

# MAINE MARITIME ACADEMY



## **2014** ANNUAL CAMPUS SAFETY AND FIRE SAFETY REPORT (**CLERY REPORT**)

Reporting Statistics For Calendar Years 2011-2013



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## MESSAGE FROM THE DIRECTOR OF SAFETY AND COMPLIANCE

As the Director of Safety and Compliance at Maine Maritime Academy, I oversee the Academy's Campus Safety Department. Campus Safety is responsible for maintaining a safe and secure campus environment for all members of our Academy community. In addition to managing all safety services and related educational programs for the Academy, our staff works closely with the Hancock County Sheriff's Department, the Castine Fire Department, and the Maine State Police to provide emergency services to our students, faculty and staff. Many of our students serve on the Castine Volunteer Fire Department, as do faculty and staff members. Castine is a safe and close-knit community and we value our strong town-gown connections.

This Security and Fire Report provides important information regarding campus safety policies and services, campus crime statistics, and fire-related policies and statistics. The Dean of Student Services, Vice President for Student Affairs and Enrollment Management and the Department of Campus Safety prepare and publish this report annually 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 on the past three calendar years of campus crime and fire safety statistics; establish and disseminate policies, procedures and educational programs related to preventing and reporting crime; establish emergency communication procedures within the campus community regarding threats to students, faculty and staff; and maintain publicly available crime and fire logs.

Maintaining a safe campus environment is a community effort requiring support from all members. Please review our policies and procedures and alert Campus Safety if you have questions or concerns.

Sincerely,

Ryan Kuhl, CSP

Director of Safety and Compliance

## **ABOUT CAMPUS SAFETY**

The Office of Campus Safety provides continuous year round security and emergency service to the academy community, and also provides twenty-four hour patrol services 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 on campus and 207-326-2479 off campus or cell phone. Campus Safety also is responsible for the monitoring of campus-wide fire alarms, security cameras, energy management system alarms and building access. Upon receiving a report of criminal activity, the Campus Safety Department will immediately respond.

Maine Maritime Academy Campus Safety Officers respond to and investigate reported incidents and policy violations. Campus Safety officers have the authority to ask persons 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 the Hancock County Sheriff's Office or the Maine State Police. In addition, the Hancock County Sheriff's Office, State Police, and the Hancock County Sheriff's Alcohol Task Force alert Campus Safety if Maine Maritime students are involved in off-campus incidents in the local area. While the Academy does not currently have a written memo of understanding with the Hancock County Sheriff's department, Campus Safety does have direct radio contact with the Sheriff's department and the two departments are in frequent communication.

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 the Maine Maritime community are strongly encouraged to immediately report a crime, emergency or suspicious activity to Campus Safety and/or the appropriate police agency. 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 students to report crimes as well as violations of the 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 in Windlass House during business hours; by contacting the Hancock County Sheriff at (207) 667-7575; or by contacting a Campus Safety Authority (described below). The Sheriff's office can also be reached by dialing 911 from a cell phone; however, you must specify the location of the emergency. Upon receiving a report of a crime, emergency or suspicious activity, Campus Safety staff is dispatched to investigate and will contact Hancock County Sheriff 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 Authorities 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. Though not required to do so, the Academy includes statistics from the counseling center regarding sexual assaults, 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 a 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 a pastoral counselor.” The Academy does not currently have a pastoral counselor on staff.

The preparation of this report on campus crime statistics on an annual basis involves coordination among Campus Safety, the office of the Dean of Student Services, and the Hancock County Sheriff’s Office. In addition, Campus Security Authorities are queried 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. 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.

This report is emailed annually to all current students, faculty and staff of Maine Maritime Academy on October 1st. 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 Leavitt Hall.

### **Additional Confidential Reporting Options**

If you are the 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 a pattern of crime with regard to a particular

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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. Procedures regarding confidential reporting of sexual misconduct are described under the section PREVENTING AND RESPONDING TO INCIDENTS OF SEXUAL MISCONDUCT AND DOMESTIC VIOLENCE/STALKING on page 10.

### **Off-Campus Reporting**

If criminal activity takes place in an off-campus location, Maine Maritime Academy community members should contact the County or State Police Department with jurisdiction. The Academy does not recognize any student organizations with off-campus housing facilities. The judicial process has provisions to hold students accountable to the honor code and other policies regarding off-campus behavior.

