

# MAINE MARITIME ACADEMY



## **2016** ANNUAL CAMPUS SAFETY AND FIRE SAFETY REPORT **(CLERY REPORT)**

Reporting Statistics For Calendar Years 2013-2015



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## **MESSAGE FROM THE DIRECTOR OF CAMPUS SAFETY AND COMPLIANCE**

Welcome to Maine Maritime Academy. MMA is located in the quiet New England town of Castine with a population of approximately 1300 residents. Castine is a safe and close-knit community and we value our strong town-gown connections. Although our community has a relatively low crime rate, we are not insulated from criminal activity or emergency situations. We encourage the MMA community to partner with Department of Campus Safety in identifying and reporting potential risks or suspicious activities.

The Annual Security and Fire Safety Report, is prepared and published by the Director of Campus Safety, the Dean of Student Services and the Vice President for Student Affairs and Enrollment Management to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, “The Clery Act”, which requires higher education institutions to report the past three years of campus crime and fire safety statistics. This report communicates established policies, procedures and educational programs related to preventing and reporting crime, maintaining publicly available crime and fire logs, and establishing emergency communication procedures with the campus community regarding threats to students, faculty and staff.

As the Director of Campus Safety and Compliance, I have been empowered to create and promote a culture of shared responsibility in achieving a safe and secure campus environment for all members of our community. Our collective efforts as a community will foster a safer campus environment where we can work, study and live. The Department of Campus Safety operates 24 hours a day, seven days a week and is responsible for the following areas:

- Emergency planning and response
- Security operations
- Employee health and safety
- Environmental regulatory compliance
- Parking management and enforcement

In addition to working closely with students, faculty, staff and visitors to ensure a safe and secure campus, we regularly interact with the Hancock County Sheriff’s Office, Castine Fire and Rescue Department and the Maine State Police to provide comprehensive emergency services to our community. Several of our students, faculty and staff serve on the Castine Fire and Rescue Department as volunteer emergency medical responders and/or fire fighters who respond to emergency situations within the Castine community. Maintaining a safe campus environment is a community effort requiring support from all members.

I strongly encourage you to keep this information in a convenient location, as it may be helpful throughout the academic year. If you have any questions or concerns, please contact me by phone or e-mail.

Sincerely,

Ryan Kuhl, M.S., CSP  
Director of Campus Safety and Compliance  
207-326-2181      ryan.kuhl@mma.edu

## **ABOUT CAMPUS SAFETY**

The Department of Campus Safety provides continuous year round security and emergency service to the academy community, and also provides twenty-four hour patrol service of campus buildings, parking lots, and other academy grounds, with access to local, county and state emergency services. Maine Maritime Academy faculty, staff and students can reach a Campus Safety Officer 24 hours a day by dialing extension 2479 from an on campus phone and 207-326-2479 from off campus or a cell phone. Campus Safety also is responsible for monitoring campus-wide fire alarms, security cameras, energy management system alarms and building access. Upon receiving a report of criminal activity or an emergency, the Campus Safety department will immediately respond.

Maine Maritime Academy Campus Safety Officers respond to and investigate reported incidents and emergency situations. Campus Safety Officers have the authority to ask for identification and determine whether individuals have lawful business at Maine Maritime Academy. Maine Maritime Academy Campus Safety Officers have the authority to issue parking tickets. Campus Safety Officers are not sworn police officers and do not possess arrest powers. Criminal incidents are referred to Hancock County Sheriff's Office or the Maine State Police. In addition, the Hancock County Sheriff's Office, the Maine State Police, and the Hancock County Sheriff's Alcohol Task Force alert Campus Safety if Maine Maritime Academy students are involved in off-campus incidents in the local area. While the Academy does not currently have a written memo of understanding with these law enforcement agencies, Campus Safety does have direct radio contact with the Sheriff's department, and the two departments are in frequent communication. Campus Safety and Campus Safety Authorities encourage students to report crimes to the Sheriff's Office or State Police and will assist students in making such reports. If a victim is unable to report a crime, or in instances where an on-going threat remains for the campus community, Campus Safety will contact the Sheriff's Office to report the crime.

Maine Maritime Academy has memos of understanding with the Town of Castine for sheltering in place, and is able to use other buildings in town as needed in emergency situations.

## **REPORTING CRIMES**

Members of Maine Maritime Academy are strongly encouraged to immediately report a crime, suspicious activity or an emergency situation to campus safety. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. The honor system of Maine Maritime Academy also requires all the students to report crimes as well as violations of honor system.

Crimes can be reported by contacting Campus Safety directly by calling 207-326-2479 (on campus extension 2479) or going to the Campus Safety office located in Windlass House during business hours Monday – Friday, 8:00 am – 4:30 pm. Crimes may also be reported by calling 911 or contacting the Hancock County Sheriff Office at (207) 667-7575 or Maine State Police at (207) 667-3722. Upon receiving a report of a crime, suspicious activity or emergency situation, Campus Safety personnel is dispatched to investigate and will contact Hancock County Sheriff or Maine State Police for additional assistance as needed.

Students may also report incidents to a Campus Safety Authority. A Campus Safety Authority is any individual or individuals who have responsibility for campus safety or who have significant

responsibilities for students and campus activities but who do not work for the campus safety department. This includes officials of the academy who have significant responsibility for student discipline and campus judicial proceedings. A list of Campus Safety Authority is included in appendix C. Campus Safety Authorities participate in annual training regarding their responsibilities. Pastoral and professional counselors on campus are not considered Campus Safety Authorities, but are encouraged to provide students receiving counseling with contact information to report crimes, if, in their professional judgment, it would be appropriate for the student to do so. Confidential options to report crimes are discussed with students. Though not required to do so, the Academy includes statistics from the counseling center regarding sexual assaults and domestic violence, after confirming that such statistics have not already been included in the report. The counseling staff will also alert the Dean of Student Services or Campus Safety if they perceive that a student in counseling presents a threat to self or others. A professional counselor is defined by the U.S Department of Education as “a person whose official responsibilities include [providing mental health counseling to members of the academy’s community and who is functioning within the scope of his/her license/certification.” Pastoral counselors are defined by the U.S Department of Education as “persons who are associated with religious order or denomination, are recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as pastoral counselor.” The Academy does not currently have a pastoral counselor on staff.

Maine Maritime Academy will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the Academy against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The Academy is required to provide both the accused and the accuser with simultaneous written notification of any result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking. In these cases, it is not necessary for a victim to make a written request.

The preparation of this report on campus crime statistics on an annual basis involves coordination among campus safety, the office of Dean of Student Services, and the Hancock County Sheriff’s Office. In addition, Campus Safety Authorities are required annually to confirm that all Clery-reportable crimes (described in the definitions section on page 42) reported to them have also been reported to Campus Safety or the Dean of Student Services. Statistics on crimes reported to the Hancock County Sheriff’s Office which occurred on campus, at non-campus properties, and on public property adjacent to campus are included in this crime report. Maine Maritime Academy does not have any non-campus locations for student organizations that are officially recognized by the institution.

In 2016, after the publication of the New Handbook for Campus Safety and Security Reporting was published, the College began to inventory non-campus properties used by the Academy repeatedly for school-sponsored trips and requested crime statistics for these locations on the dates of use in 2015 from local police authorities in those locations. Any information provided by these police authorities in time for publication of the report is included in the crime statistics for the 2015 calendar year. In addition to this annual report, Campus Safety maintains a daily crime log describing reported incidents. A copy of the daily log may be obtained at the Campus Safety Department.

The report is emailed annually to all current students, faculty and staff of Maine Maritime Academy on October 1<sup>st</sup>. This report is maintained on the Maine Maritime Academy website at <http://mainemaritime.edu/campus-safety/clery/> and hard copies are available upon request to the Campus Safety Department in Windlass House. All current and prospective employees may request a hard copy through Human Resources in Levitt Hall.

### **ADDITIONAL CONFIDENTIAL REPORTING OPTIONS**

If you are a victim of a crime or a witness to a crime, and do not want to pursue action within the Maine Maritime Academy system or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter private, while taking steps to ensure the future safety of the community. With such information, the academy can keep an accurate record of the number of incidents involving students, determine where there is the pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Maine Maritime Academy. To file an anonymous/confidential report, call Campus Safety at 326-2479. Please be aware, however, that if the information provided in an anonymous or confidential report is too limited, the Academy may not be able to take action to respond to such report. Procedures regarding confidential reporting of sexual misconduct are described under the section PREVENTING AND RESPONDING TO INCIDENTS OF SEXUAL MISCONDUCT AND DOMESTIC VIOLENCE/STALKING.

### **TIMELY WARNINGS**

In compliance with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act), the Maine Maritime Academy Campus Safety Department will issue timely warnings for the Academy community to notify members of the community about serious crimes that occur on campus. Having knowledge of such crimes will assist community members in making informed decisions about their personal safety and in preventing similar crimes from occurring. Unless specific instructions have been issued regarding an on-going investigation and response by local law enforcement, a timely warning will generally include information about the crime that triggered the warning and information to promote safety and prevention of future crimes.

The decision to issue a timely warning will be decided by the Director of Campus Safety and Compliance or designee on case-by-case basis in compliance with the Clery Act. All available facts will be considered including whether the crime is believed to be serious or presents a continuing threat to the students or employees and the possible risk of compromising law enforcement efforts. A timely warning and updates may be distributed to the campus through any one or more of the following mechanisms:

- MMA Alert: (powered by e2campus) an emergency notification service that enables MMA officials to send a brief message alerting the community regarding an urgent situation or emergency on the campus directly to registered email account(s) or mobile device via SMS text messages. MMA students, faculty, staff, and affiliates can sign up to receive alerts through the campus website at <https://secure.mma.edu/e2campus/>.

- Directed Communications/Blast Email: MMA email system alerting students, faculty, and staff.
- Flyers: posted on bulletin boards in academic buildings, residence hall, and administrative buildings.
- MMA website: [www.mainemaritime.edu](http://www.mainemaritime.edu)
  - **In the event of an emergency on campus, the college emergency website will be activated and can be accessed at:** <https://mainemaritime.edu/campus-safety/emergency/>
- Local area radio and television stations most often used to announce closings and delayed starts (generally due to weather related events).

The Maine Maritime Academy campus safety department may also issue safety alerts to apprise the MMA community of safety issues and concerns. These “Safety Alerts” may include safety tips and recommendations to follow so that the MMA community can make informed decisions about personal safety.

## **SECURITY AND ACCESS TO CAMPUS FACILITIES**

Campus Safety officers consistently patrol campus on foot and in a vehicle at random times during the day-time and evening hours seven days a week. Included in these patrols, officers will ensure campus buildings are secured according to the hours of use throughout the year. Officers ensure exterior doors and windows are secured, then conduct an internal inspection to verify the doors to sensitive areas are locked to prevent unauthorized access. Motion-activated cameras monitor access points at key areas on campus. Recorded activity is stored for up to 24 days and can be reviewed to assist in investigations of crimes or incidents. During patrol rounds, Campus Safety officers also monitor exterior and interior lighting and address any safety issues which are noted on these rounds.

In 2014, Maine Maritime Academy upgraded the security systems for Curtis Hall, the primary residence hall on campus. Proximity card readers, door-prop alarms and motion activated cameras have been installed at each entrance providing secured access to this residence hall. Residents of Curtis Hall may use their ID cards to grant them access to the building through all exterior doors from 6:00 am – 11:00 pm Monday-Friday and 8:00 am -11:00 pm Saturday-Sunday. After 11:00 pm, their ID cards grant them access to Curtis Hall through the main entrance only. The Curtis Hall front desk is located at the main entrance of the building and is staffed by Residential Life personnel seven days a week during the academic year. The Curtis Hall front desk is staffed Monday-Friday 8:00 am – 1:00 am and Saturday and Sunday from 8:30 am – 1:00 am. All other MMA students are given access to Curtis Hall during regular business hours, Monday-Friday from 8:30 am – 4:30 pm through the main entrance only. Employees who have an office in Curtis Hall, provide a service to the residents or have legitimate business needs are given access to the building through their ID card. All other employees are given access to Curtis Hall through the main entrance during normal business hours.

In the summer of 2015, Maine Maritime Academy add proximity card readers and door-prop alarms at each entrance to The Commons apartment-style residential buildings (2). The exterior doors are locked twenty four hours a day, seven days a week. Only students living in these buildings and certain MMA employee have access to these buildings through their MMA ID card.

The Maine Maritime Academy Waterfront Campus and dock are also monitored by a surveillance camera and routinely patrolled by a Campus Safety Officer. The Training Ship State of Maine is subject to stringent access control policies established by the Maritime Administration. Watch Standers on duty prevent access to the vessel by unauthorized individuals. .

## **ACADEMY ALCOHOL AND DRUG POLICIES**

The Maine Maritime Academy policies regarding alcohol and other drugs, included in Appendix A, are designed to enhance and protect the students, the mission of the institution, and the quality of the living and learning environment. The policies are also directly related to policies of the industries in which the students plan to gain employment. The abuse or illegal use of alcohol or drugs by members of the Academy community are contrary to the intellectual and educational purpose for which the Academy exists.

Students, faculty, staff, administrators and guests are expected to adhere to Federal Regulations and Maine state laws, as well as the Academy regulations regarding the use of alcohol and drugs. Any member of the Academy community, who through their use or abuse of alcohol or drugs, presents a danger to themselves or others, or otherwise interferes with the mission or reputation of the Academy, will be held accountable for their actions. Any disciplinary action taken will be in accordance with the procedures outlined in the Alcohol and Drug Policies and the Student Honor Code of Conduct and Responsibilities.

In addition, those persons involved in Coast Guard license programs are also accountable to the US Coast Guard concerning the use or abuse of alcohol or drugs.

Educational programs are provided to new students during orientation to educate them about the alcohol and drug policy, the effects of alcohol and drugs, the laws and campus policies regarding alcohol and drug use, and the legal consequences for illegal alcohol and other drug use. New students are required to participate in the AlcoholEdu on-line education program. In addition, new students are required to attend a presentation, during the fall semester, by a speaker focusing on alcohol abuse prevention or risky behaviors involving alcohol. Upper-class students are also invited to attend these sessions. A particular emphasis is placed prevention of high risk behavior such as driving while intoxicated as well as the role alcohol often plays in incidences of sexual misconduct. During Parent Orientation, Academy administrators thoroughly review the alcohol and drug policies with parents and suggest strategies parents can employ to make expectations clear to their students regarding alcohol use and abuse.

### **Academy Drug Policy**

Maine Maritime Academy has a “zero tolerance” drug policy, included in Appendix A, and therefore prohibits its students and employees from possession, use or distribution of drugs or drug paraphernalia on campus. Drugs are considered to be any mind-altering substances, regardless of legality, including, but not limited to, opiates, barbiturates, amphetamines, marijuana, hallucinogens, “designer drugs,” and illegal steroids, except for legally authorized doses for medical purposes. Both federal and Maine laws forbid unauthorized possession and distribution of drugs in the classes specified. Drug paraphernalia is any item which could be used in the possession, use or distribution of such

aforementioned drugs. In addition, the presence and use of any of these substances and items within the Academy community is contrary to the intellectual and educational purposes for which the Academy exists.

The Academy considers any violation of the drug policy a serious matter and reserves the right to take action appropriate to the circumstances of each case. Action taken by the Academy in all cases of drug violation will be guided by a concern both for the emotional and physical welfare of the person involved and for the maintenance of a suitable educational environment for all members of the Academy.

### **Drug Testing**

The majority of Maine Maritime Academy students are required to participate in a random urinalysis program during their enrollment. All students who act as part of the crew of any MMA vessel, transport students in MMA vehicles, and/or pursue MMA co-ops must participate in the random and pre-employment drug testing program. Additionally, any students who are in a probationary disciplinary status due to violations of the drug/alcohol policies may be subject to increased drug testing. In addition, the Academy administers a drug-testing program for certain categories of employees: the U.S. Coast Guard's Drug and Alcohol Testing Program is a means to deter the illegal use of controlled substances by merchant marine personnel and to promote a drug-free and safe work environment for the safe passage of embarked passengers and for carriage of cargo on U.S. waterways. The Training Ships are required by law to be operated by a USCG licensed or documented mariner. Personnel operating these vessels are subject to drug testing. The program serves as a strong deterrent to the illegal use of controlled substances by covered crew members/employees, and promotes a safe, drug-free workplace.

