 3.15.4.2. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual activity is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.
4. Reporting of Policy Violations
 - 4.1. Any person, at any time, may report a concern to the Title IX Coordinator, to the Public Safety Department, or to a responsible employee, who in turn will report to the Title IX Coordinator or designee.
 - 4.2. All University responsible employees (faculty, staff, and administrators) are expected to report actual or suspected violations of this policy to the Title IX Coordinator. Failure of a non-confidential employee to report an incident or incidents of prohibited conduct is a violation of this policy.
 - 4.3. Reports of prohibited conduct are reviewed and investigated in accordance with Policy 1.5.3, Discrimination and Prohibited Conduct Investigation Policy.
 5. Responsible Employee Duties
 - 5.1. Responsible Employees are required by the University to share known details of an incident, the names of the parties involved, and a brief description of the incident with the TIXC or designee in person, by telephone, or by email. This connects a reporting party to information and resources and enables the University to take appropriate action to eliminate, prevent, and address prohibited conduct.
 6. Reporting Options
 - 6.1. Any person who seeks to make a report may (1) make an internal report to the Title IX Coordinator, the Public Safety Department, or a responsible employee; and/or (2) contact local law enforcement to file a criminal complaint. A person may use one, both, or neither of these reporting options. Public Safety can assist individuals with filing a criminal complaint or preserving physical evidence. Reports made to a responsible employee will be forwarded by that responsible employee to the Title IX Coordinator.
 - 6.2. Constructive Notice: An individual has received constructive notice of prohibited conduct when the individual knew or should have known about the prohibited conduct. An individual or responsible employee cannot avoid reporting obligations by deliberately choosing to avoid hearing or learning about the potential prohibited conduct. If an individual believes they may have received constructive notice, that individual has an obligation to report this to the Title IX Coordinator for follow up.
 - 6.3. Timeliness and Location of Incident: All individuals are encouraged to report prohibited conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. Promptly, as referred to within this policy, generally indicates an action that is taken within 24 hours. However, no individual who experiences or is the target of prohibited conduct is forced or required to report if they are not comfortable or ready to do so. If the responding party is not a member of the Lake Superior State University community at the time of the report, the University will still seek to meet its Title IX obligations by providing reasonably available support for the reporting party, but its ability to investigate and/or take action may be limited. The University will assist a reporting party in identifying external reporting options.
 - 6.4. Coordination of Reporting: The University will share information as appropriate and as needed, to be in compliance with other regulatory requirements, such as those enumerated by the Clery Act and VAWA. Such coordination is the responsibility of the Title IX Coordinator.
 7. Amnesty for Alcohol and Other Drug Use
 - 7.1. To encourage reporting, a reporting party or witness who makes a good faith report of conduct prohibited by this policy will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.
 - 7.2. The University may initiate non-punitive remedies, such as attendance at an educational session.

8. Investigation and Appeal
 - 8.1. Details regarding the process followed for an investigation are addressed by Policy 1.5.3, Misconduct and Prohibited Conduct Investigation Policy.
 - 8.2. Parties have the right to appeal the determination in accordance with Policy 1.5.3.
9. Coordination and Cooperation with Law Enforcement
 - 9.1. The University encourages reporting parties and responding parties to pursue their rights under Michigan law regarding claims of prohibited conduct that may also violate state law. The University will offer assistance to involved parties by directing them to law enforcement agencies regarding criminal reports and cooperate with these law enforcement agencies. A reporting party has the right to notify, or decline to notify, law enforcement.
 - 9.2. In cooperation with local law enforcement, the University may agree to defer its Title IX investigation. The University will communicate with the reporting party regarding Title IX rights, procedural options, and the implementation of interim measures to assure safety and well-being.
10. Alleged Policy Violations Involving Minors or Suspected Child Abuse
 - 10.1. Under federal and Michigan law, certain school administrators, school counselors, and school teachers are required to file a report of suspected child abuse when they have reasonable cause to suspect abuse or neglect. The Public Safety Department will report and coordinate with local law enforcement and the Michigan Department of Human Services (DHS).
 - 10.2. Privileged employees are also required to report to the DHS.
11. Medical Treatment
 - 11.1. The University prohibits seeking compensation from the recipient of any medical procedure, treatment, or care provided by a medical professional who has been convicted of a felony arising out of the medical procedure, treatment, or care.
12. Interim Measures
 - 12.1. Upon receipt of a report, the University may impose reasonably available interim measures designed to protect the parties involved. Interim measures are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered.
 - 12.2. The Title IX Coordinator, in consultation with other administrators, will maintain consistent contact with the parties so that safety (physical and emotional) concerns can be reasonably addressed.
 - 12.3. Interim measures will be kept private to the extent that maintaining that privacy does not impair the ability of the University to provide the interim measures. Interim measures are provided, to the extent possible, with no cost or undue burden to the reporting party.
 - 12.4. Specific interim measures implemented and the process for implementing those measures will be case and fact specific. The following factors will be considered in determining which interim measures to take: (1) the specific needs expressed by the reporting party; (2) the age of the individuals involved; (3) the severity or pervasiveness of the allegations; (4) any continuing effects on the reporting party; (5) whether the reporting party and responding party share the same residence hall, dining hall, class, transportation, or job location; and (6) whether other judicial measures have been taken to protect the reporting party (e.g. civil protection orders).
13. Communication and Education
 - 13.1. The University is committed to the prevention of prohibited conduct through education and awareness programs. Prevention, education, and awareness programs include (1) an overview of the University's policies and procedures, (2) relevant definitions, including prohibited conduct, (3) discussion of the impact of alcohol, medication, and illegal drug use, (4) effective consent, (5) safe and positive options for bystander intervention, and (6) information about risk reduction.
 - 13.2. All first year students and incoming transfer students will be provided an in-person sexual misconduct and prevention presentation or course, which will include contact information for the Title IX Office of the University.