When a Maine Maritime Academy student is involved in an off-campus offense, Campus Safety officers may assist in the investigation in cooperation with county, state or federal law enforcement authorities. Law enforcement authorities routinely work with and communicate with Campus Safety on any incidents occurring on campus or in the immediate neighborhoods and business areas surrounding campus. Campus Safety officers may respond to student-related incidents that occur in proximity to campus. Campus Safety officers have access to direct radio communication with the Hancock County Sheriff's Office to facilitate rapid response to any emergency situation.

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## 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 shall be decided on a case-by-case basis in compliance with the Clery Act. The decision is made by the Director of Safety and Compliance, or designee, considering all available facts, whether the crime is considered a serious or continuing threat to 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) a free service that automatically sends a brief text message alerting the community regarding an emergency situation on the campus to email accounts or cell phones. MMA students, faculty, staff, and affiliates can sign up to receive alerts through the campus portal at <https://sisportal.mma.edu>. This option is used for time-sensitive and emergency alerts.
- **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:**  
<http://emergency.mma.edu/>
- **Local area radio and television stations,** most often used to announce closings and delayed starts.

The Maine Maritime 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**

Maine Maritime Academy has recently 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 the 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, seven day a week. 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 or Campus Safety personnel seven day a week. All other MMA students are given access to Curtis Hall from 7:30 am - 11:00 pm, seven day a week through the main entrance only. Employees who have an office in Curtis Hall, provide a service to the residents or have a legitimate business need 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. Each student apartment in the Commons residential buildings is locked twenty four hours a day, but the exterior doors of each apartment complex are unlocked during daytime hours. Residents are issued keys to both their apartments and the exterior doors. In 2012, Windlass House was used as temporary student housing, but has since been reassigned to faculty offices and Campus Safety.

The administrative and academic buildings on campus are secured by Campus Safety personnel according to the hours of use throughout the year. Campus Safety Officers patrol the campus and the buildings seven days a week at random times. Motion-activated cameras monitor building access points and other key areas on campus. These cameras record activity throughout campus and are used as a deterrent to prevent crime. Recorded activity is stored for up to 28 days and can be reviewed to assist in investigations of crimes or incidents. The Maine Maritime waterfront campus and dock are also monitored by motion activated cameras and patrolled by the Campus Safety Officers. The training ship State of Maine is subject to stringent access control polices established by the Maritime Administration. Watch Standards on duty prevent access to unauthorized individuals from boarding the vessel.

## **ACADEMY ALCOHOL AND DRUG POLICIES**

The Maine Maritime Academy Alcohol and Drug policies, included in Appendix A, are designed to enhance and protect the mission of the institution and the quality of the learning environment. The abuse or illegal use of alcohol or drugs by members of the Academy community is 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, creates a public disturbance, damages property, 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 according to the procedures outlined in these 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 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 by a speaker focusing on alcohol abuse prevention during the Transitions series in the fall semester. Upper-class students have the opportunity to attend this and several other training programs in the fall semester. A particular emphasis is placed on prevention of driving while under the influence of alcohol or drugs as well as the role alcohol can play in sexual misconduct. Finally, 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 and drug use.

### ***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. 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 college 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**

*All* students at Maine Maritime Academy, regardless of major, 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 disciplinary status for any violation of our drug or drug testing policies may be subject to increased random drug testing.

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

Sexual misconduct and domestic violence (including 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). MMA employs several strategies to educate the campus community about the issue of sexual misconduct and violence on college campuses, the MMA policies prohibiting sexual misconduct and domestic violence, grievance procedures, and the rights of students and the obligations of the Academy under Title IX, as well as steps students, faculty and staff can take to reduce the incidence of sexual misconduct and domestic violence in our campus community.

All first year students participate in a mandatory orientation program and the on-line HAVEN program designed to educate students about sexual misconduct and domestic violence as well as teach bystander intervention skills. The educational program SEX SIGNALS, an interactive program to educate about sexual misconduct, domestic violence, bystander intervention and gender roles was offered to all students in fall of 2013. Upperclass student leaders participated in a bystander intervention program in the fall of 2013. A TITLE IX informational brochure was distributed to all students, faculty and staff in fall of 2014. A session during Parent Orientation in August 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. 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 url: <http://sor.informe.org/cgi-bin/sor/index.pl>

## **GENERAL EMERGENCY PROCEDURES**

The Academy has procedures for emergency response and evacuation from each building on campus. Specific protocols were developed and are annually revised to respond to both common and catastrophic emergency scenarios. In cases requiring evacuation, either a fire alarm or ENS broadcast alert will notify occupants of the need to evacuate.