### **DRUG FREE SCHOOLS AND COMMUNITIES ACT**

Federal regulations require each institution of higher education to certify it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. A key component of compliance with these regulations is an annual notification to the members of the MMA community. This communication must include the college policies regarding drugs and alcohol, information about state and federal laws and sanctions regarding alcohol and drugs, and resources to assist those who wish to address substance abuse issues. This communication is included in Appendix E.

In compliance with the Drug-Free Schools and Communities Act, the Academy has implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program includes annual distribution of information to students and employees concerning the possession, use, or distribution of alcohol and illicit drugs at the college. The Academy also conducts a Biennial Review of Compliance with this act; if you would like to see the most recent review, please contact Deidra Davis at [deidra.davis@mma.edu](mailto:deidra.davis@mma.edu).

The MMA policies regarding Drugs and Alcohol are posted on the portal and are distributed annually to each staff member and student as follows:

1. The Annual Security Report, mandated as part of the Clery Act, includes the MMA Drug and Alcohol policies and is emailed by October 1st to all students and employees.

2. Students are advised of the Academy's Alcohol and Drug Policies during New Student Orientation and are directed to the policy section of the portal for further information.
3. Via an annual communication included in Appendix E.

MMA utilizes a four part framework to address alcohol and other drug use by implementing the following strategies: Policy, Enforcement, Education and Intervention. These strategies are described in Appendix E.

## **PREVENTING AND RESPONDING TO INCIDENTS OF SEXUAL MISCONDUCT/DOMESTIC VIOLENCE/STALKING**

Sexual misconduct, dating violence, domestic violence and stalking are strictly prohibited at MMA, as is explicitly stated in both the Student Honor Code of Conduct and Responsibilities (Appendix D) and the policy prohibiting Sexual Misconduct and Sexual Assault (Appendix B). "Dating Violence" is not defined as a crime *per se* under Maine State Law; however, incidents of dating violence are prohibited under Maine statutes prohibiting assault and domestic violence, and dating violence is prohibited under the MMA Student Honor Code.

The Academy defines reliable consent for sexual activity in the policy and in training programs as follows:

**"Reliable Consent"** means a person's:

- a. Voluntary agreement;
- b. Communicated by words;
- c. At the time of the sexual activity;
- d. To engage in each of the sexual activities at issue in a given case. Such agreement must be expressly requested and, if given, expressly stated. Current agreement must not be assumed or inferred from previous instances when reliable consent was given by the Complainant. Agreement from a person who is visibly intoxicated or otherwise impaired shall not be regarded as reliable consent. Agreement to engage in one sexual activity (such as a touching) is not agreement to engage in a different sexual activity (such as an act). Agreement can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop.

The procedures the Academy will follow upon receipt of a report of alleged dating violence, domestic violence, sexual assault or stalking are described in Appendix B under the Policy prohibiting Sexual Misconduct. The Academy will make every effort to protect the privacy of victims and maintain confidentiality to the extent possible, given requirements to take immediate and prompt action to investigate the incident and remedy the situation. The Academy will maintain confidentiality of the victim and exclude any personally identifying information when maintaining publicly available records required to complete required reports such as this Annual Security Report or issuing timely warnings regarding an on-going threat to the community. The Academy will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality will not impair the ability of the Academy to provide the accommodations and protective

measures. The Academy's Title IX Coordinator is responsible for determining what information about a victim should be disclosed and to whom this information will be disclosed. Such decisions will be made after careful analysis of what information disclosure is necessary to provide accommodations or protective measures in a timely manner. Every effort will be made to notify the victim in advance of what if any information will be shared and with whom.

The Academy will provide notification in writing to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures following an alleged sex offense.

If an employee of the Academy is accused of violating the Academy's policy prohibiting Sexual Misconduct, the Director of Human Resources will coordinate investigation and adjudication procedures in accordance with the terms of the collective bargaining agreement.

MMA employs several strategies to educate the campus community about the issue of sexual misconduct and violence on college campuses. Topics covered include the Maine laws and MMA policies prohibiting sexual misconduct and domestic violence, grievance procedures, and the rights of students and the obligations of the Academy under Title IX. Students, faculty and staff are also informed of the steps they can take to reduce the incidence of sexual misconduct and domestic violence in our campus community.

All first year students participate in two mandatory orientation programs and the on-line HAVEN program offered by EverFi – these programs are designed to educate students about sexual misconduct and domestic violence, MMA policies and Maine laws, and the grievance process, as well as training on safe and effective bystander intervention strategies. An orientation program for graduate students on Title IX is held at the start of fall classes. The educational program SEX SIGNALS, an interactive program to educate about gender roles, sexual misconduct, domestic violence and bystander intervention was required for first year students and open to all students in fall of 2015. A Title IX informational brochure was distributed to all faculty, staff and students in fall of 2014 and is distributed to all new students and faculty/staff upon their arrival. A session during Parent Orientation in the summer provides an overview of the Academy's Sexual Misconduct Policy and Title IX obligations in addition to information about sexual assault on college campuses. Parents are given tools to have conversations with their students regarding their expectations of behavior.

Title IX and VAWA training sessions were conducted with all faculty, and staff/student-staff considered "responsible parties" during the academic year 2013-2014, with follow up trainings for responsible parties annually. Honor Board members and Title IX investigators participate in annual training on issues related to dating and domestic violence, sexual assault and stalking and how to conduct a trauma-informed investigation and hearing process that protects the safety of the victims and promotes accountability. New employees also participate in a Title IX/VAWA training session with the Title IX Coordinator or view an informational video.

The MMA policy prohibiting Sexual Misconduct, including Domestic Violence and Stalking, is included in Appendix B and describes, in detail, procedures for filing a grievance and the investigation and judicial procedures the Academy will undertake upon receipt of a grievance. Among the options offered to students reporting incidents of sexual misconduct and domestic violence is assistance in notifying local police authorities, should the victim wish to report the crime to police and/or pursue legal action.

Information and assistance in receiving on- and off-campus counseling and medical attention is available to students 24 hours a day through Campus Safety and the Academy Title IX Coordinator. Further information regarding judicial proceedings, possible sanctions, and appeal processes is also provided in the Student Honor Code of Conduct and Responsibilities.

### **SEX OFFENDER REGISTRY**

The Academy is required to provide community members with a means to request information regarding registered sex offenders in the town of Castine. The Maine Sex Offender Registry can be accessed through the website: <http://sor.informe.org/cgi-bin/sor/index.pl>

### **GENERAL EMERGENCY PROCEDURES**

Maine Maritime Academy has created an Emergency Action Plan to communicate the immediate actions to be taken by employees, students and visitors during an emergency event. These actions are designed to save lives, minimize loss and assist emergency responders when dealing with a serious threat, hazard or emergency situation. Members of the MMA community all have a responsibility to know how to respond in an emergency. By knowing one's surroundings, identifying evacuation routes and becoming familiar with this plan, MMA employees, students and visitors are better prepared to appropriately respond when emergency conditions arise. The MMA Emergency Action Plan establishes actions that need to be taken for the following events: Active Shooter, Bomb Threat, Building Fire, Medical Emergency, Chemical Spill, Power Outage and Riot or Public Disturbance. EAP training and written plans of the Emergency Action Plan are available to all Maine Maritime Academy employees and students.

Questions regarding the Maine Maritime Academy Emergency Action Plan should be directed to the Director of Campus Safety and Compliance at 207-326-2479.

#### **Reporting an Emergency**

In the case of a campus emergency, assistance can be requested by contacting Campus Safety at 207-326-2479, x2479 or using an autodial campus safety phone. The Department of Campus Safety has a 24-hour, seven-days-a-week presence on campus and is trained to respond to emergencies. When reporting an emergency, Campus Safety personnel will request your name, location and nature of the emergency. Be prepared to answer any questions they may have. Campus Safety personnel will assess the situation and request additional emergency responders as needed.

During an emergency or urgent situation, Campus Safety or a member of the Crisis Management Team may be required to quickly communicate with the campus community. This is accomplished through MMA-Alert (E2Campus), our emergency notification system that enables academy officials to send urgent news and instant alerts directly to registered email account(s) and mobile devices via SMS text messages. Additionally, employees and students can receive information regarding the status of an emergency by visiting the Campus Safety Emergency Information website which is activated during an emergency. This page is located at

<http://mainemaritime.edu/campus-safety/emergency>

## **Important Emergency Telephone Numbers**

### *On Campus*

MMA Campus Safety	207-326-2479 or X2479 (24 hours)
Academy Medical Services	207-326-2295 or X2295 (business hours)
Title IX Coordinator – Elizabeth True	207-326-0159 (business hours/contact Campus Safety to alert Dr. True after business hours)

### *Off Campus*

Hancock County Sheriff's Office	911 (207-667-7575)
Castine Fire	911
Peninsula Ambulance Service	911
Rape Crisis	1-800-871-7741
Poison Control	1-800-222-1222
AIDS Line	1-800-851-2437
Mental Health Crisis	1-800-273-8255

When dialing from a Maine Maritime Academy phone, please dial 9 first to get an outside line.

## **MISSING STUDENT POLICY**

**Missing Student Notification Policy and Procedure 20 USC1092 (j)** (Section 488 of the Higher Education Opportunity Act of 2008)

Any institution participating in a Title IV federal student financial aid program that maintains on campus housing facilities must establish a missing student notification policy and related procedures for those students who live in campus housing and who have been missing for 24 hours.

For purposes of this policy, a student shall be considered missing if a roommate, classmate, faculty member, family member or other campus person has not seen the student in a reasonable amount of time, reports the pertinent facts to Maine Maritime Academy Campus Safety and if after investigation the Maine Maritime Academy Campus Safety department determines that the student has been missing for 24 hours. A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability. Individuals may be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a person is missing is made to a Maine Maritime Academy department other than the Campus Safety Department, the Maine Maritime employee receiving the report shall contact the Campus Safety Department immediately. Campus Safety will notify local authorities as well as attempt to contact the student's designated emergency contact\* as described below.

### **Procedures for designation of emergency contact information**

- A. Students age 18 and above and emancipated minors.  
Students living on campus shall be given notice of this policy and are asked during the pre-enrollment period to designate an individual or individuals to be contacted by the Academy "in case of an emergency". Contact information shall be registered confidentially, shall be accessible only to authorized campus officials, and may only be disclosed to law enforcement personnel in furtherance of a missing person investigation. In the event that a student is reported missing, the Maine Maritime Academy Campus Safety Department or their designee shall attempt to contact his/her emergency designee not more than 24 hours after the time that the student is determined to be missing in accordance with the notification procedures set forth below. An emergency contact designee shall remain in effect until changed or revoked by the student using the Update Emergency Contact Info link on the Student page on the MyMMA portal.
- B. Students under the age of 18.  
In the event a student living on campus who is not emancipated is determined to be missing pursuant to the procedures set forth below, the Academy is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in addition to notifying any additional contact person designated by the student.

### **Official notification procedures for missing persons**

- A. Any faculty, staff or student who has information that a residential student may be a missing person must notify the Maine Maritime Academy Campus Safety Department as soon as

possible and no later than the 24 hours after they determine a student may be missing. Campus Safety or their designee shall also follow up on notification by other individuals such as friends or family members.

- B. The Maine Maritime Academy Campus Safety Department shall gather information about the residential student from the reporting person and from the student's acquaintances (including, by way of example, description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus faculty and/or staff shall be notified to aid in the search for the student.
- C. No later than 24 hours after determining that a residential student is missing, the Maine Maritime Academy Campus Safety Department or their designee shall notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

\*Contact is contingent upon the correct emergency contact information being made available by the student.

#### **Campus communications about missing students**

In all cases when the student is declared missing by the Maine Maritime Academy Campus Safety Department after an initial investigation and in consultation with other law enforcement agencies as appropriate, MMA Campus Safety will coordinate with the Office of College Relations to provide information to the media that is designed to obtain public assistance in the search for any missing student. This coordination will insure that investigations are not impeded by the release of information.

## **JUDICIAL PROCESS**

The Student Honor Code of Conduct and Responsibilities, included in Appendix D, outlines the judicial process for adjudicating all violations of college policies and the honor code, including possible sanctions and the appeals process. While in general, judicial action is part of a student's educational record and therefore subject to Family Educational Rights and Privacy Act (FERPA) regulations for privacy of student records, the Academy will comply with a written request from an alleged victim of a crime of violence (as defined in Section 16 of Title 81, United State Code) or a non-forcible sex offense for a copy of the report on the results of any disciplinary proceedings conducted by the Academy against a student who is the alleged perpetrator. Should the alleged victim be deceased, the next of kin of such victim may request the written report. Complainants in cases involving sexual misconduct have specific rights regarding notification of outcomes of hearings, as detailed in the Policy Prohibiting Sexual Misconduct in Appendix B.

## **FIRE SAFETY REPORT**

The Higher Education Opportunity Act (HEOA) requires all institutions of higher education that provide residential housing facilities for students to develop an annual fire safety report. Contents of this report reflect the requirements outlined in HEOA, which include: fire prevention policies and practices; fire safety educational and training initiatives, description of fire protection equipment in the residence halls, emergency evacuation procedures; fire safety statistics; and plans for future improvements to the residence hall campus fire safety program. The fire safety report summarizes the elements of the campus fire safety program, which is administered and maintained by Campus Safety, Facilities & Residential Life.

### **Definitions:**

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

**Fire** – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill** – A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury** – Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause; while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.

**Fire-related death** – Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

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

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

Students and staff are instructed to report all fires or evidence of fires to Campus Safety for immediate response if the fire investigation.

## **Fire Prevention Policies and Practices**

Maine Maritime Academy has implemented strategies and procedures to reduce the risk of fire and provide safe egress from the building if a fire occurs. Hallways and stairwells must be kept free of items which would block egress. MMA prohibits many cooking and electrical appliances.

Maine Maritime Academy regularly reviews its policies regarding residence hall decorations and approved appliances and updates these policies as needed.

Maine Maritime Academy does not allow smoking or use of tobacco-products on campus, including residence halls.

Residential Life policies regarding cooking appliances and open flames are included in the Residential Life policies on the website and in the student datebook. They are as follows:

Appliances/Electronics/Permitted Items Authorized Equipment Electrical equipment supplied by residents that is permitted in residential facilities must be certified by "Underwriters Lab, Inc. (UL)" or the equivalent thereof, and includes:

- TV • VCR/DVD player • Stereo • Microwave (snack-size) • Computer • Hair Dryer/Hair styling tools • Coffee Maker with auto shut off • Hot Pots with Closed Coils (for heating water and soups) • Refrigerator (up to 3 cubic feet per room) • Extension Cords or multi-plugs with built-in circuit breaker or surge protector \*Regimental students should refer to their class privileges list for any restrictions on the above items.

Unauthorized Equipment/Electrical equipment not permitted in residential facilities includes appliances such as those listed below unless authorized by the Dean of Student Services or the Director of Residential Life and Student Activities:

- bicycles (in commons spaces) • hot plates (ex. Foreman grills) • toasters or toaster ovens • electric fry pans • soldering irons • electrical tools • electric blankets • heaters, heating lamps or pads • hover boards • torchiere type lamps (halogen) • stand-alone or window air conditioners/cooling units • weapons (firearms, paintball guns, archery equipment, knives, or martial arts equipment, etc. must be stored in the Academy Armory and is not permitted in residential buildings.)

Unauthorized use of cooking equipment or possession or use of proscribed electrical equipment/appliances constitutes a serious fire hazard.

