

MAINE MARITIME
ACADEMY

2018 ANNUAL CAMPUS SAFETY
AND FIRE SAFETY REPORT
(CLERY REPORT)

Reporting Statistics For Calendar Years 2015-2017

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MESSAGE FROM THE DIRECTOR OF CAMPUS SAFETY

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

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

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

- Emergency planning and response
- Security operations
- Employee and student health and safety
- Parking management and enforcement

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

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

Sincerely,

A handwritten signature in black ink that reads "Peter Stewart". The signature is fluid and cursive, with a large loop at the end of the last name.

Director of Campus Safety
207-326-2181
peter.stewart@mma.edu

ABOUT CAMPUS SAFETY

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

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

Maine Maritime Academy does not have any non-campus locations of student organizations that are officially recognized by the institution. The Training Ship State of Maine is classified as a residence hall when it is docked and a non-campus property when it is at sea.

REPORTING CRIMES

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

Crimes can be reported by contacting Campus Safety directly by calling 207-326-2479 (on campus extension 2479) or going to the Campus Safety office located in Windlass House, available 24 hours a day. Crimes may also be reported by calling 911 or contacting the Hancock County Sheriff Office at (207) 667-7575 or Maine State Police at (207) 973-3700. Upon receiving a report of a crime, suspicious activity, or emergency situation, Campus Safety personnel are dispatched to investigate and will request additional assistance from local law enforcement 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. The counselors at MMA provide information about reporting crimes among other options explored with students who make a confidential report. Confidential options to report crimes are discussed with students during new student orientation and in a Title IX informational brochure. Though not required to do so, the Academy includes statistics from the counseling center regarding sexual assaults and domestic violence, after confirming that such statistics have not already been included in the report. The counseling staff will also alert the Dean of Student Services or Campus Safety if they perceive that a student in counseling presents a threat to self or others. A **professional counselor** is defined by the U.S Department of Education as “a person whose official responsibilities include “providing mental health counseling to members of the academy’s community and who is functioning within the scope of his/her license/certification.” **Pastoral counselors** are defined by the U.S Department of Education as “persons who are associated with a religious order or denomination, are recognized by that religious order or denomination as someone who provides confidential counseling, and are functioning within the scope of that recognition as pastoral counselor.” The Academy does not currently have a pastoral counselor on staff.

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

The preparation of this report on campus crime statistics on an annual basis involves coordination among the Department of Campus Safety, the office of the Dean of Student Services, the Maine State Police, and the Hancock County Sheriff’s Office. In addition, Campus Safety Authorities are required annually to confirm that all Clery-reportable crimes (described in the definitions section on page 22-24) 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 or Maine State Police which occurred on campus, at non-campus properties, and on public property adjacent to campus are included in this crime report. In 2016, after the publication of the New Handbook for Campus Safety and Security Reporting was published, the College began to inventory non-campus properties used by the Academy repeatedly for school-sponsored trips and requested crime statistics for these locations on the dates of use in 2016 and 2017 from local police authorities in those locations. Any information provided by these police authorities in time for publication of the report is included in the crime statistics for the 2017 calendar year. In addition to this annual report, Campus Safety maintains a daily crime log describing reported incidents. A copy of the daily log may be obtained at the Campus Safety Department.

The report is emailed annually to all current students, faculty, and staff of Maine Maritime Academy on or by 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 Levitt Hall.

ADDITIONAL CONFIDENTIAL REPORTING OPTIONS

If you are a victim of a crime or a witness to a crime, and do not want to pursue action within the Maine Maritime Academy system or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter private, while taking steps to ensure the future safety of the community. With such information, the academy can keep an accurate record of the number of incidents involving students, determine where is the pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Maine Maritime Academy. To file an anonymous/confidential report, call Campus Safety at 326-2479. Please be aware, however, that if the information provided in an anonymous or confidential report is too limited, the Academy may not be able to take action to respond to such report. Procedures regarding confidential reporting of sexual misconduct are described under the section PREVENTING AND RESPONDING TO INCIDENCES OF SEXUAL MISCONDUCT AND DOMESTIC VIOLENCE/STALKING on page 9.

TIMELY WARNINGS

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

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

- **MMA Alert:** (powered by e2campus) a free service that enables MMA officials to send a brief message alerting the community regarding an urgent situation or emergency on the campus directly to registered email account(s) or mobile device via SMS text messages. MMA students, faculty, staff, and affiliates can sign up to receive alerts through the campus website at <https://e2campus.mma.edu>. E2Campus alerts are additionally displayed on all pages of mainemaritime.edu, my.mma.edu, and as a push notification and banner on the [Maine Maritime Academy Mobile App](#).
- **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
 - **In the event of an emergency on campus,** the college emergency website will be activated and can be accessed at: <https://mainemaritime.edu/campus-safety/emergency>

- **Local area radio and television stations** are most often used to announce closings and delayed starts.