The Academy maintains an Emergency Information Portal at <http://emergency.mma.edu/> for use in communicating during an emergency.

### **On observing a crime, act of violence, or suspicious persons:**

Call Campus Safety at 326-2479 or dial 911 and stay on the line to provide information.

### **In the event of a fire:**

Pull the alarm, and evacuate the building immediately

If qualified, use an extinguisher – otherwise evacuate and await emergency responders

Do not re-enter until the “all-clear” has been given

### **If an oil or chemical spill occurs:**

Call Campus Safety at 326-2479 or dial 911, and secure the area

Do not attempt to control or clean up the spill unless you have been trained

### **In the event of an Active Aggressor alert:**

Determine whether, given the circumstances, you should flee, hide or fight

Turn your cell phone to silent

Await further instructions from emergency personnel

When given instructions to evacuate, leave all personal belongings behind and evacuate with your arms held up.

**In the event of a Shelter in Place directive:**

Remain inside the building you are occupying, secure your location and take cover as appropriate.

Await further instructions from emergency personnel

**Evacuation Procedures**

Resident Students:

Curtis Hall and Commons residents must go to the Field House, which a Campus Safety Officer will open if closed (alternate site: Ritchie Field). The Trinitarian church on Main Street is the alternative location for gathering should the Field House or other campus locations be inaccessible. Do not linger in the courtyard or stand in driveways/roads. Emergency vehicles must have clear access.

Commuter Students, Faculty and Staff:

When a building is evacuated, Campus Safety staff will direct students, faculty and staff to rally locations to await further instructions. Should the evacuation be expected to be of some duration, Campus Safety staff will aid commuters, faculty and staff in locating alternative shelter until the building can be re-occupied.

**IMPORTANT EMERGENCY TELEPHONE NUMBERS****Emergency Numbers****ON CAMPUS**

MMA Campus Safety	207-326-2479 or X2479 (24 hours)
Academy Medical Services	207-326-2295 or X295 (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
Downeast Sexual Assault Services	1-800-228-2470
Rape Crisis	1-800-822-5999
Poison Control	1-800-442-6305
AIDS Line	1-800-851-2437
Mental Health Crisis	1-800-245-8889

*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 the Maine Maritime Academy Campus Safety and if after investigation the Maine Maritime Academy Campus Safety determines that the student has been missing for more than 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.

#### **Procedure: 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 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 About Me tab on the student 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 shall (is required to) notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing.

#### **I. 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 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.*

## **II. 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 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 18, United States 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**

All residents are expected to familiarize themselves with the fire alarm procedures and to study the escape routes posted on the back of the door in their room/suite. Also please study and observe the safety and health expectations for each room/suite. There will be safety and health inspections of all rooms at least once each semester to check for compliance. Curtis Hall has an addressable alarm system. It features smoke detectors and evacuation alarm horns/strobe lights in student rooms, heat detectors in bathrooms, and evacuation alarm horns/strobe lights, smoke and heat detectors in all hallways. Any time a detector is activated its location is recorded on the system board at the Quarterdeck. Smoke detectors in rooms ring first only in that room when activated and a trouble alert sounds at the Quarterdeck and in Campus Safety.

The source can then be checked. If the trouble continues it goes to general alarm. Activation of other detectors immediately sets off the general alarm. Whenever the general alarm is activated it will be sounded through the horns, and strobe lights will flash in all rooms and hallways. The Commons has smoke and heat detectors that set off the building alarm when activated.

A sprinkler system also can be found in both Curtis Hall and The Commons.

### **Fire Alarms**

It is MMA policy that during a fire alarm the building must be evacuated immediately. The alarm will sound until the building is fully evacuated and the fire department arrives. Once the fire department is on the scene, the fire chief or assistant fire chief is in charge of the building and its residents. Curtis Hall residents must go to the Field house, which a Campus Safety Officer will open if closed (alternate site: Ritchie Field). Commons residents should go to the Student Center, which a Campus Safety Officer will open if closed (alternate site: Field house). Do not linger in the courtyard or stand in driveways/roads. Emergency vehicles must have clear access.