### Cooking & Food

Only food that can be prepared in authorized electrical equipment can be cooked or heated in rooms/suites/apartments (this includes coffee/tea). Care must be taken anytime that you use any type of cooking/heating equipment. Do not leave hot pots and similar appliances turned on when no one is present in the room/suite/apartment. Any food/snacks kept in rooms/suites/apartments must be stored in sealed containers to avoid attracting bugs. Curtis Hall: The only cooking that is authorized in rooms in Curtis Hall is that which can be done in an approved, closed coil hot pot or small microwave oven. There is a microwave and kitchen outfitted with cooking appliances in the Bilge Recreation Area. See the Bilge Manager for further information.

The Commons: Each apartment has its own kitchen facilities. Residents are cautioned to use care when they cook, as excess smoke from cooking can cause false fire alarms. Consider ventilating the area before, during and after cooking. Residents of the Commons should also become familiar with approved electrical appliances/equipment and only cook in the kitchen area of the apartment.

### Fire Safety Educational and Training Initiatives

Campus Safety conducts Emergency Action Plan training with all new students as part of the orientation process. A major portion of this training focuses on fire safety and building evacuation. This training is reinforced during the evacuation drills of the residence halls, training ship and other academic buildings. Several times throughout the academic year, Campus Safety offers hands-on fire extinguisher training. This class is designed to educate the staff and students how and when to use a portable fire extinguisher.

### Summary of Fire Protection Systems in the Residence Halls

Residential Facility	Fire Alarm System	Sprinkler System	Fire Extinguishers	Evacuation Plan	Number of Evacuation Drills per Academic Year
Curtis Hall	Yes	Complete System	Yes	Yes	1
The Commons	Yes	Complete System	Yes	Yes	1
Training Ship, State of Maine	Yes	Partial System	Yes	Yes	2*

\*A total of 7 evacuation drills were conducted on the TSSoM in the winter and summer in preparation for cruises as well as the two conducted in the fall when students lived on the ship while docked to prepare for cruise.

#### Curtis Hall Fire Alarm System

The Curtis Hall fire alarm system is equipped with smoke and heat detectors throughout the common areas and individual rooms. If you hear or see a fire alarm, never assume the fire alarm is a false alarm. This system is capable of generating two types of alarms, a general building alarm and an individual room alarm. A general building alarm is activated by a smoke or heat detector that has identified either excess particulates or heat within a common hallway or gathering area. When the general building alarm is activated, an audible alarm will sound and flashing lights will initiate. All building occupants are required to evacuate the building during a general building alarm. A general building alarm can also be activated through an alarm pull station located throughout the building. If an employee or student uses an alarm pull station to activate the alarm, he or she should immediately evacuate the building and call Campus Safety from a safe location to report the emergency. An individual room alarm is activated by

the smoke or heat detector located within a resident's room. This type of alarm will initiate an audible alarm within the room. Occupants are not required to evacuate the building during an individual room alarm. However, if fire or smoke is present within the room, the resident should evacuate the building using the nearest exit and pull the alarm pull station on their way out the building. Once in a safe location, call Campus Safety and report the emergency. If the individual room alarm is activated by something other than a fire (for example, burnt popcorn), the residents are required to leave the room, wait for Campus Safety to arrive and explain how the alarm was activated. Regardless of the type of alarm that is activated, Campus Safety personnel will be notified by the alarm company that the Curtis Hall fire alarm system has been activated. Upon receiving this phone call, the Campus Safety Officer will immediately report to Curtis Hall and acknowledge the fire alarm panel. If the alarm is a building alarm, the Campus Safety Officer will retrieve the building keys for Castine Fire Rescue Department and report to the Incident Commander when CFRD arrives. At the onset of the incident, an MMA student who is a trained member of Castine Fire Rescue Department may assume the role of the Incident Commander. If the alarm is a room alarm the Campus Safety Officer will investigate the cause of the alarm and proceed as the situation warrants

### The Commons Fire Alarm System

The Commons fire alarm system is equipped with smoke and heat detectors throughout the common areas and hardwired battery backup smoke detectors in individual rooms. If you hear or see a fire alarm, never assume the fire alarm is a false alarm. This system is capable of generating one type of alarm, a building alarm. A building alarm is activated by a smoke or heat detector that has identified either excess particulates or heat. When the building alarm is activated, an audible alarm will sound and flashing lights will initiate. All building occupants are required to evacuate the building during this alarm. This alarm can also be activated through an alarm pull station located throughout the building. If an employee or student uses an alarm pull station to activate the alarm, he or she should immediately evacuate the building and call Campus Safety from a safe location to report the emergency. When the alarm is activated, Campus Safety personnel will be notified by the alarm company that The Commons fire alarm system has been activated. Upon receiving this phone call, the Campus Safety Officer will immediately report to The Commons, meet the responding Fire Department members and then acknowledge the fire alarm panel. The Campus Safety Officer will retrieve the building keys for Castine Fire Rescue Department and report to the Incident Commander when CFRD arrives. At the onset of the incident, an MMA student who is a trained member of Castine Fire Rescue Department may assume the role of the Incident Commander.

### Evacuation

When The Commons general building alarm is activated occupants are required to immediately evacuate. Evacuation routes are posted inside the door of each residents' room. Primary routes indicated on these maps should be followed unless an unsafe condition blocks the path. If this occurs, use the secondary or next safest route. The last person to leave should confirm the apartment is empty (if safe to do so) and close the door. As you are leaving the building, and if it is safe to do so, assist disabled individuals and visitors to safely evacuate. Knowing your exit route before an emergency will help with an efficient evacuation. Individuals have a responsibility to familiarize themselves with the location of exits for The Commons. Once outside of The Commons immediately go to your pre-determined evacuation rally point, located in the lower level of the Student Union near the Holmes

Heritage conference room and report to the Accountability Leader. Report if your apartment was clear of occupants when you left and that all occupants are accounted for. Emergency responders' vehicles will be arriving at The Commons as you are evacuating the building. Depending on the location of the incident, emergency vehicles may stage at multiple locations surrounding The Commons. Be aware of your environment and avoid walking near the emergency response vehicles.

#### Training Ship State of Maine Alarm System

Very specific standing orders have been established with the Town of Castine and the United States Coast Guard regarding fire safety and evacuation procedures for the Training Ship while it is at the dock in Castine. They are as follows:

##### Fire Alarm Panels

The 1600-2000 bridge watch (if manned) will inspect the fire detection system panel located in the wheelhouse. The watch shall log the detection system's condition as normal (unarmed) or activated (alarm).

If an activated condition is present, communication shall be established with the quarterdeck (A - Midshipman Officer of the Deck). Cause for such a condition shall be ascertained and the appropriate action taken. If a panel is indicating an alarmed condition and it is determined by visual inspection that a hazardous situation does not exist aboard the vessel, the alarm panel shall be reset to the normal (unarmed) mode.

Watchstanders shall strive to understand the equipment and indicator panels that surround them in order to promote safety and wellbeing aboard the ship.

##### Fire

In the event of FIRE aboard STATE OF MAINE the following procedures shall be followed:

- Sound the Alarm and Pass the Word
- Notify MMA Campus Safety 326-2479 Campus Safety should Notify Ship's Crew & Academy Personnel
- If Campus Safety is not available, call 911
- Notify Ship Crew
- Abandon Ship (see Below)
- Assist as necessary all responding Fire Departments

##### Abandon Ship /Evacuating Ship

- Sound the General Alarm & Pass the Word via PA system (continue to pass the word multiple times)
- Assist all persons off the ship via the gangway unless the gangway is rendered unusable, in which case immediately lower offshore lifeboats to the embarkation deck, load and launch with all personnel. Also use rafts and rescue boats as necessary.
- REMEMBER THE GANGWAY IS ALWAYS THE BEST AND FIRST CHOICE
- Remove all logbooks if possible
- Muster at Payson Hall Boat Bay Door
- Immediately hold ACCOUNTABILITY MUSTER

## **General Emergency Evacuation Procedures**

When the general building alarm is activated for either Curtis Hall or the Commons, occupants are required to immediately evacuate. Evacuation routes are posted inside the door of each residents' room. Primary routes indicated on these maps should be followed unless an unsafe condition blocks the path. If this occurs, use the secondary or next safest route. The last person to leave a room should turn off the light(s) and close the door.

As you are leaving the building, and if it is safe to do so, assist disabled individuals and visitors to safely evacuate. Knowing your exit route before an emergency will help with an efficient evacuation. Individuals have a responsibility to familiarize themselves with the location of exits for Curtis Hall and the Commons. Do not use an elevator in Curtis Hall when evacuating.

Once outside of residence hall, immediately go to your pre-determined evacuation rally point and report to your Accountability Leader. Report any occupants that are unaccounted for and may be still in the building.

Emergency responders' vehicles will be arriving on the scene as you are evacuating the building. Depending on the location of the incident, emergency vehicles may stage at multiple parking lots surrounding either building. Be aware of your environment and avoid walking near the emergency response vehicles.

### Evacuation Due To Fire

As you evacuate, approach closed doors with caution. If the door has a window, peer through the window to ascertain conditions on the other side. If the door does not have a window make sure you briefly touch the door to feel if it is hot. Remember, while evacuating NEVER OPEN A HOT DOOR. A fire on the other side could blast through with tremendous force and heat.

Always evacuate by the nearest exit or exit stairwell. Do not block or wedge exit doors in an open position. The doors must remain closed to keep smoke out of the stairwells for both those evacuating and fire personnel. If you are evacuating in smoky conditions avoid breathing the smoke as much as possible. Remain as low as possible as you evacuate the building. Do not attempt to go back to obtain personal items.

### Shelter In Place Instructions if Evacuation is Not Possible

If you are trapped in your room follow the steps below:

- Wedge cloth material along the bottom of a door to keep out smoke.
- Phone Campus Safety and notify them of your situation.
- If windows are operable, and you must have air, open the window. Only break a window as a last resort.
- If necessary, signal through the window to let the fire department know your location. Use a flashlight or brightly colored fabric to wave in the window to visually attract attention.

### If You Discover Fire or Smell Smoke

If you discover a fire or smell smoke activate the closest fire pull station to begin the evacuation of residence hall. If possible, confine the fire by closing doors as you leave the area. When it is safe to do

so, call Campus Safety 326-2479 or x2479 or use a campus safety phone and give the following information:

- Building Name
- Floor/Room Number
- Size or type of fire
- Location

Students and staff are instructed to immediately report all fires or evidence of fires to Campus Safety as soon as they are discovered. They are asked not to disturb the area and attempt to keep others from entering the location until Campus Safety arrives. Campus Safety will investigate and document the incident. If warranted, Campus Safety will contact the Hancock County Sherriff's Office or State Police if it appears a crime has been committed.

Curtis Hall and the Commons are equipped with a sprinkler system which is the main fire suppression system of both facilities. Although there are fire extinguishers available, the main goal of a fire alarm is to alert people so that they may begin evacuating the building. Attempt to put the fire out with a portable fire extinguisher **ONLY** when:

- You have been properly trained
- The fire is small (wastebasket size)
- You are not alone
- A safe escape route is present

#### **Plans for Future Improvements to the Residence Hall Campus Fire Safety Program**

Campus Safety and Facilities departments continuously evaluate the need for future improvements to the fire suppression or fire alarm systems in the residence halls throughout the year. If an issue is discovered during the evacuation drills, Campus Safety documents the problem in the evacuation drill report and forwards the report to the correct department to address the issue.

## FIRE SAFETY STATISTICS 2013-2015

The data presented in the following table summarizes the reported fires that occurred in the MMA residential housing facilities from January 2015 – December 2015. The Department of Campus Safety maintains a fire log that is accessible by the public upon request. There were no reported fires in the residential facilities in 2013 or 2014.

Date Fire Reported	Incident Number	Nature of the Fire	Date of Fire	Time of Fire	General Location of the Fire
5/1/2015	2015-42	Cardboard box left on the stove	1-May-15	957	Commons C-D
4/17/2015	2015-43	Burnt toilet paper in bathroom	4/17/2015	2315	Curtis Hall
10/1/2015	2015-81	Burnt ramen noodles	10/1/2015	2249	Curtis Hall

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## CRIME PREVENTION AND EDUCATIONAL PROGRAMMING

The Academy is committed to educating students and employees about crime prevention. While the town of Castine and its surrounding communities enjoy very low rates of crime, occasional incidents do occur and the Academy works diligently to remind students to practice risk reduction to avoid becoming the victim of a crime. During New Student Orientation, first year students and their parents are informed by Student Services personnel of college policies such as those prohibiting alcohol, drug and sexual misconduct, and where other policies can be found on the college portal. In addition, safety procedures are reviewed, risk reduction strategies suggested, and resources for assistance with emergencies and reporting crimes are introduced. New students also participate in a bystander training session during orientation. Sophomore students participate in a training on sexual harassment and sexual misconduct in the workplace prior to participating in cadet shipping or co-operative education experiences the summer before their junior year.

All new students are required to complete AlcoholEdu, a web-based population level alcohol education program and Haven, a sexual violence education program during their first semester. These course are designed to educate students about alcohol use, sexual assault prevention, domestic violence,

bystander intervention and Title IX requirements. Students who violate the Academy's alcohol policies are required to complete an additional AlcoholEdu program designed for sanctioning.

All new employees participate in a training on Clery and Title IX and how these apply to their work with students.

CSAs are trained annually on Clery and Title IX reporting requirements.

Residence Life, Student Activities, and the Regimental staff offer a variety of educational programs and workshops for students on crime-prevention topics. Athletics promoted a theme of RESPECT THE ANCHOR (the logo of the Mariners athletics teams) during the spring of 2014 which was expanded to include the entire community. This theme – of respecting each other, the Academy, and the local community - is woven throughout orientation and leadership training of students.

Educational Workshops designed to reduce crime and violence offered in 2015 included:

CL Lindsay – Legal Issues with College Students & Social Media. A presentation on how to protect yourself and your identity.

Sex Signals - Sexual assault prevention program that uses unorthodox, humor-facilitated approach to examining our culture, sex, and the core issue of bystander intervention. A two-person team of highly-trained educators takes the audience on an interactive, relevant, and often-hilarious exploration of beliefs, behaviors, and gender stereotypes related to dating and sexual interaction.

Basics of Defensive Tactics Course – This is a **physical training** where the instructor explains and demonstrates several defensive tactics concepts. Introduces students to the concepts of stance, strikes, positioning and mindset of self-defense tactics as it relates to Maine Law and the de-escalation of a situation.

DUI Simulator- Cutting-edge technology to help students be responsible drivers by emulating real road driving conditions. While wearing virtual reality goggles students are able to sit in a real car and “drive” the vehicle under different BAC levels to understand how reaction times change and can impact reaction times.

The Dean of Student Services shares Public Service Announcements periodically throughout the year via email. 2015 topics included texting and driving, drinking and driving, consent, and hunter safety. Additionally, MMA began using Student Health 101 in the 2016 Academic Year. This on-line monthly magazine, provided electronically to all students, provides students with information about managing stress, eating healthy, staying active, dealing with roommates, and more.

*Student Health 101* covers sexual assault and related topics that address the requirements of the Campus SaVE Act every month. Here are a few examples:

Article name
Are you a social engineer? 4 ways to use your powers for good
What to do when your male friend is sexually assaulted
What if everyday choices were treated like sexual consent?
How to rock your bystander interventions: be subtle, be safe, be the difference
Building a better community: How & why to work the small stuff

Regimental trainings for students in the Regiment of Midshipmen included:

- Hard-target and anti-terrorism training
- First year midshipmen workshop on drinking and driving and US Coast Guard regulations regarding alcohol and ships.
- Student-led assembly on impacts of drunk/buzzed driving
- First year and third year midshipmen workshop on regulations regarding the use and abuse of alcohol while on the summer training cruise.

### **Honor Code**

In addition to the educational programs noted above, the students are also educated during orientation regarding their rights and responsibilities under the Student Honor Code of Conduct and Responsibilities. The purpose of the MMA Honor Code is to provide and apply a unified consistent standard of student self-governance and to give the student body ownership of the behavior of its members. Within it are the guidelines students must meet in order to be successful at the Academy. At Fall Convocation, the President of the Academy emphasizes the importance of the Honor Code and explicitly talks about the Academy's intolerance for dishonorable behavior, specifically sexual misconduct and alcohol abuse. Members of the MMA community are expected to act with honesty and integrity, and treat others and their property with respect. Our expectations, as expressed through the policies, rules and procedures encompassed within the Honor and Conduct Code, the Regimental Manual, and the MMA catalogue, are designed to support community values of respect, self-discipline, accountability, and responsibility to the college, local and state communities.