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

SECURITY AND ACCESS TO CAMPUS FACILITIES

Campus Safety Officers consistently patrol campus on foot and in a vehicle at random times during the day-time and evening hours seven days a week. Included in these patrols, officers will ensure campus buildings are secured according to the hours of use throughout the year. Officers ensure exterior doors and windows are secured, then conduct an internal inspection to verify the doors to sensitive areas are locked to prevent unauthorized access. Motion-activated cameras monitor access points and the key areas on campus. Recorded activity is stored for up to 90 days and can be reviewed to assist in investigations of crimes or incidents. During patrol rounds, Campus Safety Officers also monitor exterior and interior lighting and address any safety issues which are noted on these rounds.

In Curtis Hall, proximity card readers, door-prop alarms, and motion activated cameras have been installed at each entrance providing secured access to this residence hall. Residents of Curtis Hall may use their ID cards to grant them access to the building through all exterior doors from 6:00 am to 11:00 pm Monday through Friday and from 8:00 am to 11:00 pm on Saturday and Sunday. After 11:00 pm, their ID cards grant them access to Curtis Hall through the main entrance only. The Curtis Hall front desk is located at the main entrance of the building and is staffed by Residential Life personnel seven days a week during the academic year, Monday through Friday from 8:00 am to 1:00 am and Saturday and Sunday from 8:30 am to 1:00 am. Campus Safety staffs the front desk from 1:00 am to 6:00 am when not responding to calls on campus. All other MMA students are given access to Curtis Hall during regular business hours, Monday through Friday from 8:30 am to 4:30 pm through the main entrance only. Employees who have an office in Curtis Hall, provide a service to the residents, or have legitimate business needs, are given access to the building through their ID card. All other employees are given access to Curtis Hall through the main entrance during normal business hours.

In the summer of 2015, Maine Maritime Academy added proximity card readers and door-prop alarms at each entrance to both Commons apartment-style residential buildings. The exterior doors are locked twenty four hours a day, seven days a week. Only students living in these buildings and certain MMA employees have access to these buildings through their MMA ID card. In the summer of 2016, additional proximity card readers were added to the Alford Student Center so students could have access to common areas after hours and on-weekends. Certain employees with a need to access these areas also have card access during these times.

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

ALCOHOL AND DRUG POLICIES

The Maine Maritime Academy policies regarding alcohol and other drugs, included in Appendix A, are designed to enhance and protect the students, the mission of the institution, and the quality of the

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. While the state of Maine allows medical marijuana use and recently decriminalized recreational marijuana use, federal law continues to designate such possession and use as crimes under federal law. For example, the Controlled Substances Act criminalizes marijuana; the Drug-Free Schools and Communities Act prohibits marijuana in schools; the Drug-Free Workplace Act prohibits marijuana in the workplace; and various federal safety regulations require the Academy to conduct certain drug-testing for use of marijuana and other illegal drugs.

Despite the changes in state law, the Academy remains subject to these requirements under federal law. As a result, the Academy continues to prohibit the possession and/or use of marijuana as set forth in the Academy's Drug Policy, included in Appendix A. These restrictions include, but are not limited to, prohibiting marijuana (medical or other) possession and/or use across the entire campus, including all open areas and buildings (including residence halls).

Any member of the Academy community, who through their use or abuse of alcohol or drugs presents a danger to themselves or others, or otherwise interferes with the mission or reputation of the Academy, will be held accountable for their actions. Any disciplinary action taken will be in accordance with the procedures outlined in the Alcohol and Drug Policies and the Student Honor Code of Conduct and Responsibilities. In addition, those persons studying in Coast Guard license programs are also accountable to the US Coast Guard concerning the use or abuse of alcohol or drugs. Educational programs are provided to new students during orientation to educate them about the alcohol and drug policy, the effects of alcohol and drugs, the laws and campus policies regarding alcohol and drug use, and the legal consequences for illegal alcohol and other drug use. New students are required to participate in the AlcoholEdu on-line education program. In addition, during the fall semester new students are required to attend a presentation by a speaker focusing on alcohol abuse prevention or risky behaviors involving alcohol. Upper-class students are also invited to attend this speaker. A particular emphasis is placed on prevention of high risk behavior such as driving while intoxicated as well as the role alcohol often plays in incidences of sexual misconduct. During Parent Orientation, Academy administrators thoroughly review the alcohol and drug policies with parents and suggest strategies parents can employ to make expectations clear to their students regarding alcohol use and abuse.