The All-Clear signal is given when the red lights next to the primary entrances stop flashing, not when the alarm is silenced. In the event of an alarm, residents cannot re-enter the building until it has been checked for fire safety (usually +/-50 minutes if everyone cooperates) and the fire chief gives the all clear. The Commons: The all-clear signal is given when the horns are turned off.

As the Fire Department checks the building during a fire alarm, all violations of state and Academy laws/rules/regulations regarding fire safety, will be reported to the Office of Campus Safety.

Administrative certificates of search will be issued following the alarm for the purpose of correcting the reported deficiencies.

### **Failure to Comply**

Students who fail to respond to an alarm or are uncooperative during a fire alarm must understand that their actions are in violation of community conduct standards. If deliberate non-compliance is verified, the student will be subject to a \$25.00 fine payable within five class days

and may also face additional disciplinary action if warranted.

If alcohol is suspected as a contributing factor to non-compliance, a breathalyzer test will be administered to the student. If alcohol is verified as a factor the student may be referred for disciplinary action

### **False Alarms**

Purposely or negligently causing false alarms or tampering with safety/fire devices may be grounds for suspension or dismissal. Under state law it is a felony offense to purposely cause false alarms or to tamper with emergency/fire equipment. Under Academy policy, students who purposely or negligently/intentionally cause false alarms or tamper with fire equipment may face disciplinary action. Town ordinances set a threshold amount for false alarms, above which the Academy is charged \$250 per alarm. This cost may be assigned to any persons found to be responsible for an alarm. False alarms invite resentment from other students, nearby neighbors in Castine and the Volunteer Fire Department and delay emergency personnel response to actual emergencies. Residents and fire department members may become desensitized to alarms and fail to respond in a timely fashion. Residents should be able to rely on the alarm system to function properly and to know that when activated there is truly an emergency. Nationally, more students are hurt responding to false instances of emergencies than in true emergency situations.

### **Flammable Materials** (i.e. candles, incense)

Possession/use of candles, incense, oil burners, or other flammable materials or other flammable items such as live holiday decorations that can or do produce open flames or burning embers, is not permitted in the residential facilities.

**Tobacco** (Smoking & Other) Smoking is prohibited anywhere near or inside Curtis Hall and The Commons. This includes student rooms, inside the Curtis Hall courtyard, and anywhere within the vicinity of Curtis Hall or The Commons.

### **Cooking & Food**

Only foodstuffs that can be prepared in authorized electric equipment can be cooked or heated in room/suites (this includes coffee/tea or popcorn using a hot air popper). Cooking/heating appliances in use must never be left unattended in a room or common area.

## **CRIME PREVENTION PROGRAMS:**

While Castine and the surrounding area is a location with relatively low crime rates, the Academy nevertheless is committed to educating students about crime prevention. During New Student Orientation, first year students and any parents in attendance are informed by Student Services personnel of college policies, safety procedures, and resources for assistance with emergencies and reporting crimes.

All new students are required to participate in the AlcoholEdu and Haven web-based population-level alcohol and sexual violence education programs during their first semester. This course also includes the "Haven" component, a sexual assault prevention program designed to educate students about sexual assault prevention and Title IX requirements.

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

Educational programming:

Residence Life, Student Activities and the Regimental staff offer a variety of educational programs and workshop for students on crime-prevention topics. Workshops offered in 2013 included:

- Ross Szabo - the performance was focused on mental health, healthy sleep, and discussed the aspects of alcohol addiction and its impacts on both self and loved ones.
- Jake Byczkoski - alcohol education
- CL Lindsay - the performance was focused on college and governmental bodies' legality and students' behaviors in the online community, including issues of stalking, posting inappropriate images, illegal downloading, and other internet safety issues.
- M Dickson - the performance was focused on unhealthy relationships, and working through how to "break up" with anyone from a coworker to a friend to a romantic partner.
- Chris Blackburn - the performance was focused on "the man code" and how to behave in proper ways and how to be a man and not a child and not an abuser. Sexual assault was explored as part of the discussion.
- SexSignals - the performance was focused on sexual assault prevention and aspects of male and female societal issues and interrelations.
- Mocktails and other social events planned without alcohol.
- Regimental trainings for students in the regiment 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 System**

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 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 at the Academy. 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 the student handbook, the Honor and Conduct Code, 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.