The Student Trustee leads all first year students in a public pledge of support of the Honor Code during Convocation and students are also expected to complete an on-line pledge during Orientation registration.

## CRIME STATISTICS 2015

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2015	0	0	0	0
Negligent Manslaughter	2015	0	0	0	0
Sex Offenses-forcible: Rape	2015	0	0	0	0
Sex Offenses-forcible: Fondling	2015	0	0	0	0
Sex Offenses – non-forcible: Incest	2015	0	0	0	0
Sex Offenses – non-forcible: Statutory Rape	2015	0	0	0	0
Robbery	2015	0	0	0	0
Aggravated Assault	2015	0	0	0	0
Burglary	2015	0	0	0	0
Motor Vehicle Theft	2015	0	0	0	0
Arson	2015	1*	1*	0	0

\*Reported incident of arson involved burned toilet paper found in a residence hall bathroom.

## VAWA Offenses 2015

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2015	0	0	0	0
Dating Violence	2015	0	0	0	0
Stalking	2015	0	0	0	0

## Arrests and Disciplinary Referrals 2015

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons: Carrying, Possessing, etc.	2015	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2015	0	0	0	0
Arrests: Drug Abuse Violations	2015	0		0	0
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	23	22	0	0

## CRIME STATISTICS 2014

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0
Sex Offenses-forcible: Rape	2014	1	0	0	0
Sex Offenses-forcible: Fondling	2014	1	1	0	0
Sex Offenses – non-forcible: Incest	2014	0	0	0	0

Sex Offenses – non-forcible: Statutory Rape	2014	0	0	0	0
Robbery	2014	0	0	0	0
Aggravated Assault	2014	0	0	0	0
Burglary	2014	1	1	0	0
Motor Vehicle Theft	2014	0	0	0	0
Arson	2014	0	0	0	0

### VAWA Offenses 2014

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2014	0	0	0	0
Dating Violence	2014	1	1	0	0
Stalking	2014	1	1	0	0

### Arrests and Disciplinary Referrals 2014

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons: Carrying, Possessing, etc.	2014	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2014	0	0	0	0
Arrests: Drug Abuse Violations	2014	0		0	0
Disciplinary Referrals: Drug Abuse Violations	2014	2	2	0	0

<b>Arrests: Liquor Law Violations</b>	<b>2014</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Disciplinary Referrals: Liquor Law Violations</b>	<b>2014</b>	<b>38</b>	<b>36</b>	<b>0</b>	<b>0</b>

## CRIME STATISTICS 2013

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
<b>Murder/Non-Negligent Manslaughter</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offenses-forcible: Rape</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offenses-forcible: Fondling</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offenses – non-forcible: Incest</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offenses – non-forcible: Statutory Rape</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Burglary</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Motor Vehicle Theft</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arson</b>	<b>2013</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## VAWA Offenses 2013

The Clery Act did not require collection of VAWA offenses until calendar year 2014 thus records were not collected for 2013 or earlier.

## Arrests and Disciplinary Referrals 2013

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons: Carrying, Possessing, etc.	2013	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2013	0	0	0	0
Arrests: Drug Abuse Violations	2013	0		0	0
Disciplinary Referrals: Drug Abuse Violations	2013	0	0	0	0
Arrests: Liquor Law Violations	2013	1	0	0	0
Disciplinary Referrals: Liquor Law Violations	2013	22	13	0	0

## **HATE CRIMES STATISTICS 2013-2015**

There were no reported hate crimes for the years 2013, 2014 or 2015

## **UNFOUNDED CRIME REPORTING 2013-2015**

There were no unfounded crimes for the years 2013, 2014 or 2015.

## CRIME DEFINITIONS

1. *Criminal Homicide*. These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.

a) Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.

b) Manslaughter by Negligence is defined as the killing of another person through gross negligence.

2. *Sexual Assault (Sex Offenses)*. Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

a) Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

b) Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

c) Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

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

4. *Aggravated Assault*. Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

5. *Burglary*. Burglary is the unlawful entry of a structure to commit a felony or a theft.

6. *Motor Vehicle Theft*. Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

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

## Hate Crimes

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

- Race. A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- Sexual Orientation. A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- Gender. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- Simple Assault: an unlawful physical attack by one person upon another neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Violence Against Women Act Offenses**

*Dating Violence* is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

*Domestic violence* is defined as a felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

*Stalking* is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress.

For the purposes of this definition—

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Geographical Definitions**

*On Campus:* any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the sentence above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

*On-campus Student Housing Facility:* any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

This definition includes the following types of housing:

- Undergraduate, graduate and married student housing.
- Single family houses that are used for student housing.
- Summer school student housing.

- Buildings that are used for student housing but also have faculty, staff or other individuals living there.

*Non-campus buildings or property:*

- *Any building or property owned or controlled by a student organization that is officially recognized by the institution; or*
- *any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.*

*Non-campus building or property:* Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*Public Property:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property refers to property owned by a public entity, such as a city or state government.

# LOCATION KEY

## Main Campus

1. Dismukes Hall: Classrooms, Labs, Faculty Offices
2. Delano Auditorium
3. Leavitt Hall: Robert S. Walker Admissions & Financial Aid Center, Administrative Offices, Guest Rooms
4. Wyman House: Alumni & Advancement Offices
5. Abbott House: President's Residence
6. Captain Quick Alumni Hall: Career Services & Continuing Education
7. Platz Hall: Nutting Memorial Library
8. The Harold Alford Student Center: Dining, Conference Rooms, Staff Offices, Classrooms
9. Pilot House: Loeb-Sullivan School of International Business & Logistics
10. The Commons: Residential Complex
11. Perkins House: Faculty Offices
12. Windlass House: Campus Safety & Faculty Offices
13. ABS Center for Engineering, Science, and Research: Classrooms, Labs, Faculty Offices
14. Buoy House: Center for Student Success
15. Curtis Residence Hall: Residential Complex
16. Campus Bookstore
17. Public Works & Central Receiving
18. Oakley Logan Alexander Physical Education Center
19. Margaret Chase Smith Building
20. Bath Iron Works Center for Advanced Technology: Classrooms, Labs, Faculty Offices
21. U.S. Navy ROTC
22. Ritchie Field

## Waterfront Campus

23. Payson Hall: Classrooms, Labs, Faculty Offices
24. Rodgers Hall: Classrooms, Labs, Faculty Offices
25. Dirigo House: Faculty Offices
26. Andrews Hall: Classrooms, Labs, Faculty Offices
27. Training Ship State of Maine
28. Schooner Bowdoin
29. Tug Pentagoet



**MAINE  
MARITIME  
ACADEMY**

**Main Campus**

**Waterfront Campus**

## APPENDIX A: Alcohol and Drug Policies

### MAINE MARITIME ACADEMY

#### HEALTH AND SAFETY Section 607

**SUBJECT: ALCOHOL**

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**PURPOSE: To regulate possession and use of alcohol**

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#### **A. Introduction**

Maine Maritime Academy is committed to maintaining a high quality educational and employment environment. The abuse or illegal use of alcohol by members of the Academy community is contrary to the intellectual and educational purposes of the Academy, and is often a violation of state and/or federal law. The purposes of this policy are to provide regulations that require the safe, responsible and lawful uses of alcohol.

#### **B. Dangers**

On the average, heavy drinkers shorten their life span by ten years. The dangers associated with alcohol consumption typically arise when a person consumes more than one drink per hour, more than three drinks per day, binge drinks, drinks and drives, or drinks to cope with stress. Alcohol abuse is a national concern because of the potentially significant health risks. Such risks include alcohol dependency; slowing of brain function, judgment, alertness and coordination; attitude and behavioral changes; uncharacteristic hostility or increased risk-taking such as driving recklessly; physical problems such as high blood pressure, nerve damage and cirrhosis of the liver; criminal convictions and civil judgments for laws broken and harm caused; conflicts with medications that can cause intense or altered effects, nausea, sweating, severe headaches and convulsions; memory blackouts; uncharacteristic family, school, work and legal problems; and birth defects and mental retardation in the drinker's children.

#### **C. Support Resources**

Students who need alcohol support services should contact Academy Counseling Services at 207-326-2419 or <http://www.mainemaritime.edu/health-services/143-mma-counseling-services>. Employees who need support services should contact the Department of Human Resources for information about the Academy's Employee Assistance Program. In addition, any person may contact the Maine Statewide Crisis Hotline at 1-888-568-1112, or Office of Substance Abuse at <http://maine.gov/dhhs/osa/index.htm> or 1-800-499-0027. Additional support resources are also available at the Office of Substance Abuse website.

#### **D. Application**

This policy governs the possession and consumption of alcohol by all students, employees, visitors and all persons while on Academy premises or at Academy events.

## **E. Definitions**

For purposes of this policy, the following terms have the following meanings:

1. "Academy events" means any activity or function authorized or hosted by the Academy regardless of whether such activity or function occurs on property owned by the Academy.
2. "Academy premises" means all property, buildings, parking lots, open areas, vessels, vehicles owned, occupied or operated by the Academy, and includes the like premises of others where an Academy event occurs.
3. "Alcohol" means any liquor, wine, beer, spirits, malt liquor or hard cider, or any substance containing liquor that contains more than 1/2 of 1% of alcohol by volume;
4. "Intoxicated" means a substantial impairment of a person's mental or physical faculties as a result of alcohol.
5. "Possess or possession" of alcohol includes transporting alcohol, being under the influence or intoxicated, and being in the immediate company of open or empty alcohol containers;
6. "Under the influence" means any impairment of a person's mental or physical faculties as a result of alcohol.
7. "Unlawful use and/or possession" means the possession and or use of alcohol as prohibited by state and/or federal law.
8. "Visibly intoxicated" means a perceptible act, series of acts, or other appearance which demonstrates a person's intoxication.

## **F. Prohibitions**

Alcohol shall not be possessed or consumed on Academy premises except as permitted by this policy and by state and federal law. These prohibitions include, but are not limited to, the following.

### **1. Generally Applicable Rules**

No person under the age of 21 shall possess or consume alcohol, and no person of any age shall:

- a) Unlawfully possess or consume alcohol at any time;
- b) Lawfully possess or consume except as permitted in *Section G* below;
- c) Be intoxicated or under the influence of alcohol as exhibited by impaired functioning, disruptive or belligerent conduct, non-responsiveness to directions from public or Academy officials, or other evidence of impaired functioning;
- d) Possess or consume alcohol at campus athletic events or on any vessel;
- e) Operate a vehicle on or near Academy property or an Academy vessel while under the influence or intoxicated;
- f) Present false identification, either written or oral, in order to obtain alcohol;

- g) Furnish alcohol to a minor, or allow a minor under that person's control, or in any place under that person's control, to possess or consume alcohol. For clarity, all students residing in housing owned by or registered with the Academy are prohibited from providing a place for minors to possess or consume alcohol;
- h) Sell alcohol without a license issued by the State;
- i) Sell tickets for alcohol, donations, or raffles where the sales are used to pay for alcohol; and/or
- j) Serve alcohol to a person who a reasonable and prudent server knows or should have known was intoxicated or visibly intoxicated.

## 2. Additional Rules

In addition to the generally applicable rule above, the following rules also apply.

- a) **Students.** No student shall:
  - (1) Possess consume or transport alcohol anywhere within Curtis Hall regardless of the student's age;
  - (2) Be present in a room, suite or space in Curtis Hall, or in a vehicle on or near Academy property where alcohol is visible or otherwise known by the student to be present, regardless of whether the student has consumed such alcohol;
  - (3) Provide a location that permits possession and/or consumption by students who are minors, or by students who are at least 21 years of age and who are under the influence or intoxicated; or
  - (4) Have a guest who violates this policy. Students are responsible under the Maine Maritime Academy Honor Code of Conduct and Responsibilities ("Code") for such violations by their guests.
- b) **Crew Members.** Pursuant to regulations of the United States Coast Guard, no crew member -- including a licensed individual, pilot, or watch stander who is not a regular member of the crew -- shall attempt to perform a safety-sensitive function:
  - (1) While having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test;
  - (2) While operating any vessel and the effect of the intoxicant is apparent by observation;
  - (3) While possessing or using alcohol; or
  - (4) Within four (4) hours after using alcohol.

In addition, a crew member shall not refuse to submit to an alcohol test and shall not use alcohol within eight hours after an accident or until tested.

#### **G. Permitted Uses**

This policy permits only the following possession and use of alcohol. Alcohol may be possessed and used only:

1. As lawful under state and federal law;
2. By persons at least 21 years of age;
3. At and as served by the Waypoint;
4. In the Commons and Academy-owned employee residences by their respective residents who are of legal age and their guests who are also of legal age, only within the resident's living space, and provided further that such use is personal, responsible, not disruptive, and any social gatherings are responsibly limited in size; and
5. At an event authorized and hosted by the Academy where service of alcohol has been approved by the appropriate Academy official, provided that the provisions in *Section H* are followed.

#### **H. Events Authorized and Hosted by the Academy**

The following rules apply to an event authorized and hosted by the Academy where service of alcohol has been approved by the appropriate Academy official.

1. No state appropriations or federal monies may be used to pay for purchasing or serving alcohol.
2. Only a qualified caterer may sell or otherwise serves the alcohol whether the caterer is one retained by the Academy or by a third party who rents an Academy facility. A "qualified caterer" is one that:
  - a) Maintains general liability and liquor liability insurance policies in amounts required by the Academy;
  - b) Maintains the requisite Maine license to sell alcohol if the alcohol is being sold at the event; and
  - c) Provides a server who has successfully completed a state-approved server education course; has agreed in writing to:
    - (1) Refuse service to any person who has not reached the age of 21 years;
    - (2) Refuse service to any person who is visibly intoxicated; and
    - (3) Release, defend and indemnify Academy from any and all claims or demands arising from such sale or service.
3. Alcohol will not be the primary focus of any event;

4. Sufficient quantities of alternate non-alcoholic beverages and food shall be made available; and
5. Alcohol is not mentioned in the event publicity.

**I. Enforcement**

Students who violate this policy may be subject to disciplinary action under the Code. Employees who violate this policy may be subject to disciplinary action, up to and including termination, and required to participate satisfactorily in a like program. Other persons who violate this policy may be subject to any appropriate and applicable sanction, including exclusion from Academy property and events, and debarment from Academy work. A person whose conduct may violate a state or federal law may also be referred to law enforcement for further action.

**J. Laws**

For an index to many of Maine's alcohol related laws, see [http://www.maine.gov/dafs/bablo/statutes\\_rules/liquor.htm](http://www.maine.gov/dafs/bablo/statutes_rules/liquor.htm).

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REFERENCES: P. & S.L. 1941, ch. 37, §2 as amended; 28-A M.R.S.A. §2 (alcohol law definitions), §1001 et seq. and §1051 et seq. (caterer licenses), §2501 et seq. (caterer liability) and §2519 (server education)

DATE ADOPTED: Approved on September 9, 2014

**MAINE MARITIME ACADEMY**

**HEALTH AND SAFETY  
Section 608**

**SUBJECT: DRUGS**

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**PURPOSE: To prohibit the illegal or abusive possession and use of drugs**

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**A. Introduction**

In accordance with pertinent laws, including the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989, Maine Maritime Academy seeks to maintain a drug-free environment. To that end, the purpose of this policy is to prohibit the possession and use of dangerous drugs. This policy also serves to inform employees and students about their risks dangers of drugs and alcohol; the availability of counseling, rehabilitation and assistance programs; and the penalties that may be imposed for violations.