Academy Drug Policy

Maine Maritime Academy has a "zero tolerance" drug policy, included in Appendix A, and therefore prohibits its students and employees from possession, use, or distribution of drugs or drug paraphernalia on campus. Drugs are considered to be any mind-altering substances, regardless of legality, including, but not limited to, opiates, barbiturates, amphetamines, marijuana, hallucinogens, "designer drugs," and illegal steroids, except for legally authorized doses for medical purposes. Drug paraphernalia is any item which could be used in the possession, use, or distribution of such aforementioned drugs. In addition, the presence and use of any of these substances and items within the Academy community is contrary to the intellectual and educational purposes for which the Academy exists.

The Academy considers any violation of the drug policy a serious matter and reserves the right to take action appropriate to the circumstances of each case. Action taken by the Academy in all cases of drug

violation will be guided by a concern both for the emotional and physical welfare of the person involved and for the maintenance of a suitable educational environment for all members of the Academy.

Drug Testing

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

Students who test positive for marijuana who possess a Maine state-issued medical marijuana card and who are not enrolled in a Coast Guard License Program and/or who are not operating boats or other college equipment may be exempt from the disciplinary sanctions otherwise imposed on those who test positive for marijuana. However, such students may not be able to complete a required co-op or internship and therefore risk being unable to complete graduation requirements.

DRUG FREE SCHOOLS AND COMMUNITIES ACT

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

In compliance with the Drug-Free Schools and Communities Act, the Academy has implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program includes annual distribution of information to students and employees concerning the possession, use, or distribution of alcohol and illicit drugs at the college. Please note that the state of Maine has not completed the process of updating penalties for use of marijuana after laws regarding decriminalization of possession of small amounts of marijuana and thus we cannot yet update the penalties portion of the notice. The Academy also conducts a Biennial Review of Compliance with this act; copies of the most recent review are available from Dean of Student Services Deidra Davis at deidra.davis@mma.edu.

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

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

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

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

PREVENTING AND RESPONDING TO INCIDENCES OF SEXUAL MISCONDUCT AND DOMESTIC VIOLENCE/STALKING

Sexual misconduct, dating violence, domestic violence, and stalking are strictly prohibited at MMA, as is explicitly stated in both the Student Honor Code of Conduct and Responsibilities (Appendix D) and the policy prohibiting Sexual Misconduct and Sexual Assault (Appendix B). "Dating Violence" is not defined as a crime *per se* under Maine State Law; however, incidents of dating violence are prohibited under Maine statutes prohibiting assault and domestic violence and dating violence is prohibited under the MMA Student Honor Code. MMA employs several strategies to educate the campus community about the issue of sexual misconduct and violence on college campuses, the Maine laws and MMA policies prohibiting sexual misconduct and domestic violence, grievance procedures, and the rights of students and the obligations of the Academy under Title IX, as well as steps students, faculty, and staff can take to reduce the incidence of sexual misconduct and domestic violence in our campus community.

The Academy defines reliable consent for sexual activity in the policy and in training programs as follows: **Reliable Consent** means a person's –

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

All first year students participate in a mandatory orientation program and the on-line HAVEN program offered by EverFi – these programs are designed to educate students about sexual misconduct and domestic violence, MMA policies and Maine laws, and the grievance process, as well as provide training on safe and effective bystander intervention and risk reduction strategies. An orientation program for graduate students on Title IX is held at the start of fall classes. The educational program SEX SIGNALS, an interactive program to educate about gender roles, sexual misconduct, domestic violence, and bystander intervention was required for first year students and open to all students in fall of 2017. A Title IX informational brochure is distributed to all new students and faculty/staff during the first month of their first semester. A session during Parent Orientation in the summer provides an overview of the Academy's Sexual Misconduct Policy and Title IX obligations in addition to information about sexual assault on college campuses. Parents are given tools to have conversations with their students regarding their expectations of behavior.

Title IX and VAWA training sessions were conducted with all faculty and staff considered “responsible parties” during the academic year 2013-2014, with follow up trainings for faculty, Residence Life staff, Campus Safety staff, and athletic coaches annually. 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.