- 13.3. For all students not considered freshman or incoming transfer students, an online or electronic sexual misconduct prevention presentation or course will be provided.
 - 13.4. Faculty and staff will be provided in-person and/or online prevention education and awareness training, and reporting requirements training.
 - 13.5. All of the above prevention, education, and awareness programs include a review of resources and reporting options available for students, faculty, and staff.
14. Title IX Reporting Requirements
- 14.1. The Title IX Office is required to prepare not less than quarterly reports for the governing board and the President of the university. The report shall contain aggregated data of the number of sexual misconduct reports that the office received for the academic year, the types of reports received, including reports received against employees, and a summary of the general outcomes of the reports and investigations.
 - 14.2. The President and a member of the governing board shall review all Title IX final reports involving the alleged sexual misconduct of an employee of the university. The Reports will be sent by the Title IX Office within 15 days of the distribution of the final report to the parties.
 - 14.3. A member of the governing board may request to review a Title IX investigation report involving a complaint against an employee, and the university shall provide the report in a manner it considers appropriate. The university shall protect the complainant's anonymity, and the report shall not contain specific identifying information.
15. Publication of Policy
- 15.1. This policy will be disseminated widely to the University community through email communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.
16. Review of University's Title IX Program
- 16.1. The university shall have a third party review of its Title IX office and its related policies and procedures once every three years. A copy of the third party review shall be transmitted to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies.
17. References
- 17.1. Overview of Title IX of the Education Amendments of 1972: On June 23, 1972, the President of the United States signed Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies to federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1 et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies. Additional compliance requirements are published by the Department of Education in the form of as periodically issued "Dear Colleague Letters" which provide regulatory guidance. This policy takes guidance from "Dear Colleague Letters" and from the Association of Title IX Administrators.
 - 17.2. Violence Against Women Reauthorization Act of 2013 (VAWA): VAWA, enacted on March 7, 2013, improves and expands legal tools and grant programs addressing domestic violence, dating violence, sexual assault, and stalking. VAWA 2013 reauthorizes critical grant programs created by the original Violence Against Women Act and subsequent legislation, establishes new programs, and strengthens Federal laws.

17.3. Clery Act: The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). 20 U.S.C. § 1902(f), requires colleges and universities, both public and private, participating in federal student aid programs, to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report (ASR) and information about specific crimes and emergencies is made publicly available on an ongoing basis throughout the year. Requirements for implementing the Clery Act are contained in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46.

18. Resources

- 18.1. Title IX Coordinator(s): Wendy Beach, Director of Human Resources & Title IX Coordinator; Mackenzie Edwards, Deputy Title IX Coordinator; [906-635-2213](tel:906-635-2213), 650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building, Room 112
- 18.2. EEOC Officer: Wendy Beach, Director of Human Resources & Title IX Coordinator; [906-635-2213](tel:906-635-2213), 650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building, Room 112
- 18.3. Campus Public Safety Department: [906-635-2100](tel:906-635-2100), 650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Administration Building
- 18.4. Campus Student Life: [906-635-2236](tel:906-635-2236), 650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Cisler Center, Room 125
- 18.5. Campus Housing: [906-635-2411](tel:906-635-2411), 650 W. Easterday Ave., Sault Ste. Marie, MI 49783, Cisler Center, Room 125
- 18.6. Counseling Center: [906-635-2752](tel:906-635-2752), 623 W. Easterday Ave., Sault Ste. Marie, MI 49783, Counseling Center
- 18.7. Student Health Center: [906-635-2110](tel:906-635-2110), 621 W. Easterday Ave., Sault Ste. Marie, MI 49783, Health Care Center
- 18.8. Dianne Peppler Center (Advocacy/Women's Shelter): [906-635-0566](tel:906-635-0566), PO Box 698, Sault Ste. Marie, MI 49783
- 18.9. War Memorial Hospital ER: [906-635-4460](tel:906-635-4460), 500 Osborn Blvd., Sault Ste. Marie, MI 49783
- 18.10. Sault Ste. Marie Police: [906-632-5745](tel:906-632-5745), 225 East Portage Ave., Sault Ste. Marie, MI 49783
- 18.11. Emergency: 911 (if on campus 9911)
- 18.12. U.S. Department of Education, Office for Civil Rights, Regional Office, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115, 216-522-4970, FAX: 216-522-2573, Email: OCR.cleveland@ed.gov
- 18.13. U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100, Telephone: 800-421-3481, FAX: 202-453-6012; TDD: 800-877-8339, Email: OCR@ed.gov
- 18.14. Michigan Department of Civil Rights, Marquette Office, 234 W. Baraga Avenue, Marquette, MI 49855, 906-226-6393, FAX: 906-226-3974
- 18.15. Equal Employment Opportunity Commission (EEOC), Detroit Field Office, Patrick V. McNamara Building, 477 Michigan Avenue, Room 865, Detroit, MI 48226, 800-669-4000, FAX: 313-226-4610, TDD: 800-669-6820

19. University Commitment

- 19.1. 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.
- 19.2. 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 safe community.

August 31, 2018 – Edits to cover new Michigan Title IX Legislation

August 1, 2017 – Revised policy published, minor edits for clarification and consistency.

July 8, 2016 – Revised policy published, minor edits for clarification and consistency.
January 18, 2016 – Interim Policy published, minor edits for clarification and consistency.
July 1, 2015 – Interim Policy published.