**B. Definitions**

For purposes of this policy, the following terms have the following definitions:

1. "Academy events" means any activity or function authorized or hosted by the Academy regardless of whether such activity or function occurs on property owned by the Academy.
2. "Academy premises" means all property, buildings, parking lots, open areas, vessels and vehicles that are owned, occupied or operated by the Academy. These include like premises not owned, occupied or operated by the Academy, but that are the location of an Academy event.
3. "Drug" means any:
  - a. Controlled substance or scheduled drug, which includes any substance or drug whose manufacture, possession, or use is regulated by state or federal law. Such drugs include illegal drugs, such as opiates, barbiturates, amphetamines, marijuana, cocaine, heroin, hallucinogens, designer drugs and illegal steroids. Such drugs also include medical marijuana which federal law requires the Academy to recognize as an illegal drug despite Maine's less restrictive state law;
  - b. Prescription medications when not possessed or used as prescribed; and
  - c. Other substance or chemical that is not prescribed, controlled or scheduled by state or federal law, but which can have the psychoactive or mind-altering effect of a pharmacological substance, and is possessed or used for that effect.
4. "Drug paraphernalia" means any item which is or could be used in the possession, use or distribution of any drug.

**C. Persons Covered**

This policy applies to all students, employees, students, independent contractors, persons provided by temporary employment agencies, volunteers, invitees and other visitors of the Academy.

#### **D. Prohibition**

The Academy prohibits the unlawful manufacture, distribution, dispensation, sale, possession, use or being under the influence of any drug or drug paraphernalia on Academy premises or as part of an Academy event.

#### **E. Risks of Drug Use and Abuse**

There are serious risks associated with the use of illegal, and the abuse of legal, drugs. For example:

- 1. Marijuana.** The effects of smoking marijuana include short term memory impairment, altered sense of time and space, reduced ability to perform tasks requiring concentration, swift reactions and co-ordination. Young people who use marijuana regularly may not develop as emotionally and intellectually as their peers. Marijuana smoke contains more cancer-causing agents than tobacco smoke and, because marijuana users typically hold the smoke in their lungs as long as possible, lung problems can develop in less time.
- 2. Stimulants,** such as cocaine and amphetamines. Stimulants are highly addictive. The cycle of stimulant use develops when users continue to take the drugs in order to avoid the depressed mood that follows the drugs' highs. This cycle is extremely hard on the body, particularly the heart. Depression and cross-addiction to depressants are common, as is loss of appetite that can lead to malnutrition. Likewise, Sudden Death Syndrome associated with cocaine use can occur even to first-time or infrequent users.
- 3. Hallucinogens,** such as LSD, Peyote, Psilocybin mushrooms and PCP. Because all of these drugs are created illegally, the potency of chemicals consumed can vary substantially and without the user's knowledge. For instance, street doses of Peyote, Psilocybin mushrooms, and LSD often contain amphetamines, STP, PCP, and other contaminants. Impaired perceptions with hallucinogen use may lead to self-inflicted injuries, accidents and violence.

#### **F. Support Resources**

Students who need drug abuse support services should contact Academy Counseling Services at 207-326-2419 or <http://www.mainemaritime.edu/health-services/143-mma-counseling-services>. Employees who need such support services should contact the Department of Human Resources for information about the Academy's Employee Assistance Program. In addition, any person may contact the Maine Statewide Crisis Hotline at 1-888-568-1112, or Office of Substance Abuse at <http://maine.gov/dhhs/osa/index.htm> or 1-800-499-0027. Additional support resources for all people are also available at the Office of Substance Abuse website.

#### **G. Notices**

In compliance with federal law, the Academy shall distribute annually to all employees and students the information contained in this policy. The Academy shall also provide new employees with a copy of this policy, and publish a copy of this policy for review by existing employees.

#### **H. Federally Funded Employees**

For work performed by employees, including student employees, paid at least in part by a federal grant or contract, the Academy shall:

1. Inform such employees that a condition of such employment is to abide by the terms of this policy;
2. Notify the appropriate federal agency within ten (10) days after receiving notice that such an employee has been convicted of a drug crime that occurred in the workplace; and
3. Impose sanctions on, or require the satisfactory participation in a drug abuse assistance rehabilitation program by, any employee so convicted.

**I. Notice of Convictions**

Any student convicted of violating a criminal drug statute shall, within five (5) days of such conviction, notify the Dean of Student Services of the conviction and any resulting terms and conditions of punishment. Any employee convicted of violating a criminal drug statute shall, within five (5) days of such conviction, notify the employee's supervisor of the conviction and any resulting terms and conditions of punishment.

**I. Penalties for Violations**

Students who violate this policy are subject to disciplinary action under the Student Honor Code of Conduct and Responsibilities, up to and including dismissal and/or a requirement to obtain support assistance. Employees who violate this policy are also subject to disciplinary action, up to and including termination and/or a requirement to obtain support assistance. Other persons who violate this policy are subject to any appropriate and applicable sanction, including exclusion from Academy property and events, and debarment from Academy work. Any student, employee or other person whose conduct may violate a state or federal law may also be referred to law enforcement for action.

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REFERENCES: P. & S.L. 1941, ch. 37, §2 as amended; Drug-Free Workplace Act of 1988; Drug-Free Schools and Communities Act Amendments of 1989; 17-A M.R.S.A. §1101-§1123

DATE ADOPTED: Approved on September 9, 2014

## APPENDIX B: Policy Prohibiting Sexual Misconduct and Sexual Assault

### MAINE MARITIME ACADEMY

#### STUDENT AFFAIRS Section 604

**Subject:** Sexual Misconduct and Sexual Assault

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**PURPOSE:** To define and proscribe non-consensual sexual activities

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#### A. Introduction

Certain sexual activities can produce emotional and physical distress and constitute violations of criminal law. Other sexual activities can produce significant regrets or misunderstandings. The purposes of this policy are to notify students of their responsibilities when engaging in sexual activities, and to protect students from those who do not meet these responsibilities. This policy supplements the Maine Maritime Academy Honor Code of Conduct and Responsibilities (“Code”) by defining the non-consensual sexual activities that constitute violations of the Code; explaining the procedures that will apply to the handling of such alleged violations; and providing important additional information to all students. The intention is to inform students in detail of their responsibilities under the Code, and to assist the Academy in investigating and resolving cases alleging such violations.

#### B. Personal Responsibilities

In addition to the responsibilities students have under the Code and this policy, students are strongly advised to heed numerous other personal responsibilities. In order to avoid the problems identified above, as well as problems related to unwanted pregnancies, sexually transmitted diseases and other personal difficulties, all students are advised to:

1. Pursue or permit sexual activities of any kind only with a person with whom there is an established relationship;
2. Pursue or permit sexual activities of any kind only while not under the influence of drugs or alcohol; and
3. Communicate expressly, at the time of possible sexual activities, their respective desire, comfort and clear agreement to engage in any sexual activities at such time, and communicate the specific activities to which they consent.

#### C. Definitions

For purposes of this policy, the following terms have the following meanings.

1. **“Reliable Consent”** means a person’s:
  - a. Voluntary agreement;
  - b. Communicated by words;
  - c. At the time of the sexual activity;
  - d. To engage in each of the sexual activities at issue in a given case. Such agreement must be expressly requested and, if given, expressly stated. Current agreement must not be assumed or inferred from previous instances when reliable consent

was given by the Complainant. Agreement from a person who is visibly intoxicated or otherwise impaired shall not be regarded as reliable consent. Agreement to engage in one sexual activity (such as a touching) is not agreement to engage in a different sexual activity (such as an act). Agreement can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop.

2. **"Acquiescence"** means a person's submission to engaging in one or more sexual activities without communicating either an express verbal agreement or an express physical or verbal objection.
3. **"Sexual misconduct"** means the following where there is no reliable consent:
  - a. **"Sexual touching,"** which means any intentional touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, and for the purpose of arousing or gratifying sexual desire; or
  - b. **"Sexual contact,"** which means any intentional touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact; or
  - c. **"Sexual act,"** which means any intentional act done for the purpose of arousing or gratifying sexual desire when that act involves direct physical contact between the:
    - 1) Genitals of one and the mouth or anus of another; or
    - 2) Genitals of one and the genitals of another; or
    - 3) Genitals or anus of one and an instrument or device manipulated by another person.
4. **"Sexual assault"** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:
  - a. Expressly communicated by words or physical act(s) a timely objection; or
  - b. Was visibly intoxicated or otherwise visibly impaired; or
  - c. Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
  - d. Was placed in reasonable fear of physical injury or other harm because of the Respondent's use or threatened use of physical force or other harm.
5. **"Complainant"** means a person who believes he or she experienced sexual misconduct or sexual assault by a student.
6. **"Respondent"** means a student accused of sexual misconduct or sexual assault.
7. **"Retaliation"** means pressuring a person to drop or support a complaint or to provide false or misleading information; pressuring a person to participate or refrain from participating as a witness in a proceeding; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment for making a good-faith report or participating in good faith in an investigation.

#### **D. Prohibited Conduct**

It is a violation of the Code for a student to intentionally engage in sexual misconduct or sexual assault, or to retaliate against a person who in good faith reports or participates in an investigation under this policy. A student may be found responsible for retaliation even if not found responsible for the underlying alleged sexual misconduct or sexual assault.

#### **E. Reports to the Academy**

1. **When to Report.** Complainants are advised to report allegations of sexual misconduct or sexual assault immediately or as soon as possible.
2. **Where to Report.** To ensure the most prompt response, reports should be given to the Dean of Student Services and/or the Title IX Coordinator. Any other employee who receives such a report shall immediately share the report with the Dean of Student Services and/or the Title IX Coordinator.
3. **What to Report.** A complaint may be made orally or in writing, and should be as specific as possible. A report should disclose the identity of the person(s) alleged to have engaged in the sexual misconduct or sexual assault, and the location(s), date(s) and description of the alleged acts. Except as noted in subsection 4 below, the Academy cannot take complaints “off the record.” Once the Academy receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the Complainant does not want the Academy to do either. Unless the Complainant signs a written statement specifying withdrawal of the complaint, the Complainant may not be deemed to have withdrawn her or his complaint.
4. **Reports Seeking Help, but Not Discipline.** Students who do not want to report a sexual assault for a disciplinary response by the Academy are encouraged to seek counsel, support and appropriate services. The Academy’s Counseling Services at 207-326-2419 or <http://www.mainemaritime.edu/health-services/143-mma-counseling-services> provides confidential counseling for sexual assault. After hours, students can contact the support services located in the Appendix attached to this policy.
5. **False Reports.** It is a violation of Academy policy for any person to intentionally file a report of any kind with an Academy official when the person knows that such report, by fabrication or material embellishment, is false.

#### **F. Information Provided to a Complainant at the Time of a Report**

At the time of a report to the Dean of Student Services and/or the Title IX Coordinator, the Academy shall provide to the Complainant a copy, or hypertext links to copies, of the Code, this policy and the Appendix to this policy. Complainants are hereby advised of the following:

1. **Preserving Evidence.** It is important to preserve physical evidence in order to help prove a criminal sexual assault, stalking, domestic violence, other acts of violence occurring within a dating relationship or other sexual encounter, or to help obtain a protective order;

2. **Confidentiality.** The Academy uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or sexual assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among Academy officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by Academy policy and applicable law. The Academy will be required to disclose the Complainant's name, statements and allegations to the Respondent. The Academy may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the Academy, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected;
3. **Counseling and Health Services.** Counseling and health support services are available either on campus or in the area. A list of such services is attached in the *Appendix* to this policy, and the Academy can assist a Complainant in accessing these resources;
4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, law enforcement. A list of such authorities is attached in the *Appendix*. The police can advise and assist with the Complainant's option to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender; and
5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available, and the Academy can assist a Complainant in accessing these resources. A list of such services is attached in the *Appendix*.

#### **G. Investigations**

The Academy shall use the Code in conducting an investigation of reports or allegations of sexual misconduct or sexual assault.

#### **H. Interim Steps While an Investigation is Conducted**

The Academy shall consider what interim steps, if any, should be taken until the investigation and findings are complete. Such steps include, for example, changing the Complainant's and affected student(s) academic, living, transportation, and working situations if requested and reasonably available.

#### **I. Participation during Proceedings**

As consistent with the Code, both the Complainant and the Respondent shall have the same opportunity to have others present during internal disciplinary proceedings, including the opportunity to be accompanied to related meetings by an advisor of their choice.

#### **J. Outcomes**

At the time that the Academy makes its final findings, the Academy shall in writing notify simultaneously the Complainant and Respondent of:

1. Whether the Respondent was found to violate the Code and, if so, the provisions violated and discipline imposed; and

2. The Respondent's and Complainant's rights under the Code to appeal the findings and any discipline.

#### **K. Discipline**

A violation of this policy shall result in discipline under the Code. Because of the wide range that can exist between cases of violent misconduct and cases of poor communication, the following guidelines shall assist the Academy in determining the appropriate discipline for each case.

1. **Sexual Assault vs. Sexual Misconduct.** Findings of sexual assault shall be regarded as more severe than findings of sexual misconduct.
2. **Types of Sexual Misconduct.** Findings of a sexual act shall be regarded as a more severe form of sexual misconduct than findings of sexual contact, and findings of sexual contact shall be regarded as a more severe form of sexual misconduct than findings of sexual touching.
3. **Cases of Acquiescence.** Findings that a Respondent did not obtain express verbal agreement and instead relied upon mere acquiescence shall be regarded as important but less severe than cases involving sexual assault.
4. **Repeat Violators.** Findings that a Respondent was previously found responsible for sexual misconduct or sexual assault shall be regarded as more severe than a first-offender.

#### **L. Retaliation**

The Academy will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under this policy will not be subjected to retaliation by the Respondent or others. Anyone who has experienced retaliation is strongly encouraged to report that concern using the procedures in *Section C* above.

#### **M. Protective Orders**

Complainants have the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not Academy personnel, have the authority to enforce such an order by arresting a person who violates the order. The Complainant should, therefore, promptly inform the Dean of Student Services and/or the Title IX Coordinator if such an order is obtained so that the Academy may be better prepared to more promptly contact the police if necessary.

#### **N. Primary Authority and Annual Training**

The Dean of Student Services and/or the Title IX Coordinator shall have primary responsibility for overseeing the application of this policy. They shall ensure that Resident Directors, Resident Assistants, Conduct Panel and Honor Board, and other pertinent employees are annually informed about this policy.

#### **O. Other**

Nothing in this policy shall be construed to confer a private right of action upon any person to enforce the provisions of this policy.

**P. Academy Contact Information**

The following Academy officials may be contacted as follows:

1. Dr. Elizabeth True  
Vice President for Student Affairs & Enrollment Management  
Title IX Coordinator  
Office of the President  
Leavitt Hall  
Second Floor  
207-326-0159  
[elizabeth.true@mma.edu](mailto:elizabeth.true@mma.edu)
  
2. Ms. Deidra Davis  
Dean of Student Services  
Curtis Hall  
207-326-2138  
[deidra.davis@mma.edu](mailto:deidra.davis@mma.edu)
  
3. Campus Safety and Compliance  
Windlass Building  
207-326-2479

**Q. Appendices**

The Appendix of services and authorities referenced in *Section F* above is attached to this policy.