All first year students enrolled at Maine Maritime Academy declare their support of the Honor System through an on-line pledge and a public pledge during Academic Convocation.

*CLERY ACT CRIME STATISTICS 2013*

Murder/non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0
Non-forcible Sex Offense	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Domestic Violence**	1	0	0	0	1
Stalking**	1	1	0	0	1
Liquor law violations	1	0	0	0	1
Drug law violations	0	0	0	0	0
Weapons violations	0	0	0	0	0
Liquor law violations	22	13	2	0	24
Drug law violations	0	0	0	0	0
Weapons violations	0	0	0	0	0
	0	0	0	0	0

\*Totals are not the sum of the row as incidents which occur in residence halls are also reported as occurring on campus.

\*\*Institutions of higher education were required to begin reporting statistics of incidences of domestic violence, stalking and dating violence as of calendar year 2013.

## CAMPUS CRIME STATISTICS

### CLERY ACT CRIMES STATISTICS 2012

CATEGORY	On-Campus	Residence Halls	Non-Campus	Public Property	Total*
Murder/non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Forcible Sex Offense	1	0	0	0	1
Non-forcible Sex Offense	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Arrests</b>					
Liquor law violations	2	0	0	0	2
Drug law violations	0	0	0	0	0
Weapons violations	0	0	0	0	0
<b>Disciplinary Referrals</b>					
Liquor law violations	19	13	0	0	19
Drug law violations	1	1	0	0	1
Weapons violations	0	0	0	0	0
<b>Hate Crimes</b>					
Vandalism	1	1	0	0	1

## CLERY ACT CRIMES STATISTICS 2011

CATEGORY	Campus	Residence Halls	Campus	Property	Total*
Murder/non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0
Non-forcible Sex Offense	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	1	1	0	0	1
Burglary	1	1	1	0	2
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Arrests</b>					
Liquor law violations	1	1	5	0	6
Drug law violations	0	0	0	0	0
Weapons violations	0	0	0	0	0
<b>Disciplinary Referrals</b>					
Liquor law violations	20	20	3	0	23
Drug law violations	1	1	0	0	1
Weapons violations	0	0	1	0	1
<b>Hate Crimes</b>					
	0	0	0	0	0

## CAMPUS FIRE SAFETY RIGHT-TO-KNOW ACT

Pursuant to provisions of the Federal Higher Education Act (HR4137) as enacted August 14, 2008 as the **Campus Fire Safety Right-to-Know Act**, this report provides an annual disclosure of fire safety standards and measures with respect to campus residences for the calendar year 2013.

### Maine Maritime Academy Residential Facilities

MMA Residential Facilities	Fire Alarm monitoring by MMA	Partial 1 Sprinkler System	Full 2 Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of evacuation (fire) drills each academic year
Curtis Hall	Y		Y	Y	Y	Y	2
Graduate Commons	Y		Y	Y	Y	Y	2
TSSstate of Maine*	Y	Y	Y	Y	Y	Y	5

\*Windlass House appears as a residence hall in previous reports as it was used to house students in the spring semester of 2012. Students are no longer housed in the building.

At the time of publication of this report, the Academy was awaiting confirmation from the federal government help desk for the Clery report as to how to classify the training ship State of Maine when it is docked at the waterfront. Presuming the answer will be to classify it as a residence hall, fire safety information is provided in this report for the TSSstate of Maine.

#### Definitions:

**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.

**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-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. 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.

### **Fire Safety Report Log**

1. An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time and general location of each fire.
2. An institution must make an entry or an addition to an entry to the log within two business days of receipt of the information.
3. An institution must make the fire log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

Provisions of the Campus **Fire Safety Right-to-know Act** require the Academy to:

1. Collect statistics concerning fire reports in each on-campus student housing facility during the previous year (2013), and annually submit to the Secretary of Education a report on same, including:
  - Number and causes of fires reported
  - Number of fire-related injuries that required treatment at a medical facility
  - Number of fire-related deaths
  - Value of fire-related property damage
2. Document a description of each on-campus student housing faculty fire safety systems, including the fire sprinkler systems.
3. Document the number of regular mandatory supervised fire drills.