Confidentiality

MMA’s procedures for reporting incidents of sexual misconduct, domestic violence, and stalking prohibit the inclusion of personally identifying information in records which can be made publicly available, including Clery Act reporting and disclosures. Personally identifying information is defined in the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or other protected, including

- A first and last name;
- A home or other physical address;
- Contact information
- Social security number, driver’s license number, passport number or student identification number;
- Any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

If it is necessary to share personally identifying information that the Academy believes is necessary to provide an accommodation or protective measure, the victim will be informed of what information will be shared and with whom it will be shared and why.

Notifications

The MMA Policy Prohibiting Sexual Misconduct describes the procedures the Academy will use when investigating a complaint regarding violations of this policy and policies prohibiting domestic violence and stalking. The Academy will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institutions and in the community. The Academy will also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus safety or local law enforcement.

SEX OFFENDER REGISTRY WEBSITE

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

GENERAL EMERGENCY AND EVACUATION PROCEDURES

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, Campus Safety staff will make a decision whether the situation presents an immediate threat to students and employees and if so, will issue an immediate notification utilizing the procedures described below. The Campus Safety staff will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. In most cases, the entire campus community will receive notification. The Campus Safety staff will determine what segment of the campus population is impacted by the emergency and notify that group and will continue to monitor the situation to determine whether additional members of the community may be impacted and should be notified. In all cases, the Campus Safety staff will promptly consult with administration to determine what follow-up information should be provided to the campus community and how best to provide this information.

Notification will occur by activating the E2Campus alert system. This is sent via text, email, web, and app, depending upon the preferences of the receiver. The type of emergency will dictate the response. The Director of Campus Safety or his designee is authorized to issue an alert.

All emergency response actions are governed by the following protocols:

- **Initial Assessment** of the event to determine response actions;
- **Life Safety** of individuals is to be assured immediately;
- **Protection of Property** by limiting and controlling the extent of the event;
- **Population Welfare** of persons in need of shelter and care; and
- **Recovery** to normal operations as soon as feasible

The Crisis Management Team membership includes senior representatives of the Academy Senior Administration, Facilities Management, Safety and Security, Residential Life, Academic Affairs, Student Life, Human Resources, Information Technology, Health Services, and Public Affairs. The team is activated on all major incidents and any other incident as required.

MMA is committed to sharing with the Castine Community any information that may impact normal routines. The Castine Town Manager is included in the E2Campus notifications.

Both announced and unannounced tests are conducted semi-annually. The E2Campus notification system is tested monthly, with follow up to ensure access by stakeholders.

Police coverage for Maine Maritime Academy is provided by the Maine State Police and Hancock Sheriff's Office. Monthly meetings are held to share information. Training on emergency procedures is provided to staff by both agencies.

Questions regarding Emergency and Evacuation plans should be directed to the Director of Campus Safety at 207-326-2479.

REPORTING AN EMERGENCY

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

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

IMPORTANT PHONE NUMBERS IN CASE OF AN EMERGENCY

ON CAMPUS

MMA Campus Safety	207-326-2479 or x2479 (24 hours)
Academy Medical Services	207-326-2295 or x2295 (business hours)
Title IX Coordinator – Elizabeth True	207-326-0159 or x0159(business hours)*

*contact Campus Safety to alert Dr. True after business hours

OFF CAMPUS

Hancock County Sheriff's Office	911 (207-667-7575 - Non-Emergency Phone)
Maine State Police	911 (207-973-3700 - Non-Emergency Phone)
Castine Fire	911 (207-326-8767 - Non-Emergency Phone)
Peninsula Ambulance Service	911
MECASA (Statewide Sexual Assault Crisis and Support Line)	1-800-871-7741
American Assoc. of Poison Control Centers	1-800-222-1222
Maine AIDS Line	1-800-851-2437
National Suicide Prevention Lifeline	1-800-273-8255

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

MISSING STUDENT PROCEDURE

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 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 that a student is reported missing, the Maine Maritime Academy Campus Safety Department or their designee shall attempt to contact the student's 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.

Official notification procedures for missing persons

A. Any faculty, staff, or student who has information that a residential student may be a missing person must notify the Maine Maritime Academy Campus Safety Department as soon as possible and no later than the 24 hours after they determine a student may be missing. Campus Safety or their designee shall also follow up on notification by other individuals such as friends or family members.

B. The Maine Maritime Academy Campus Safety Department shall gather information about the residential student from the reporting person and from the student's acquaintances (including, by way of example, description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus faculty and/or staff shall be notified to aid in the search for the student.