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REFERENCES: P. & S.L. 1941, ch. 37, §2 as amended; The Campus SaVE Act (§304 of the re-authorized Violence Against Women Act of 2013 (VAWA); 20 U.S.C. §1092(f)(8) (Clery)

DATE ADOPTED: Approved September 9, 2014

## APPENDIX

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### Local Sexual Assault Support Services

#### Rape Response Services

262 Harlow St  
Bangor, Maine  
(800) 310-0000

#### Maine Coalition Against Sexual Assault (MeCASA)

24 hour statewide sexual assault crisis and support line: 1-800-871-7741 (voice) and 711 (Maine Relay)

The regional sexual assault crisis and support center from the Maine Coalition Against Sexual Assault:

**AMHC Sexual Assault Services**  
Aroostook, Hancock & Washington Counties  
(207)-498-6431  
www.amhc.org

#### National Resources

**National Sexual Assault Hotline:** 1-800-656-HOPE

**National Sexual Assault Online Hotline :** <https://ohl.rainn.org/online/>

For a list of resources with particular focus on the needs of LGBTQ persons,  
see: <http://barcc.org/information/resources-online/glbtc>

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### LOCAL POLICE DEPARTMENTS

**Maine State Police Troop J, Ellsworth** 667-3722

**Hancock Sheriff** 667-7575

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### LOCAL MEDICAL HOSPITALS

**Maine Coast Memorial Hospital**  
50 Union Street, Ellsworth, Maine 04605  
(207) 667-5311

<http://www.mainehospital.org>

**Blue Hill Memorial Hospital**

57 Water Street, Blue Hill, Maine 04614

(207) 374-3400

<http://www.bhmf.org>

**Waldo County General Hospital**

PO Box 287, Belfast, Maine 04915

(207) 338-2500

<http://www.wcgh.org>

**Mt. Desert Island Hospital**

10 Wayman Lane, Bar Harbor, Maine 04609

207) 288-5081

<http://mdihospital.org/site/>

**Eastern Maine Medical Center**

489 State St., Bangor, Maine 04402

(207) 973-7000

<http://www.emmc.org>

**St. Joseph Hospital**

PO Box 403, Bangor, Maine 04401

(207) 262-1000

<http://www.stjoeshealing.org>

**Inland Hospital**

200 Kennedy Memorial Drive, Waterville, Maine 04901

(207) 861-3000

<http://www.inlandhospital.org/>

**Maine General Medical Center**

35 Medical Center Parkway, Augusta, Maine 04330

(207) 626-1000

<http://www.maine-general.org/>

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## LEGAL SERVICES

### **Pine Tree Legal Services**

Free legal services for low income Maine residents for non-criminal matters

#### **Machias Office**

Washington and Hancock  
13 Cooper Street  
P.O. Box 278  
Machias, Maine 04654  
(207) 255-8656

### **Maine Lawyer Referral Service**

A referral service operated by the Maine State Bar Association

1-800-860-1460  
<https://www.mainebar.org/>

### **Maine Volunteer Lawyers Project**

Free legal information and pro bono legal representation for qualifying low-income individuals state-wide

Toll free: (800)-442-4293  
<http://www.vlp.org>

## **APPENDIX C: Campus Security Authorities**

The law defines a Campus Safety Authority as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” People who hold the following positions have been identified by the Academy as a Campus Safety Authority.

Academic Dean/Vice President for Academic Affairs  
Administrative Assistant for Student Services  
Athletic Director  
Athletic Head Coaches  
Academic Deans  
Campus Safety Administrative Assistant  
Campus Safety Officer(s)  
Commandant of Midshipmen  
Deputy Commandant of Midshipmen  
Company Officer(s)  
Dean of Student Services  
Director of Campus Safety  
Director of Health Services  
Director of Residential Life and Student Activities  
Honor Board Chair(s)  
Faculty Advisors to Student Organizations  
Lead Security/Life Safety Officer(s)  
President  
Resident Assistants  
Residential Life Coordinator & Residential Director for Curtis Hall  
Student Activities Coordinator & Resident Director for the Commons  
Vice President for Institutional Advancement  
Vice President for Financial and Institutional Services  
Vice President for Student Affairs and Enrollment Management

## APPENDIX D: Student Honor Code of Conduct and Responsibilities

### MAINE MARITIME ACADEMY

## Student Honor Code of Conduct and Responsibilities

### *Introduction*

All societies place restraints both formal and informal upon their members in order to function as intended. An academic community such as Maine Maritime Academy (MMA) is no exception. The purpose of our Honor Code is to provide and apply a unified consistent standard of student self-governance and to give the student body ownership of the behavior of its members. Within it are the guidelines students must meet in order to be successful here. Community life and a successful experience here depend upon a commitment to be responsible for oneself and for other people. Members of our community are expected to act with honesty and integrity, and treat others and their property with respect. Our expectations, as expressed through the policies, rules and procedures encompassed within this Code, the Student Handbook, the Academy policies published on the MMA portal, the Regimental Manual and the MMA Catalogue, are designed to support our community values of respect, self-discipline, accountability and responsibility to the college, local and state communities. Every member of the MMA student body shall be called upon to uphold the codes of honor and conduct as set forth in this Student Handbook and by the principles below:

- I. Respect the Rights and Privacy of Others**
- II. Ensure that Honor and Conduct Code Violations are Reported**
- III. Respond to All Requests from the Administration and Faculty**

All students enrolled at Maine Maritime Academy are required to affirm by pledge at Fall Convocation their agreement to comply with our Honor System.

Note that this Code is neither a contract nor a complete account of every Academy rule. The Academy reserves the right to adopt and amend academic and disciplinary rules. Electronic versions of this Code, the Academy's other Handbooks, and the Academy's Policy and Procedure Manual are available on Academy's website or portal, and those electronic versions constitute the most current versions thereof. In the event of a conflict between this Code and a provision of the Academy's Policy and Procedure Manual, that Manual controls. If you have a question about the most current and complete policy, procedure or other rule, please contact the Vice President for Student Affairs and Enrollment Management, Vice President for Academic Affairs, or other pertinent Academy administrator.

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**MAINE MARITIME ACADEMY**

**STUDENT AFFAIRS  
Section 501**

**SUBJECT: STUDENT HONOR CODE OF CONDUCT AND RESPONSIBILITIES**

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**PURPOSE: To establish a Student Honor Code of Conduct and Responsibilities**

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Maine Maritime Academy applies the following Student Honor Code of Conduct and Responsibilities.

**ARTICLE I**

**PREAMBLE**

Students at Maine Maritime Academy are expected and required to act with honesty and integrity, and treat others and their property with respect. These expectations and requirements are designed to support the Academy's values of community respect, self-discipline, accountability and responsibility to the Academy and their local, regional and broader communities. Every Academy student is required to abide by and uphold the rules of honor and conduct set forth in this Code.

**ARTICLE II**

**PURPOSES**

The primary purposes of this Code are to a) encourage responsible social conduct that reflects credit upon the Academy community and models sound community citizenship; b) ensure the orderly operation of the Academy's academic, administrative, athletic and social activities; c) enable students to pursue peacefully their educational objectives; d) protect the health, safety and welfare of the Academy and all members of the Academy community; and e) maintain and protect the real and personal property of the Academy and its community members.

**ARTICLE III**

**DEFINITIONS**

- A. "Academy" means Maine Maritime Academy.
- B. "Academy official" includes any person employed by the Academy, performing assigned administrative or professional responsibilities.
- C. "Academy premises" includes all land, buildings, facilities, vessels, vehicles and other property in the possession of or owned, occupied, used or otherwise controlled by the Academy (including adjacent lots, streets and sidewalks).
- D. "Accused Student" means any student alleged to have violated this Code.
- E. "Chair" means, as appropriate, the Chair of a Conduct Panel or the Honor Board.
- F. "Code" means this Maine Maritime Academy Student Honor Code of Conduct and Responsibilities.
- G. "Commandant" means the person performing the duties of the Commandant of the Regiment of Midshipmen or that person's designee.
- H. "Complainant" means any person who alleges that a student violated this Code, and includes any other student who was a victim of the alleged misconduct.

- I. “Dean” means the person performing the duties of Dean of Student Services or that person’s designee.
- J. “Director” means the person performing the duties of the Director of Residential Life and Student Activities or that person’s designee.
- K. “Member of the Academy community” means any student, employee, guest, neighbor or other person performing authorized services for the Academy.
- L. “President” means the person performing the duties of the Academy President or that person’s designee.
- M. “Student” means any person who a) has been notified of their admission; b) is either on a full-time or part-time basis taking courses or otherwise pursuing undergraduate, graduate or professional studies at the Academy; c) has a continuing relationship with the Academy even if the person is not officially enrolled for a particular term; or d) has withdrawn from the Academy while a disciplinary matter is pending.
- N. “Student Conduct Board” means any Conduct Panel, Honor Board or Regimental Board that adjudicates student disciplinary matters.
- O. “Student Organization” means any recognized group of students, such as student clubs.
- P. “Vice President” means the person performing the duties of the Vice President for Student Affairs and Enrollment Management or that person’s designee.

**ARTICLE IV  
JURISDICTION**

- A. This Code applies to all students and student organizations.
- B. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree (even if the conduct is not discovered until after a degree is awarded), and during periods between classes or periods of actual enrollment.
- C. Students and student organizations are responsible for the conduct of their guests whose conduct is of the type proscribed by this Code.
- D. This Code applies at all locations of the Academy and its activities, including both within and beyond the campus, when the student conduct adversely affects the Academy Community and the values set forth in this Code. This includes ship cruises, cadet shipping experiences, student co-ops, athletics, field trips and other off-campus Academy activities. For clarity, this also includes, but is not limited to, conduct that occurs in Castine, neighboring towns and at private student off-campus housing locations.
- E. This Code applies in addition to other Academy policies and regulations (such as those set forth in the Academy’s publications and on the Academy’s website and portal). This Code also applies to local ordinances and state and federal laws, and students whose conduct violates these laws may be subject to prosecution or penalties in addition to sanctions under this Code. The Residence Hall Agreement between a student and the Academy may impose similar but additional

responsibilities and obligations, and students whose conduct violates both that Agreement and this Code may be disciplined by the Academy under either or both.

**ARTICLE V**  
**PROSCRIBED CONDUCT**

Any student found to have committed or to have attempted to commit misconduct such as the following is subject to disciplinary sanctions under this Code:

**A. ACTS OF DISHONESTY**, which includes but is not limited to:

1. Cheating, such as a) use of any unauthorized assistance in taking quizzes, tests, or examinations; b) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; c) the acquisition, without permission, of tests or other academic material belonging to a member of the Academy faculty or staff; or d) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
2. Plagiarism, such as the a) use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or b) unacknowledged use of materials prepared by another person or entity, such as the use of term papers or other academic work that was purchased.
3. Furnishing false information to any Academy employee or office.
4. Forgery, alteration or misuse of any Academy document, record or instrument of identification.

**B. ALCOHOL AND/OR DRUG MISCONDUCT**, which includes but is not limited to:

1. Use, possession, manufacturing, or distribution of any unlawful drug, such as marijuana, medical marijuana, heroin, narcotics, or other controlled substances prohibited by state or federal law, or as otherwise prohibited by Academy policy.
2. Use, possession, manufacturing, or distribution of alcohol in violation of Academy policy, state or federal law.
3. Being under the influence of an unlawful drug, under the influence of alcohol or intoxicated in violation of Academy policy.

**C. SEXUAL MISCONDUCT**, which includes but is not limited to engaging in:

1. Sexual misconduct or sexual assault, as defined in and governed by the Academy's policy on Student Sexual Misconduct and Sexual Assault.
2. Acts of domestic violence, stalking or other acts of violence occurring within a dating relationship.
3. Acts of sexual harassment.

**D. CONDUCT THAT DISREGARDS THE WELFARE, HEALTH OR SAFETY OF THE ACADEMY COMMUNITY**, which includes but is not limited to:

1. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or other conduct which threatens or endangers the health or safety of any person.
2. Hazing, which means a) any action or situation on or off Academy property that recklessly or intentionally endangers the mental or physical health of any such student, employee, group or entity affiliated with the Academy; or b) apathy or acquiescence in the presence of hazing. See also the Academy policy on Hazing.
3. Illegal or unauthorized possession of firearms, explosives, other weapons, dangerous chemicals, or fireworks on Academy premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
4. Offenses against public order, which include any violation of Maine's civil and criminal laws, such as those laws located in 17-A MRSA §§501-516 that prohibit disorderly conduct, failure to disperse, unlawful assembly, obstructing public ways, harassment, harassment by telephone, violation of a protective order, desecration and defacement, false public alarm or report, and certain violations of privacy. See also the Academy policy on Maintenance of Public Order.
5. Leaving the scene of an automobile accident, except as necessary to secure immediate emergency medical or police attention, when the student was a driver or a passenger and the student did not promptly report the accident to Academy Safety or local authorities.
6. Failing to immediately report to the Dean of Students the name(s) of the person(s) who operated and occupied an automobile for which the student has an Academy registration or parking permit when the student learns that such automobile, with or without the student as a driver or passenger, was involved in an accident.
7. Acts of unlawful discrimination.

**E. IMPROPER USE OF PROPERTY**, which includes but is not limited to:

1. Attempted or actual theft of, or damage to, property of the Academy or a member of the Academy community, or other personal or public property, on or off campus.
2. Unauthorized possession, duplication or use of keys to any Academy premises, or unauthorized entry to or use of Academy premises.
3. Gambling for money or stakes representing money.

**F. CONDUCT THAT INTERFERES WITH THE ORDERLY BUSINESS OF THE ACADEMY**, which includes but is not limited to:

1. Disrupting or obstructing teaching, research, administration, disciplinary proceedings or other Academy activities, including its public service functions on or off campus, or other authorized non-Academy activities when the conduct occurs on Academy premises.
2. Failing to comply with directions of Academy officials or law enforcement officers acting in performance of their duties, or failure to identify oneself to these persons when requested to do so.

3. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the Academy or infringes on the rights of other members of the Academy community; or leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
4. Obstructing the free flow of pedestrian or vehicular traffic on Academy premises or at Academy sponsored or supervised functions.
5. Obstructing any administrative investigation;

**G. ABUSE OF COMPUTER RESOURCES, which includes but is not limited to:**

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.
3. Use of another individual's identification or password.
4. Use of computing resources that a) interferes with the work of another student, faculty member or Academy Official; b) sends obscene or abusive messages; c) interferes with regular operation of the Academy computing system; d) violates copyright laws; or e) violates the Academy policy on Computer Use.

**H. ABUSE OF ACADEMY DISCIPLINARY PROCEDURES, which includes but is not limited to:**

1. Failing to obey the notice from an Academy official or a Student Conduct Board to appear for a meeting or hearing.
2. Falsifying, distorting or misrepresenting any matter before a Student Conduct Board.
3. Disrupting or interfering with the orderly conduct of a Student Conduct Board proceeding.
4. Alleging a Code violation in bad faith.
5. Attempting to discourage or retaliate against an individual's proper participating in, or use of, this Code.
6. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, any such Board proceeding.
7. Harassing (verbal or physical) or intimidating a member of a Student Conduct Board prior to, during, or after a Board proceeding.
8. Failing to comply with the sanction(s) imposed under this Code.
9. Influencing or attempting to influence another person to commit an abuse of this Code.

- I. **CONDUCT UNACCEPTABLE**, which means engaging in irresponsible social conduct that reflects discredit upon the student and the Academy community, and does not model good citizenship to any community. Such conduct includes but is not limited to a:
1. Serious breach of conduct regarding personal integrity.
  2. Blatant disregard or disrespect for authority, the rights of others, or the safety of self or others.
  3. Violation of any Academy policy, rule, or regulation, including but not limited to those governing smoking and use of tobacco products.
  4. Violation of any federal, state or local law.
  5. A pattern of lesser conduct that collectively constitutes a major breach of the same.

**ARTICLE VI  
PROCEDURES**

**A. PROCESS TRACKS**

Any allegation that a student has violated this Code should be directed to the Dean as soon as possible. Based on the apparent nature and severity of the allegations, the Dean shall determine which of the following tracks to apply:

1. **INFORMAL PROCESS.** For an Accused Student who agrees to handle the matter promptly and informally, the Dean shall apply the Informal Process set forth below;
2. **CONDUCT PANEL.** For allegations that, if true, would not warrant a Level One Sanction under *Section VII (B) (2)* of this Code, and if the Accused Student does not request at the outset adjudication of the case by the Honor Board, the Dean shall refer the case to a Conduct Panel for adjudication as set forth below;
3. **HONOR BOARD.** For allegations that, if true, could warrant a Level One Sanction under *Section VII (B) (2)* of this Code, the Dean shall refer the case to the Honor Board for adjudication as set forth below; or
4. **REGIMENTAL BOARD.** For an Accused Student covered by the Regiment of Midshipmen Manual, the Dean shall confer with the Commandant to determine whether to refer the case to a Conduct Panel or Honor Board for adjudication under this Code, or refer the case to a Regimental Board under the Regimental Manual. In making this determination, the Dean and Commandant shall consider the Accused Student's prior record and whether the location, character, nature, witnesses, victims, precedence, consequences and/or effects of the alleged misconduct implicate the interests of the Regiment in a manner that renders reference to a Regimental Board more appropriate.
5. **EXPEDITED PROCEEDINGS.** Notwithstanding any other provision of this Code, the Academy may adjust the form and timing of any notice, meeting, hearing, appeal or other disciplinary related proceeding provided by this Code when exigent circumstances (such as when an allegation of misconduct arises at the end of a semester, or shortly before the start of a cruise, co-op, internship or other activity) require an expedited assessment of the allegation and a determination of the findings and sanctions, if any (including whether, and if so how, the student's participation in, for example, a cruise, co-op, internship or other imminent activity may be affected). Such expedited proceedings shall provide the student with basic notice, a reasonable opportunity to be heard, and a reasonable opportunity to appeal.