4. Document policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and fire education and training programs provided to students, faculty, and staff.
5. Document plans for future improvements in fire safety, if determined necessary by the college.
6. Make, keep, and maintain a log recording all fires in on-campus student housing facilities, including the nature, date, time, and location, and make annual reports to the campus community on such fires.

**Students and employees should report all fires to the Office of Campus Safety at 326-2479 or X2479.**

### **2013 FIRE LOG**

No fires were reported in residential facilities in 2013

### **2012 FIRE LOG**

No fires were reported in residential facilities in 2012

### **2011 FIRE LOG**

<b>Date of Occurrence</b>	<b>Time Occurred</b>	<b>General Location</b>	<b>Nature</b>	<b>Incident Report Number</b>
9-12-11	9:35PM	Curtis	Burnt Popcorn	1013

No fire-related injuries, death or property damage occurred in MMA residential facilities in 2011.

## CRIME DEFINITIONS

**Murder and Non-Negligent Manslaughter** – The Willful (non-Negligent killing of one human being by another.

**Negligent Manslaughter** - The killing of another person through gross negligence.

**Sex Offenses: Forcible** – Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

**There are four types of forcible sex offenses:**

- **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.
- **Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object** – the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender’s genitalia. Examples are finger, bottle, handgun, stick, etc.
- **Forcible Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Forcible fondling includes “indecent liberties” and “child molesting.”

**Sex Offenses: Non-Forcible** – Unlawful, non-forcible sexual intercourse.

**Only two types of offenses are included in this definition:**

**Incest** – Non- forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.

**Robbery** – 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.

**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.

**Burglary** – The unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle.

**Larceny** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**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.

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

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

**Illegal Weapons Possession** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., or silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above..

**Drug Law Violations** – The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations

or state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics, manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs barbiturates, Benzedrine).

**Liquor Law Violations** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor: maintaining unlawful drinking places: bootlegging: operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

**Domestic Violence** - The person intentionally, knowingly or recklessly causes bodily injury or offensive physical contact to another person defined as a Family or Household Member, including

- Current or former spouses or domestic partners.
- Individuals presently or formerly living together as spouses
- Biological parents of the same child
- Adult household members related by blood or marriage
- Minor children of a household member when the defendant is an adult household member
- Individuals presently or formerly living together
- Individuals who are or were sexual partners

**Stalking** - A person is guilty of stalking if:

The actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person:

- (1) To suffer serious inconvenience or emotional distress;
- (2) To fear bodily injury or to fear bodily injury to a close relation;
- (3) To fear death or to fear the death of a close relation;
- (4) To fear damage or destruction to or tampering with property; or
- (5) To fear injury to or the death of an animal owned by or in the possession and control of that specific person.

## **GEOGRAPHIC DEFINITIONS**

### **On Campus:**

(1) 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 hall; and

(2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, 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 Facilities**

A subset of crimes on campus that includes only those crimes that were reported to have occurred in dormitories or other residential facilities.

### **Non-campus building or property:**

(1) 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 are within the campus, or immediately adjacent to and accessible from the campus.