- C. No later than 24 hours after determining that a residential student is missing, the Maine Maritime Academy Campus Safety Department or their designee shall notify the emergency contact* (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

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

Campus communications about missing students

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

JUDICIAL PROCESS

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

FIRE SAFETY REPORT

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

DEFINITIONS:

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

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

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

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

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

Fire safety system – Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; 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.

Summary of Fire Protection Systems in the Residence Halls

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

*A total of 10 evacuation drills were conducted on the TSSoM in the winter and summer in preparation for cruises as well as the two conducted in the fall when students lived on the ship while docked to prepare for cruise.

CRIME PREVENTION AND EDUCATIONAL PROGRAMMING

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

sexual misconduct in the workplace prior to participating in cadet shipping or co-operative education experiences the summer before their junior year. Campus Safety staff routinely include safety precautions and discussions in their interactions with students on campus and in the residence hall.

During their first semester, all new students are required to participate in AlcoholEdu, a web-based population level alcohol and sexual violence education program, as well as HAVEN, a program designed to educate students about sexual assault prevention, domestic violence, bystander intervention, and Title IX requirements. Students who violate the Academy’s alcohol policies are required to participate in an additional AlcoholEdu program as a sanction.

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

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

Residence Life, Student Activities, and the Regimental staff offer a variety of educational programs and workshops for students on crime-prevention topics. Resident Assistants conducted programs and prepared bulletin boards on a variety of educational topics in 2017, including topics related to healthy relationships and consent, responsible drinking and alcohol, and bystander intervention. Athletics promotes a theme of RESPECT THE ANCHOR (the logo of the Mariners athletics teams which was expanded to include the entire community). This theme – of respecting each other, the Academy, and the local community - is woven throughout orientation and leadership training of students.

Educational Workshops designed to reduce crime and violence offered in 2017 included:

CL Lindsay – Social Media Presence and the Law. A presentation on how to protect yourself and your identity.

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

Drug and Alcohol Awareness Game Show – Interactive game show format to raise awareness of alcohol and drug issues.

Additionally, MMA uses **Student Health 101** to provide education to students. This online monthly magazine, provided electronically to all students, provides students with information about managing stress, eating healthy, staying active, dealing with roommates, and more. *Student Health 101* covers sexual assault and related topics that address the requirements of the Campus SaVE Act every month. Here are a few examples:

ARTICLE	I READ THE ARTICLE + LEARNED	I READ THE ARTICLE + DIDN'T LEARN	I DIDN'T READ THE ARTICLE
Suicide prevention: What to do when a friend needs help	100.00%	0.00%	0.00%
4 easy ways to set positive standards in your online world	60.00%	10.00%	30.00%
Bystander intervention goes professional: 4 tips for stepping in on the job	37.50	37.50	25.00

Sexual violence in LGBTQ communities: How we can help to prevent it	45.45	18.18	36.36
Students get real about race - and how to help each other	41.67	25.00	33.33
How you can change the sexual culture on your campus—and why that matters	66.67	33.33	0.00
What enthusiastic consent actually looks like—and why you should hold out for it	71.43	14.29	14.29
Opioid epidemic: What it looks like, what it means, & what to do	100.00	0.00	0.00
Unseen survivors: When sexual violence goes under the radar	60.98	9.76	29.27
What to say when your friend's been sexually assaulted	75.00	0.00	25.00
Virtual abuse? How to build a positive online community	66.67	0.00	33.33
Vital vocab for hookups, relationships, & everything in between	42.86	14.29	42.86
Yes, it's still coercion or assault: Relationship abuse and what to do about it	77.78	11.11	11.11

Regimental trainings for students in the Regiment of Midshipmen included:

- Hard-target and anti-terrorism training
- First year midshipmen workshop on drinking and driving and US Coast Guard regulations regarding alcohol and ships.
- First year and third year midshipmen workshop on regulations regarding the use and abuse of alcohol while on the summer training cruise.
- Training on sexual harassment in the workplace for sophomore students preparing for a summer cooperative learning experience.

HONOR CODE

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

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

CLERY ACT CRIME STATISTICS 2017

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2017	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0
Sex Offenses – forcible: Rape	2017	1*	1*	0	0
Sex Offenses – forcible: Fondling	2017	0	0	0	0
Sex Offenses – non-forcible: Incest	2017	0	0	0	0
Sex Offenses – non-forcible: Statutory Rape	2017	0	0	0	0
Robbery	2017	0	0	0	0
Aggravated Assault	2017	0	0	0	0
Burglary	2017	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
Arson	2017	0	0	0	0

*The respondent separated from the Academy before its investigation was completed and the complainant did not report the allegation to law enforcement.