**B. INFORMAL PROCESS**

For cases handled by the Informal Process, the following process shall apply.

1. The Dean or Director shall meet as soon as practicable and in private with the Accused Student; present the allegations, charges and the nature of the evidence; and provide the Accused Student with an opportunity to be heard.
2. If the Accused Student does not request a Conduct Panel Meeting or an Honor Board Hearing, and accepts responsibility and agreed-upon sanction(s), the Dean or Director shall promptly record the finding(s) and impose the sanction(s) without further action.
3. If an Accused Student does not accept responsibility and/or agreed-upon sanction(s), the Dean shall promptly refer the case to a Conduct Panel or Honor Board as appropriate.

**C. CONDUCT PANEL MEETINGS**

For cases referred to a Conduct Panel, the following process shall apply.

1. A Conduct Panel shall consist of the Director and two trained and impartial students selected by the Dean.
2. The Panel shall meet as soon as practicable and in private with the Accused Student; present the Accused Student with the charges and the nature of the evidence; and provide the Accused Student with an opportunity to be heard.
3. Formal rules of process, procedure, and technical or legal rules of evidence, such as are applied in criminal or civil court, are not used in a Conduct Panel Meeting. An audio recording or written summary of the Meeting shall be made. Deliberations shall not be recorded.
4. After conferring with the two Panel students, the Director shall determine based on substantial evidence (a standard of “whether it is more likely than not”) that the Accused Student violated the Code as charged; and, if so, 2) what Level Two Sanction(s), if any, should be imposed.
5. An Accused Student may appeal to the Dean the decision(s) of the Director. The Dean’s decision shall on any such appeal be final.
6. If the Director determines during this Conduct Panel process that there could be misconduct warranting Level One Sanction(s), the Director shall confer with Dean. If the Dean agrees, the Dean shall refer the case for de novo hearing before the Honor Board. Such decisions to refer cases shall not be subject to appeal.
7. If the Director determines during this Conduct Panel process that there could be misconduct warranting action by the Regimental process, the Director shall confer with the Dean and Commandant. If the Dean and Commandant agree, the Dean shall refer the

case for a de novo review in the Regimental process. Any such reference decision shall not be subject to appeal.

8. If an Accused Student, with notice, does not appear without a meritorious excuse for a Conduct Panel Meeting, the information in support of the charges shall be presented and a determination made despite the Accused Student's absence.

**D. REGIMENTAL BOARD HEARINGS**

For cases referred to the Regimental Board, the process set forth in the Regimental Manual shall apply.

**E. HONOR BOARD HEARINGS**

For cases referred to the Honor Board, the following process shall apply.

1. The Honor Board shall consist of at least three and not more than five impartial and trained members. A Board with three or four members may have one member who is a student, and a Board with five members may have two students who are members; provided that there shall be no members who are students in cases involving allegations of sexual misconduct or other subjects for which privacy is particularly important. The Vice President shall determine the members and Chair of the Honor Board.
2. The typical Honor Board hearing shall proceed as follows:
  - a) The Dean shall schedule an Honor Board hearing as soon as practicable after the Dean has determined that an Honor Board hearing is required, but not fewer than five (5) school days after notice of the date is provided to both the Accused Student and the Complainant(s).
  - b) The Chair shall preside; the Dean will present the charges, information and findings against the Accused Student; the Accused Student will respond to the case presented by the Dean; and the Dean and Accused Student may then each summarize orally their position. An audio recording or written summary of the Hearing shall be made.
  - c) The Accused Student and Complainant(s) who appear as witness(es) have the right to be assisted at the hearing by an advisor they choose. Such advisors:
    - (1) May privately counsel, but may not speak to the Honor Board or otherwise participate on behalf of, their advisee;
    - (2) Must be members of the Academy community and may not be an attorney; provided that the advisor may be an attorney in cases where dismissal or substantial suspension is likely, or where criminal charges are pending, but such an attorney shall not be at the Academy's expense;
    - (3) Are allowed to attend the entire portion of the Honor Board hearing at which information is received (excluding deliberations).

Admission of any other person to the Honor Board hearing shall be at the discretion of the Chair.

- d) In matters involving more than one Accused Student, the Dean, in the Dean's discretion, may permit the hearings to be conducted either separately or jointly.
- e) The Accused Student and Dean may arrange with the Chair for witnesses to present pertinent information to the Board. The Academy will try to arrange the attendance of possible witnesses who are members of the Academy community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two school days prior to the hearing. Witnesses will provide information to, and answer questions from, the Honor Board. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. In order to preserve the educational tone of the hearing and to minimize the creation of an adversarial environment, any such questions shall be directed to the Chair rather than to the witness directly. Questions of whether, and if so how, such questions of witnesses should be asked shall be resolved in the discretion of the Chair.
- f) Pertinent records, exhibits, and written statements (including student impact statements) may be accepted for consideration by the Honor Board at the discretion of the Chair.
- g) All procedural questions are subject to the final decision of the Chair.
- h) After the Honor Board determines that it has received all pertinent information, the Honor Board shall convene in private session to:
  - (1) Determine whether the Accused Student has violated the section(s) of this Code that the Accused Student is charged with violating. This determination shall be made by majority vote based on substantial evidence; that is, whether it is "more likely than not" that the Accused Student violated the Code as charged; and
  - (2) If violation(s) are found, impose by majority vote the sanction(s) that the Board deems appropriate.

Such deliberations shall not be recorded.

- 3. The Chair shall inform in writing the Accused Student, and the Complainant(s) to the extent permitted by law, of Honor Board's decisions.
- 4. Formal rules of process, procedure, and technical or legal rules of evidence, such as are applied in criminal or civil court, are not used in proceedings in Honor Board hearings.
- 5. There shall be a record of Honor Board hearings and that record shall be the property of the Academy. Honor Board deliberations shall not be tape recorded.
- 6. If an Accused Student who has been given notice does not without meritorious excuse appear for an Honor Board hearing, the information in support of the charges shall be presented and the matter determined despite such absence.

7. The Honor Board may accommodate concerns for the personal safety, well-being or fears of confrontation that the Complainant, Accused Student or any other witness may have during the hearing by providing separate facilities, by using a visual screen, or by permitting participation by telephone, video conferencing, videotape, audio tape, written statement or other means as determined in the sole judgment of the Dean to be appropriate.

## **ARTICLE VII SANCTIONS**

### **A. AUTHORITY**

Sanctions for Code violations may be imposed as follows. For cases adjudicated in the:

1. Informal Process, the Director may impose any of the sanctions set forth below that the Director deems appropriate and the Accused Student agrees to accept.
2. Conduct Panel Process, the Director may impose all but the Level One Sanctions that the Director deems, with the Dean's approval, appropriate.
3. Regimental Board Process, the Commandant may impose any of the sanctions set forth below that the Commandant deems appropriate.
4. Honor Board Process, the Honor Board may impose any of the sanctions set forth below that the Honor Board deems appropriate.

### **B. EXAMPLES AND LEVELS OF SANCTIONS**

Examples and levels of sanctions authorized by this Code are as follows.

#### **1. LEVEL TWO SANCTIONS**

Level Two Sanctions include but are not limited to the following:

- a) **Warning:** Written notice to the Accused Student that the Accused Student is violating or has violated this Code.
- b) **Probation:** Written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Accused Student is found to violate any Academy rules or regulation(s) during the probationary period.
- c) **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- d) **Restitution:** Compensation for some or all of the loss, damage or injury that the Accused Student caused. This may take the form of money payment, property replacement or work service requirement.
- e) **Fines:** Payment of a reasonable specified amount.
- f) **Education:** Complete an educational assignment.
- g) **Other Sanctions:** Work assignments, service to the Academy, or other discretionary assignments.

#### **2. LEVEL ONE SANCTIONS**

Level One Sanctions include but are not limited to the following:

- a) **Residence Hall Suspension:** Separation of the Accused Student from the residence halls for a definite period of time, at the end of which the Accused Student may petition the Dean to return to a residence hall. A timely petition shall be granted provided that (1) there is adequate space available; (2) the student has adequately satisfied all conditions of return previously set by the Academy; and (3) the student has not engaged in other misconduct since the suspension.
- b) **Residence Hall Dismissal:** Permanent separation of the Accused Student from the residence halls without an opportunity to petition for return without written permission of the Vice President.
- c) **Academy Suspension:** Separation of the Accused Student from the Academy for a definite period of time, at the end of which the Accused Student may petition the Academy's Readmission Board to return to the Academy. A timely petition shall be granted provided that (1) there is adequate space available; (2) the student has adequately satisfied all conditions of return previously set by the Academy; and (3) the student has not engaged in other misconduct since the suspension.
- d) **Academy Dismissal:** Permanent separation of the Accused Student from the Academy without an opportunity to petition for return without written permission of the Vice President..
- e) **Revocation of Admission:** Admission to the Academy may be revoked for fraud, misrepresentation.
- f) **Withholding Degree:** The Academy may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.
- g) **Revocation of Degree:** A degree awarded from the Academy may be revoked for fraud, misrepresentation, or other violation of Academy standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

### 3. SANCTIONS FOR STUDENT ORGANIZATIONS

Student Organizations may be subject to all of the pertinent sanctions listed in *Section VII (B)* above, as well as loss of certain or all group rights and/or privileges for a definite or permanent period of time.

### C. OTHER

The following applies to all sanctions imposed under this Code:

1. All sanctions shall be communicated in writing to the Accused Student(s) and Student Organization(s).
2. More than one sanction may be imposed for any single violation.

3. All decisions on sanctions shall take effect when noted; provided that sanctions, other than interim suspension, may, in the discretion of the Dean, be stayed during any appeal.

**ARTICLE VIII  
INTERIM SUSPENSION**

- A. Notwithstanding any other provision of this Code, the Vice President may, in the Vice President's sole discretion, impose an Academy or residence hall interim suspension prior to initiating any disciplinary process. An interim suspension does not replace the regular disciplinary process, which shall proceed on the typical schedule.
- B. An interim suspension may be imposed when the Vice President determines that the student's physical presence at the Academy poses an imminent and substantial threat of harm to a) the student's own physical or emotional safety or well-being; b) other persons' physical or emotional safety or well-being; c) the orderly operations of the Academy; or d) the property of the Academy or its community members. These determinations shall be based upon the nature of the alleged misconduct and other direct factors such as the student's prior conduct, disciplinary record, written or oral statements and/or mental health disclosures.
- C. An interim suspension shall take effect when so designated and may not be stayed pending appeal unless otherwise determined by the Academy President. During an interim suspension, a student may be denied access to the residence halls, campus, and/or all other Academy activities or privileges as the Vice President deems appropriate. A student may, as the Vice President deems appropriate, be permitted to contact faculty for the sole purposes of continuing academic work and/or arranging for an Honor Board advisor.

**ARTICLE IX  
APPEALS**

**A. APPEALS FROM THE INFORMAL PROCESS OR CONDUCT PANEL**

Consistent with *Section VI (B)* of this Code, there are no appeals from the Informal Process. Appeals from a Conduct Panel are governed by *Section VI (C) (5)* of this Code.

**B. APPEALS FROM AN HONOR OR REGIMENTAL BOARD**

An Accused Student may appeal to the Vice President for Student Affairs and Enrollment Management the decision of the Honor Board or Regimental Board. Such appeals shall be limited to claims: a) of a procedural error that substantially affects the rights of the appellant; b) of new relevant information that would directly affect a material finding; c) that a material finding is incompatible with the weight of information presented; or d) that the penalty is excessive. A Complainant may appeal to the Vice President an Honor or Regimental Board's a) findings of no Code violation(s); and/or b) decision to impose no, or a relatively low, sanction.

**C. APPEALS FROM THE VICE PRESIDENT**

An Accused Student may appeal to the Academy President the issue of whether a Vice President's decision to impose a Level One Sanction was excessive. A Complainant may appeal to the Academy President a

Vice President's a) findings of no Code violation(s); and/or b) decision to impose no, or a relatively low, sanction.

**D. OTHER**

The following applies to all appeals filed under this Code:

1. An appeal must be submitted in writing within two (2) school days following the day when the Accused Student and/or Complainant receives the written decision stating the violations found and the sanction imposed.
2. An appeal must state specifically its reasons or grounds, and be limited to the issues identified in *Subsections B and C* above.
3. A person who fails to file a proper and timely appeal may be deemed to have waived the right to appeal.
4. The Dean, Vice President and President are not bound by the decision(s) being appealed.
5. The Dean, Vice President and President shall review the appeal in the manner deemed appropriate, and shall issue a written decision as soon as practical.

**ARTICLE X  
OTHER**

- A. NOTICE.** The Academy may provide a notice under this Code to a student either in person or to the student's most recent electronic, campus or U.S. mail address on file at the Academy. A student will be deemed to have received such notice 1) immediately when informed in person; 2) within 24 hours when notified by electronic or campus mail; or 3) within 72 hours of the date of mailing when notified by U.S. mail. In all instances a student has an affirmative duty to remain in contact with the Academy while a matter is pending under this Code.
- B. ATHLETICS.** The provisions of this Code apply to misconduct related to participation in athletics. The procedures of this Code do not, however, apply determinations of whether a student may be a member of, or receive playing time for, an Academy athletic team because the student has engaged in conduct detrimental to the team. Those determinations shall be made by the coach, provided that the affected student may appeal the coach's decision to the Director of Athletics. For purposes of this provision, "conduct detrimental to the team" includes, but is not limited to, conduct that is unsportsmanlike to fans, officials or opposing coaches or players; disruptive to practices and other team events; brings disruption or disrepute to the team through misconduct or violations of law or Academy policy; or is otherwise contrary to the principles taught through athletic competition, such as reliability, diligence, commitment, teamwork and the willingness to take seriously the duty to represent the Academy honorably during competition.
- C. PARKING.** A student violation of a rule governing a moving, parked or standing vehicle on property owned, operated or under the control the Academy shall be processed under this Code only if the sanction sought by the Academy is suspension or dismissal from the Academy for the violation(s). In all other cases, the Department of Campus Safety and Security shall provide an informal process

that permits a student an opportunity to contest the alleged violation before a person designated by the Department to hear such contests.

- D. RECORDS.** Other than Academy expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may upon application to the Vice President be expunged of disciplinary actions other than residence hall dismissal, Academy suspension, Academy dismissal, or revocation or withholding of a degree. Cases involving the imposition of sanctions other than these sanctions may be expunged from the student's confidential record in accordance with the Academy's records retention schedule.
- E. RELATED LEGAL PROCEEDINGS.** Academy disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the Academy will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under this Code, the Academy may advise off-campus authorities of the existence of this Code and of how such matters are typically handled within the Academy community. The Academy will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the Academy community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

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REFERENCES: P. & S.L. 1941, ch. 37 as amended; 13-B M.R.S.A. §202-E and §202-S; 46 USC §51506(2); 46 CFR §310.3(b)(5), §310.3(c)(2) and §310.10.

DATE ADOPTED:           Approved September 9, 2014

DATE(S) AMENDED: June 9, 2016

## APPENDIX E: Drug Free Schools and Campuses Annual Notification

Dear Members of the MMA Community,

Federal Drug-Free Schools and Campuses Regulations require each institution of higher education to certify it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. A key component of compliance with these regulations is an annual notification to the members of the MMA community. This communication must include the college policies regarding drugs and alcohol, information about state and federal laws and sanctions regarding alcohol and drugs, and resources to assist those who wish to address substance abuse issues.