## CAMPUS MAP



### MAIN CAMPUS

- 1- Dismukes Hall: Office of the Registrar, Kennaday Planetarium, faculty offices, classrooms, science laboratories, and OSG Tanker Simulator
- 2- Delano Auditorium
- 3- Leavitt Hall: Offices of Information Technology, College Relations, Development, President, Academic Dean, Human Resources, Research Director, and Business; Delano Auditorium, Alumni Lecture Hall, Cianchette Room, Raymond G. Spruce Lounge, Conference Room, faculty offices, guest rooms, and visitor parking
- 4- Wyman House: Offices of Alumni Affairs and Continuing Education
- 5- Platz Hall: Nutting Memorial Library
- 6- Captain Quick Alumni Hall: Cooperative Education, Career Services, Graduate Seminar Room, and faculty offices
- 7- The Harold Alfond Student Center: Offices of Dining Services and Conferences; dining facilities, student postal center, Waypoint Snack Bar, graduate and undergraduate classrooms, Holmes Alumni Heritage Room (conference room), W. Keith Davis Classroom, and 1954 Lecture Hall
- 8- Pilot House: Loeb-Sullivan School of International Business and Logistics graduate study area, faculty offices, and administration
- 9- The Commons: Residential complex
- 10- Robert S. Walker Admissions & Financial Aid Center: Offices of Admissions and Financial Aid
- 11- Windlass House: Campus Safety and Faculty Offices
- 12- Center for Student Success/Buoy House: Office of Accessibility Services, Writing Center, Testing Center, Honors Program, Henry A. Scheel Room
- 13- Curtis Residence Hall: Offices of Commandant, Residential Life, Student Health Services, Student Government and Student Life; campus bookstore, residential complex, and student lounge and recreation area
- 14- Communications Desk
- 15- Campus Bookstore
- 16- Public Works/Central Receiving: Offices of Purchasing and Facilities
- 17- Oakey Logan Alexander Physical Education Center: Cary W. Bok Swimming Gymnasium, athletic offices, and locker rooms, pool, racquetball and handball courts, weight and exercise rooms, locker rooms, Alexander Field House with climbing wall, and basketball, tennis, and volleyball courts
- 18- Margaret Chase Smith Building: Gymnasium, Athletics offices, and locker rooms

19- Bath Iron Works Center for Advanced Technology: Engineering and marine transportation simulators, electrical power lab, and Humanities Lecture Hall

20- U.S. Navy ROTC

21- Ritchie Field: All-weather in-filled synthetic turf field, press box, and bleachers

22- Abbott House: President's Residence

### **WATERFRONT CAMPUS**

23- Andrews Hall: Marine science wet lab, engineering project labs, classroom, and faculty offices

24- Rodgers Hall: Classrooms, machine shop, engineering laboratories, and ocean studies classrooms and laboratories

25- Payson Hall: Classrooms, engineering laboratories, and boat repair and maintenance facilities

26- Dirigo House: Faculty offices

27- Training Ship *State of Maine*

28- Tug Pentagoet

29- Schooner Bowdoin

As such, the main campus and waterfront are considered on-campus, but the schooner Bowdoin is considered a “non-campus” property, as is the Penobscot boat storage and parking lot area. Because the training ship *State of Maine* is used to house students in the fall semester, it is classified as a residence hall at that time but otherwise considered a non-campus property, including when it is at sea.

Public property includes the sections of the following Castine town streets bordering the campus: Battle Avenue, Main St., Stevens St., Pleasant St., Tarratine St., Water St. and Court St.



## APPENDIX A: ALCOHOL AND DRUG POLICIES

### MAINE MARITIME ACADEMY

**HEALTH AND SAFETY  
Section 607**

**SUBJECT: ALCOHOL** **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)

## MAINE MARITIME ACADEMY

HEALTH AND SAFETY  
Section 608**SUBJECT: DRUGS****PURPOSE:****To prohibit the illegal or abusive possession and use of drugs****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.

**APPENDIX B: POLICY PROHIBITING SEXUAL MISCONDUCT  
AND SEXUAL ASSAULT**

**MAINE MARITIME ACADEMY**

**STUDENT AFFAIRS  
Section 604**

**SUBJECT: SEXUAL MISCONDUCT AND SEXUAL ASSAULT**

**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 [paul.ferreira@mma.edu](mailto:paul.ferreira@mma.edu) 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**

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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)

## 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/glb>

## LOCAL POLICE DEPARTMENTS

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

**Hancock Sheriff** 667-7575

## 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/index.html>

**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  
<http://www.lrs@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 Safety Authorities

