

Spielvogel lawsuit narrows in on 'breach of contract'

LMC answers 19-page lawsuit complaint, denies several points

By **TONY WITTKOWSKI**
HP Staff Writer

BENTON TOWNSHIP — Former Lake Michigan College President Jennifer Spielvogel's lawsuit against LMC and its Board

of Trustees moved forward this week.

In a first amended complaint sent to LMC, Spielvogel outlined her reasoning for wrongful termination from the Benton Township-based institution



SPIELVOGEL

and alleges a breach of contract.

Answering the complaint, LMC argued Spielvogel failed to state valid cause of action, claims she may be barred by an applicable statute of limitations and failed to mitigate her damages.

The complaint is the document written by the plaintiff's attorney that begins a lawsuit. The complaint

serves as the plaintiff's reason for filing a lawsuit.

Bradley Glazier, Spielvogel's lawyer, said they amended the complaint to remove one of the counts. While Spielvogel's camp is still alleging a breach of contract, Glazier said they dropped the count that claimed there was a violation of public policy.

"LMC does not appear

interested in following the national standards of good practice and are more interested in running the operation directly at the board level, instead of allowing its president to do the day-to-day operations," Glazier said in a phone interview.

Spielvogel's 19-page lawsuit seeks past and future wages and fringe benefits that were lost due to the

firing, compensatory damages, including loss of professional reputation and emotional distress damages, reinstatement to the position or award of front pay and attorney fees, plus other relief deemed appropriate by the court.

Representation from both parties will have their

See **SPIELVOGEL**, page A8

SPIELVOGEL

From page A1

first meeting with a judge Sept. 15 in the U.S. District Court in Grand Rapids. At that meeting, Glazier said the lawyers and the judge will go over how the lawsuit will proceed since the complaint was answered by LMC.

Among the various points Spielvogel made for compensation in the suit's complaint, LMC denied a good portion.

Mark Ostrowski, who represents LMC in the suit,

said the board stands by its decision and that Spielvogel was properly terminated for just cause.

"The school denies her allegation and continues to assert there was just cause for her termination," Ostrowski said Friday.

Spielvogel was hired to replace retiring President Robert Harrison. She began work at LMC Jan. 4 under a contract that was to run through June 30, 2018.

She was suspended April 8 following a closed session during a special meeting of the board, and was fired May 5 following a just

cause hearing. The board's vote to fire her was unanimous.

Board trustees cited policy violations, improper conduct, improper management behavior, a lack of professionalism, providing inadequate goals and incurring \$20,625 in unauthorized costs charged to LMC.

Spielvogel and Glazier called the just-cause hearing "a farce," saying they could not cross examine witness statements from the April 8 meeting that were used as cause to fire her.

In her original law-

suit complaint, Spielvogel said she was targeted for termination after she claimed to have found LMC to be out of compliance with U.S. Department of Education rules for financial aid for students.

After the May 5 hearing, college officials said they went through financial aid records to ensure everything was in order. LMC issued a statement regarding 15 years of audit reports and said there is no reason for concern regarding students' financial aid.

Contact: twittkowski@TheHP.com, 932-0358, Twitter: @TonyWittkowski