In compliance with the Drug-Free Schools and Communities Act, the Academy has implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The Program includes annual distribution of information to students and employees concerning the possession, use, or distribution of alcohol and illicit drugs at the college. The Academy also conducts a Biennial Review of Compliance with this act; if you would like to see the most recent review, please contact Deidra Davis at [deidra.davis@mma.edu](mailto:deidra.davis@mma.edu).

The MMA policies regarding Drugs and Alcohol are posted on the portal and are distributed annually to each staff member and student as follows:

1. The Annual Security Report, mandated as part of the Clery Act, includes the MMA Drug and Alcohol policies and is emailed at the end of September to all students and employees.
2. Students are advised of the Academy's Alcohol and Drug Policies during New Student Orientation and are directed to the policy section of the portal for further information.
3. Via this email

MMA utilizes a four part framework to address alcohol and other drug use by implementing the following strategies: Policy, Enforcement, Education and Intervention. An overview of each strategy is described in this document.

*If you have questions regarding this email, the resources or the policies described herein, please contact one of the following resources:*

*Students: Dean of Student Services, Deidra Davis at [deidra.davis@mma.edu](mailto:deidra.davis@mma.edu) or 326-2138*

*Employees: Director of Human Resources, Carrie Margrave at [carrie.margrave@mma.edu](mailto:carrie.margrave@mma.edu) or 326-0265*

Confidential resources are available:

Students who need alcohol support services should contact Academy Counseling Services at 207-326-2419 or <http://www.mainemaritime.edu/health-services/143-mma-counseling-services>.

Employees who need support services should contact the Department of Human Resources for information about the Academy's Employee Assistance Program.

In addition, any person may contact the Maine Statewide Crisis Hotline at 1-888-568-1112, or Office of Substance Abuse at <http://www.maine.gov/dhhs/samhs/> or 1-800-499-0027. Additional support resources are also available at the Office of Substance Abuse website.

## Policy

MMA's policies on alcohol and drugs are implemented across the campus community. Copies of the Academy policies are included in the Appendices of this report. The College's Student Affairs division provides overall coordination of the Drug-Free Schools and Communities Act Program and coordinates with other departments in the oversight of college policy, including:

For Student Disciplinary Actions: Dean of Student Services

For Employee Disciplinary Actions: Human Resources

## Enforcement

MMA seeks to uphold its drug and alcohol-related policies and laws, and will impose disciplinary sanctions against those students and/or employees who violate said policies and laws consistent with local, State or Federal law. Enforcement of the Drug and Alcohol policies is facilitated by Campus Safety, the Dean of Students as well as the Director of Residential Life and Student Activities, and Human Resources. The employee disciplinary process is governed by the union contract, which includes a section on alcohol and drug abuse. As part of the disciplinary process, the college may also request that the student or employee complete a rehabilitation program.

Information about Maine and Federal laws and sanctions are listed below in this email.

## Students

Sanctions for students found in violation of the drug and alcohol policies include: probation, reflective essays, fines, on-line education, community service, counseling, and suspension or dismissal. MMA maintains a progressive sanctioning protocol. It demonstrates a commitment to ensuring evenly imposed sanctioning processes through the development and implementation of a three strike policy for students where alcohol is concerned and a no tolerance policy where drugs are concerned. Data regarding student Alcohol and Drug violations are recorded in accordance with reporting periods for the Jeanne Clery Campus Crime Reporting requirements.

## Employees

Sanctions for employees found in violation of the drug and alcohol policies include: Coaching, Mandatory EAP Referral, and Termination. Employees may self-refer or be referred to the Employee Assistance Program for assistance in dealing with the use of alcohol or a controlled substance. The Director of Human Resources manages staff corrective action in accordance with the terms of the collective bargaining agreement.

## Education

MMA acknowledges the critical importance of AOD prevention and education. In approaching prevention and support services to the student community, the college recognizes the challenges in reaching all students, and has approached prevention education with a focus on the entering new student class, making on-line education for alcohol and sexual assault a mandatory component of the transition to college. AlcoholEDU and HAVEN, on-line courses offered by EverFi, are required in the fall of each student's first year at MMA. The Alcohol and Drug policies and resources for assistance are also discussed with all new students during New Student Orientation.

In addition to the mandatory training for all new students, the college offers on going optional educational opportunities for alcohol and other drug prevention education to its students, faculty and staff. Examples of such include, but are not limited to: Drinking and Driving Simulation activity, Sex Signals and other programs and lectures.

Information about health consequences of alcohol and drug abuse is provided later in this email.

### **Intervention and Support Services**

The college disseminates resource and intervention referrals regarding the use of alcohol and other drugs. Student Affairs provides an overall coordination of the Drug-Free Schools and Communities Act Program and coordinates with other departments in the implementation of programs, including counseling intervention and support service referrals made by the college counselor. The college provides services related to drug and alcohol use and abuse for its staff, faculty and students. MMA employee services are coordinated through the Employee Assistance Program. Students are afforded access to mental health and rehabilitation services through referrals to local agencies (or agencies near the home of the student).

When individual students experience escalated circumstances and intervention is appropriate, support services are provided by the college counselor. The counselor addresses the impact of substance abuse and action plan with students in order to coordinate support and recovery efforts.

### **Medical Marijuana**

Federal law and the Drug Free Schools and Workplace Acts make possession and use of marijuana on campus illegal, even in states such as Maine with medical marijuana laws. Thus, MMA does not permit medical use or possession of marijuana anywhere on campus.

### **Federal Funds and Grants and Drug Convictions**

Organizations receiving federal grants and contracts, which MMA does, are required to ensure that their workplaces are free from illegal use, possession, manufacture, or distribution of controlled substances. The law requires employers who receive federal funds to: notify employees that drug abuse is prohibited in the workplace, establish a drug-free awareness program, require each employee to notify the Academy of any criminal conviction for violations occurring in the workplace, and impose sanctions or remedial actions for convicted employees. As a result of the Anti-Drug Abuse Act of 1988, a court of law may suspend or terminate an individual's eligibility for federal benefits, including student financial assistance, if that individual is convicted of certain drug offenses. The Drug Free Workplace Act requires you to notify your supervisor if you are convicted of any workplace-related criminal drug violation. You must notify your supervisor within five (5) calendar days after the conviction. Failure to report a conviction may be grounds for dismissal. Grantees, whether the Academy or individuals, must report in writing to the contracting or granting agency within ten (10) calendar days of receiving notice of the conviction.

### **Maine Alcohol Laws and Consequences**

**Furnishing liquor** to a minor (or allowing a minor under your control to consume alcohol): up to a \$2,000 fine and one year in jail.

**Furnishing liquor to a visibly intoxicated person:** 6 months in jail and/or a \$500 fine.

**Maine Liquor Liability Act:** civil liability for negligently or recklessly serving alcohol to a minor or a person visibly intoxicated. If property damage, bodily injury, or death results, monetary damages may be awarded.

**Illegal sale of liquor**

\$300 – \$500 fine plus costs plus 30 days in jail for the first offense.

**Illegal possession with intent to sell:** up to \$1,000 fine and six months in jail.

**Operating Under the Influence (OUI)**

Maine motor vehicle law makes it a crime for any person to operate a motor vehicle in Maine under the influence of alcohol or drugs or with an excessive blood-alcohol level.

Penalties for first convictions are:

With a blood-alcohol content from .08 to .14 percent:

- a fine of at least \$400, and
- loss of license for at least 90 days

However, if blood-alcohol content is .15 percent or more, the individual is traveling 30 m.p.h. or more over the speed limit, attempts to elude a law officer, or has a passenger in the vehicle who is under 21 years of age penalties increase follows:

- a fine of at least \$400, and at least 48 hours in jail, and
- loss of license for at least 90 days

If you refuse to submit to a blood test:

- a fine of at least \$500, at least 96 hours in jail, and
- loss of license for at least 90 days

Penalties for subsequent convictions are more severe.

Maine civil law also prohibits drinking alcoholic beverages while driving on a public road and the possession of an open container of alcohol by the driver or a passenger.

**Special Liquor Laws Relating to Minors***Illegal Possession of Liquor*

Any minor (a person under the age of 21 years) who is found to be in possession or control of alcohol, except in the scope of employment or in the minor's home in the presence of the minor's parent or guardian, is guilty of a civil infraction and shall be fined:

- 1st offense, \$200 to \$400
- 2nd offense, \$300 to \$600
- 3rd and subsequent offense, \$600

*Teen Drinking and Driving Laws*

An individual under the age of 21 years shall have his/her license suspended for one year if he/she operates a motor vehicle with any alcohol in his/her blood. Refusal to submit to a chemical test will result in an eighteen (18) month suspension of a driver's license.

No minor shall transport alcohol in a motor vehicle except in the scope of his/her employment or with the parent's knowledge or consent. The penalty is a 30-day driver's license suspension. A reinstatement fee will be charged to get a license reinstated. Points will be assessed against the offender's license. Up to a \$500 fine may be assessed. A second offense results in a license suspension of 90 days and a fine of not less than \$200, and subsequent offenses result in a one-year suspension and a fine of not less than \$400.

**Maine Drug Laws**

Maine law prohibits the knowing, intentional, and unauthorized possession, furnishing, and trafficking of scheduled drugs, such as cocaine, lysergic acid diethylamide (LSD), heroin, and steroids.

*Possession\** can include merely allowing drugs to be kept in one's room, car, or locker even though the drugs are owned by someone else.

*Furnishing* means giving drugs to another, regardless of profit

*Aggravated furnishing* (carrying longer terms of imprisonment or greater fines) involves an aggravating factor, including but not limited to the following:

- Furnishing drugs to a minor
- Furnishing 112 grams or more of cocaine or 32 grams or more of cocaine base
- Furnishing involving a firearm
- Prior conviction of a drug-related offense with a prison term of more than one year.

*Trafficking* is selling or exchanging an illegal drug and getting something in return. Trafficking also includes making, creating, manufacturing, growing, or cultivating drugs, or possessing with the intent to traffic or possessing more than a certain amount of certain drugs.

*Aggravated trafficking* (carrying longer terms of imprisonment or greater fines) involves an aggravating factor, including but not limited to the following:

- Trafficking within 1,000 feet of an elementary or secondary school
- Trafficking on a school bus
- Trafficking involving a minor (under 18)
- Trafficking 112 grams or more of cocaine or 32 grams or more of cocaine base
- Trafficking involving a firearm
- Prior conviction of a drug-related offense with a prison term of more than a year

**Maine Illegal Drug Penalties** (most common drugs, not a comprehensive list)

\* The amount of the drug possessed determines whether the crime is categorized as possession, furnishing, trafficking, or aggravated trafficking.

	<b>Cocaine</b>	<b>Marijuana***</b>	<b>LSD</b>	<b>Heroin</b>	<b>Steroids</b>
	Prison and Fine**	Prison and Fine	Prison and Fine	Prison and Fine	Prison and Fine
Possession*	up to 1 yr &/or \$2,000 <i>increased penalties for cocaine base and depending on amount</i>	up to 6 mo up to \$1,000	up to 1 yr &/or \$2,000	up to 5 yrs &/or \$5,000	up to 6 mo \$1,000
Possession with intent to furnish	up to 5 yrs &/or \$5,000	up to 1 yr &/or \$2,000	up to 5 yrs &/or \$5,000	up to 5 yrs &/or \$5,000	up to 1 yr &/or \$2,000
Possession with intent to traffic	up to 10 yrs &/or \$20,000	up to 5 yrs &/or \$5,000	up to 10 yrs &/or \$20,000	up to 10 yrs &/or \$20,000	up to 1 yr &/or \$2,000
Possession with intent to commit aggravated trafficking	4-40 yrs &/or \$50,000	2-10 yrs &/or \$20,000	4-40 yrs &/or~ \$50,000	4-40 yrs &/or \$50,000	1-5 yrs &/or \$5,000
Furnishing	up to 5 yrs &/or \$5,000	up to 1 yr &/or \$2,000	up to 5 yrs &/or \$5,000	up to 5 yrs &/or \$5,000	up to 1 yr &/or \$2,000
Trafficking	Up to 10 yrs &/or \$20,000	up to 1 yr &/or \$2,000	up to 10 yrs &/or \$20,000	up to 10 yrs &/or \$20,000	up to 1 yr &/or \$2,000

### Federal Drug Offenses

The criminal offenses most commonly charged under the Federal Controlled Substances Act involve the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance or the possession of any controlled substance with the intent to manufacture, distribute, or dispense. Federal law also prohibits the knowing, intentional, and unauthorized creation, distribution, dispensing, or possession with intent to distribute, or dispense a “counterfeit substance.” Simple possession without necessarily an intent to distribute is also forbidden by federal law and carries a penalty of imprisonment or a minimum \$1,000 fine. Furthermore, “attempts” and/or conspiracies to distribute or possess with intent to distribute controlled substances are crimes under federal law.

Specific drug crimes carry greater penalties, including:

- the distribution of narcotics to persons under 21
- the distribution or manufacturing of narcotics near schools and colleges
- the employment of juveniles under the age of 18 in drug trafficking operations
- the distribution of controlled substances to pregnant women

The penalties for violating federal narcotic statutes vary considerably. The penalties may be more harsh based on three principal factors: prior conviction for a felony drug offense, the classification of drug and the quantity of drug involved.

*With the exception of simple possession charges which result in up to one year imprisonment and/or a fine, maximum penalties for narcotic violations range from 20 years to life in prison.*

~Certain violations carry mandatory~*minimum*~prison sentences of either 5 years or 10 years. Harsher penalties will be imposed if a firearm is used in the commission of a drug offense. If a drug offense results in death or serious bodily injury to an individual who uses the drug involved, the penalties are also more harsh.

Anabolic steroids are controlled substances. Distribution or possession with intent to distribute carries a sentence of up to five years and a \$250,000 fine.

### **Health Risks Associated with Alcohol and Drug Abuse**

Alcohol and drugs are chemicals and any chemical can be potentially harmful to humans. Some of the health risks associated with alcohol and drugs are listed below.

#### **Alcohol**

Slowing down of brain function, judgment, alertness, coordination, and reflexes

Attitude and/or behavioral changes or increased risk taking

Alcohol combined with other drugs can intensify the drug's effects, alter the desired effect of the drug, cause nausea, sweating, severe headache, and convulsions

Addiction or chemical dependency

Memory blackouts

Physical problems such as cirrhosis of the liver

Birth defects and cognitive damage in user's offspring

#### **Steroids**

Liver disease, cancer, bone fusion

Growth problems, testicular atrophy, breast reduction, failure of secondary sex characteristics

Psychological problems including rage and uncontrolled anger

HIV

Sexual dysfunction, sterility (reversible), impotence

Fetal damage

#### **Marijuana**

Elevated blood pressure, coughing, dryness of the mouth and throat, decrease in body temperature, sudden appetite, swollen red eyes

Panic reaction, paranoia

Distortions of time, reality, and perception, often impairing short-term memory

Possible addiction

Dysfunctions related to thinking, learning, and recall

Impaired ability to drive and do other things that require physical and intellectual capabilities

Irritate lungs, aggravate asthma, bronchitis, emphysema

Listlessness, fatigue, inattention, , withdrawal, and apathy

Chronic lung disease and lung cancer

#### **Cocaine**

Sudden death, cardiac arrhythmia, convulsions, seizures, suppression of respiration, stroke

Diseases of the lung, heart, kidney and blood vessels

Intense anger, restlessness, paranoia, fear

Hearing and seeing imaginary things

Malnutrition

#### **LSD**

Experiencing frightening hallucinations

Exacerbating pre-existing mental health issues

Distortions of reality such as feeling that the unusual and somehow frightening effects of the drug will somehow last forever

Growing tolerance with repeated use encourages increased use

Effects may recur ("flashbacks") days or weeks later, even without further use of LSD

Death may result from suicide, accident

#### **Heroin**

Death from overdose

Addiction with severe withdrawal symptoms

Drowsiness, clouding of mental process, apathy, slowing of reflexes and physical activity

Infection, hepatitis, or HIV