### MAINE MARITIME ACADEMY

<b>Title/Position</b>	<b>Name</b>	<b>Phone</b>	<b>E-mail</b>
Academic Dean/Vice President for Academic Affairs	Dr. David Gardner	207-326-2371	<a href="mailto:david.gardner@mma.edu">david.gardner@mma.edu</a>
Administrative Assistant for Student Services	Deb Kingston	207-326-2137	<a href="mailto:debra.kingston@mma.edu">debra.kingston@mma.edu</a>
Athletic Director	Stephen Peed	207-326-2451	<a href="mailto:stephen.peed@mma.edu">stephen.peed@mma.edu</a>
Athletic Head Coaches	current list available at <a href="http://marinersports.org">marinersports.org</a>		-
Associate Academic Dean	Dr. Susan Loomis	207-326-2489	<a href="mailto:susan.loomis@mma.edu">susan.loomis@mma.edu</a>
Associate Dean, Loeb- Sullivan School	Dr. Don Maier	207-326-2454	<a href="mailto:don.maier@mma.edu">don.maier@mma.edu</a>
Assistant to the President for Sustainability	Paul Mercer	207-326-2337	<a href="mailto:paul.mercer@mma.edu">paul.mercer@mma.edu</a>
Campus Safety Administrative Assistant	Erin Frank	207-326-0272	<a href="mailto:erin.frank@mma.edu">erin.frank@mma.edu</a>
Campus Safety Officers		207-326-2479	-
Chief Financial Officer	E. James Soucie	207- 326-2241	<a href="mailto:jim.soucie@mma.edu">jim.soucie@mma.edu</a>
Commandant of Midshipmen	Capt. Nate Gandy	207-326-2250	<a href="mailto:nate.gandy@mma.edu">nate.gandy@mma.edu</a>
Company Officer	Lt. David Hassett	207-326-2153	<a href="mailto:david.hassett@mma.edu">david.hassett@mma.edu</a>
Company Officer	Lt. Fred Kaiser	207-326-2287	<a href="mailto:fred.kaiser@mma.edu">fred.kaiser@mma.edu</a>
Company Officer	Lt. Peter Stewart	207-326-2299	<a href="mailto:peter.stewart@mma.edu">peter.stewart@mma.edu</a>
Dean of Student Services	Deidra Davis	207-326-2138	<a href="mailto:deidra.davis@mma.edu">deidra.davis@mma.edu</a>
Director of Campus Safety	Ryan Kuhl	207-326-2181	<a href="mailto:ryan.kuhl@mma.edu">ryan.kuhl@mma.edu</a>
Director of Health Services	Susan McDonald, R.N.	207-326-2295	<a href="mailto:susan.mcdonald@mma.edu">susan.mcdonald@mma.edu</a>
Director of Residential Life & Student Services	Amanda Nguyen	207-326-2280	<a href="mailto:amanda.nguyen@mma.edu">amanda.nguyen@mma.edu</a>
Honor Board Chairs			-
Lead Security	Michael Roi	207-326-2479	<a href="mailto:michael.roi@mma.edu">michael.roi@mma.edu</a>
Life Safety Officer	Lisa Burton	207-326-2479	<a href="mailto:lisa.burton@mma.edu">lisa.burton@mma.edu</a>
Resident Assistants			-
President	Dr. William Brennan	207-326-2220	<a href="mailto:bill.brennan@mma.edu">bill.brennan@mma.edu</a>
Residential Life Coordinator & Director for Curtis Hall	Crissi Dalfonzo	207-326-2204	<a href="mailto:crissi.dalfonzo@mma.edu">crissi.dalfonzo@mma.edu</a>
Student Activities Coordinator & Director for The Commons	Tristan Taber	207-326-2117	<a href="mailto:tristan.taber@mma.edu">tristan.taber@mma.edu</a>
Vice President for Institutional Advancement	Currently Vacant	207-326-2232	
Vice President of Operations	Dr. Darrell Donahue	207-326-2230	<a href="mailto:darrell.donahue@mma.edu">darrell.donahue@mma.edu</a>
Vice President for Student Affairs and Enrollment Management and Title IX Coordinator	Dr. Elizabeth True	207-326-0159	<a href="mailto:elizabeth.true@mma.edu">elizabeth.true@mma.edu</a>

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

### 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 privacy and rights of others**

**II. Ensure that violations of the Honor and Conduct Code be reported**

**III. Answer all summonses of the administration and faculty.**

All students enrolled at Maine Maritime Academy will declare their support of the Honor System through a public pledge at Fall Convocation.

\* 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**

**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.
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.

### **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, after which the Accused Student is eligible to return under any specified conditions.
- b) **Residence Hall Dismissal:** Permanent separation of the Accused Student from the residence halls.
- c) **Academy Suspension:** Separation of the Accused Student from the Academy for a definite period of time, after which the Accused Student is eligible to return without reapplying but subject to certain specified conditions, including program space availability.
- d) **Academy Dismissal:** Permanent separation of the Accused Student from the Academy.
- 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**

1. 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.
2. 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.
3. 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 a 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.