VAWA Offenses 2017

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2017	0	0	0	0
Dating Violence	2017	0	0	0	0
Stalking	2017	0	0	0	0

Arrests 2017

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Weapons	2017	0	0	0	0
Drug Abuse Violations	2017	2	2	0	0
Liquor Law violations	2017	0	0	0	0

Disciplinary Actions 2017

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Weapons	2017	0	0	0	0
Drug Abuse Violations	2017	0	0	1	0
Liquor Law violations	2017	36	36	0	0

CLERY ACT CRIME STATISTICS 2016

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0
Sex Offenses – forcible: Rape	2016	0	0	0	0
Sex Offenses – forcible: Fondling	2016	0	0	0	0
Sex Offenses – non-forcible: Incest	2016	0	0	0	0
Sex Offenses – non-forcible: Statutory Rape	2016	0	0	0	0
Robbery	2016	0	0	0	0
Aggravated Assault	2016	0	0	0	0
Burglary	2016	1	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
Arson	2016	0	0	0	0

VAWA Offenses 2016

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2016	0	0	0	0
Dating Violence	2016	0	0	0	0
Stalking	2016	0	0	0	0

Arrests 2016

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Weapons	2016	0	0	0	0
Drug Abuse Violations	2016	0	0	0	0
Liquor Law violations	2016	0	0	0	1

Disciplinary Actions 2016

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Weapons	2016	0	0	0	0
Drug Abuse Violations	2016	0	0	0	0
Liquor Law violations	2016	6	6	0	0

CLERY ACT CRIME STATISTICS 2015

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

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

VAWA Offenses 2015

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

Arrests 2015

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Weapons	2015	0	0	0	0
Drug Abuse Violations	2015	0	0	0	0
Liquor Law violations	2015	0	0	0	0

Disciplinary Actions 2015

OFFENSE	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Weapons	2015	0	0	0	0
Drug Abuse Violations	2015	0	0	0	0
Liquor Law violations	2015	23	22	0	0

HATE CRIMES 2015-2017

No Hate Crimes were reported in the calendar years 2015-2017.

FIRE SAFETY STATISTICS 2015-2017

The data presented in the following tables summarizes the reported fires that occurred in the MMA residential housing facilities from January 2015 – December 2017. The Department of Campus Safety maintains a fire log that is accessible by the public upon request.

Reported fires that occurred in the MMA residential housing facilities, January 2017 – December 2017

Date Fire Reported	Incident Number	Nature of the Fire	Date of Fire	Time of Fire	General Location of the Fire
2/19/2017	19-2017	Washcloth in Microwave	02/17/17	1130	Curtis Hall- Med Bay

Reported fires that occurred in the MMA residential housing facilities, January 2016 – December 2016

Date Fire Reported	Incident Number	Nature of the Fire	Date of Fire	Time of Fire	General Location of the Fire
9/12/2016	93-2016	Wastebasket fire	unknown	unknown	Curtis Hall Lounge

Reported fires that occurred in the MMA residential housing facilities, January 2015 – December 2015

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

CRIME DEFINITIONS

GENERAL DEFINITIONS

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

- a) **Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
- b) **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

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

- a) **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- b) **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

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

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

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

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

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

Simple Assault – an unlawful physical attack by one person upon another neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property – to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

HATE CRIMES

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

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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

- **Murder and Non-negligent Manslaughter**
- **Sexual Assault**
- **Robbery**
- **Aggravated Assault**
- **Burglary**
- **Motor Vehicle Theft**
- **Arson**

VIOLENCE AGAINST WOMEN ACT OFFENSES

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

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

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

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. For the purposes of this definition—

- a) **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b) **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- c) **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

GEOGRAPHICAL DEFINITIONS

The Director of Campus Safety is responsible for identifying and updating all information regarding campus geography for the purposes of the ASR. The office of Campus Safety maintains an up-to-date list of all campus properties and non-campus properties, which currently is limited to the Training Ship State of Maine when it is at sea.

On Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any

building or property that is within or reasonably contiguous to the area identified in the sentence above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

- a) Undergraduate, graduate and married student housing.
- b) Single family houses that are used for student housing.
- c) Summer school student housing.
- d) Buildings that are used for student housing but also have faculty, staff or other individuals living there.

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

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

CAMPUS MAP:

LOCATION KEY

Main Campus

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

Waterfront Campus

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



**MAINE
MARITIME
ACADEMY**

Main Campus

Waterfront Campus

Castine, Maine 04420 | 800-464-6565 | mainemaritime.edu

For the health and wellbeing of our community, the Maine Maritime Academy campus and vessels (astore and afloat) are smoke- and tobacco-free.

APPENDIX A: Alcohol and Drug Policies

MAINE MARITIME ACADEMY

HEALTH AND SAFETY Section 607

SUBJECT: ALCOHOL

PURPOSE: To regulate possession and use of alcohol

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://mainemaritime.edu/student-life/health-and-counseling-services/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.
5. 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.mainelegislature.org/legis/statutes/28-A/title28-Ach0sec0.html>.

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

DATE ADOPTED: Approved on September 9, 2014

MAINE MARITIME ACADEMY

HEALTH AND SAFETY Section 608

SUBJECT: DRUGS

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:

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.

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.

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.

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://mainemaritime.edu/student-life/health-and-counseling-services/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.

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

DATE ADOPTED: Approved on September 9, 2014

APPENDIX B: Policy Prohibiting Sexual Misconduct and Sexual Assault

MAINE MARITIME ACADEMY

STUDENT AFFAIRS
Section 604

SUBJECT: SEXUAL MISCONDUCT AND SEXUAL ASSAULT

PURPOSE: To define and proscribe non-consensual sexual activities

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:
 - i. Genitals of one and the mouth or anus of another; or
 - ii. Genitals of one and the genitals of another; or
 - iii. Genitals or anus of one and an instrument or device manipulated by another person.
4. **Sexual assault** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:
 - a) Expressly communicated by words or physical act(s) a timely objection; or
 - b) Was visibly intoxicated or otherwise visibly impaired; or
 - c) Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
 - d) Was placed in reasonable fear of physical injury or other harm because of the Respondent's use or threatened use of physical force or other harm.
5. **Complainant** means a person who believes he or she experienced sexual misconduct or sexual assault by a student.
6. **Respondent** means a student accused of sexual misconduct or sexual assault.
7. **Retaliation** means pressuring a person to drop or support a complaint or to provide false or misleading information; pressuring a person to participate or refrain from participating as a witness in a proceeding; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment for making a good-faith report or participating in good faith in an investigation.

D. Prohibited Conduct

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

E. Reports to the Academy

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

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

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

1. **Preserving Evidence.** It is important to preserve physical evidence in order to help prove a criminal sexual assault, stalking, domestic violence, other acts of violence occurring within a dating relationship or other sexual encounter, or to help obtain a protective order;
2. **Confidentiality.** The Academy uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or sexual assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among Academy officials with a legitimate educational interest or with external

individuals or entities only on a need-to-know basis and only as permitted by Academy policy and applicable law. The Academy will be required to disclose the Complainant's name, statements and allegations to the Respondent. The Academy may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the Academy, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected;

3. **Counseling and Health Services.** Counseling and health support services are available either on campus or in the area. A list of such services is attached in the *Appendix* to this policy, and the Academy can assist a Complainant in accessing these resources;
4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, law enforcement. A list of such authorities is attached in the *Appendix*. The police can advise and assist with the Complainant's option to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender; and
5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available, and the Academy can assist a Complainant in accessing these resources. A list of such services is attached in the *Appendix*.

G. Investigations

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

H. Interim Steps While an Investigation is Conducted

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

I. Participation during Proceedings

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

J. Outcomes

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

1. Whether the Respondent was found to violate the Code and, if so, the provisions violated and discipline imposed; and
2. The Respondent's and Complainant's rights under the Code to appeal the findings and any discipline.

K. Discipline

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

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

L. Retaliation

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

M. Protective Orders

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

N. Primary Authority and Annual Training

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

O. Other

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

P. Academy Contact Information

The following Academy officials may be contacted as follows:

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

Q. Appendices

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

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

DATE ADOPTED: Approved September 9, 2014

APPENDIX

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
<https://mainehealth.org/waldo-county-general-hospital>

Mt. Desert Island Hospital

10 Wayman Lane, Bar Harbor, Maine 04609

(207) 288-5081

<http://mdihospital.org>

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/>

LEGAL SERVICES**Pine Tree Legal Services**

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

Machias Office (Serving Washington and Hancock Counties)

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

www.mainebar.org/page/AttorneyRequest

Maine Volunteer Lawyers Project

Free legal information and pro bono legal representation for qualifying low-income individuals state-wide: Toll free - (800)-442-429; <http://www.vlp.org>

APPENDIX C: Campus Security Authorities

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

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

APPENDIX D: Student Honor Code of Conduct and Responsibilities

MAINE MARITIME ACADEMY

Student Honor Code of Conduct and Responsibilities

Introduction

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

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

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

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

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SUBJECT: STUDENT HONOR CODE OF CONDUCT AND RESPONSIBILITIES

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

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

ARTICLE I

PREAMBLE

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

ARTICLE II

PURPOSES

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

ARTICLE III

DEFINITIONS

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

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

**ARTICLE IV
JURISDICTION**

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

ARTICLE V
PROSCRIBED CONDUCT

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

- A. **ACTS OF DISHONESTY**, which includes but is not limited to:
1. Cheating, such as a) use of any unauthorized assistance in taking quizzes, tests, or examinations; b) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; c) the acquisition, without permission, of tests or other academic material belonging to a member of the Academy faculty or staff; or d) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
 2. Plagiarism, such as the a) use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or b) unacknowledged use of materials prepared by another person or entity, such as the use of term papers or other academic work that was purchased.
 3. Furnishing false information to any Academy employee or office.
 4. Forgery, alteration or misuse of any Academy document, record or instrument of identification.
- B. **ALCOHOL AND/OR DRUG MISCONDUCT**, which includes but is not limited to:
1. Use, possession, manufacturing, or distribution of any unlawful drug, such as marijuana, medical marijuana, heroin, narcotics, or other controlled substances prohibited by state or federal law, or as otherwise prohibited by Academy policy.
 2. Use, possession, manufacturing, or distribution of alcohol in violation of Academy policy, state or federal law.
 3. Being under the influence of an unlawful drug, under the influence of alcohol or intoxicated in violation of Academy policy.
- C. **SEXUAL MISCONDUCT**, which includes but is not limited to engaging in:
1. Sexual misconduct or sexual assault, as defined in and governed by the Academy's policy on Student Sexual Misconduct and Sexual Assault.
 2. Acts of domestic violence, stalking or other acts of violence occurring within a dating relationship.
 3. Acts of sexual harassment.
- D. **CONDUCT THAT DISREGARDS THE WELFARE, HEALTH OR SAFETY OF THE ACADEMY COMMUNITY**, which includes but is not limited to:
1. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or other conduct which threatens or endangers the health or safety of any person.
 2. Hazing, which means a) any action or situation on or off Academy property that recklessly or intentionally endangers the mental or physical health of any such student, employee, group

or entity affiliated with the Academy; or b) apathy or acquiescence in the presence of hazing. See also the Academy policy on Hazing.

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

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

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

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

1. Disrupting or obstructing teaching, research, administration, disciplinary proceedings or other Academy activities, including its public service functions on or off campus, or other authorized non-Academy activities when the conduct occurs on Academy premises.
2. Failing to comply with directions of Academy officials or law enforcement officers acting in performance of their duties, or failure to identify oneself to these persons when requested to do so.
3. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the Academy or infringes on the rights of other members of the Academy community; or leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
4. Obstructing the free flow of pedestrian or vehicular traffic on Academy premises or at Academy sponsored or supervised functions.
5. Obstructing any administrative investigation;

- G. **ABUSE OF COMPUTER RESOURCES**, which includes but is not limited to:
1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 2. Unauthorized transfer of a file.
 3. Use of another individual's identification or password.
 4. Use of computing resources that a) interferes with the work of another student, faculty member or Academy Official; b) sends obscene or abusive messages; c) interferes with regular operation of the Academy computing system; d) violates copyright laws; or e) violates the Academy policy on Computer Use
- H. **ABUSE OF ACADEMY DISCIPLINARY PROCEDURES**, which includes but is not limited to:
1. Failing to obey the notice from an Academy official or a Student Conduct Board to appear for a meeting or hearing.
 2. Falsifying, distorting or misrepresenting any matter before a Student Conduct Board.
 3. Disrupting or interfering with the orderly conduct of a Student Conduct Board proceeding.
 4. Alleging a Code violation in bad faith.
 5. Attempting to discourage or retaliate against an individual's proper participating in, or use of, this Code.
 6. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, any such Board proceeding.
 7. Harassing (verbal or physical) or intimidating a member of a Student Conduct Board prior to, during, or after a Board proceeding.
 8. Failing to comply with the sanction(s) imposed under this Code.
 9. Influencing or attempting to influence another person to commit an abuse of this Code.
- I. **CONDUCT UNACCEPTABLE**, which means engaging in irresponsible social conduct that reflects discredit upon the student and the Academy community, and does not model good citizenship to any community. Such conduct includes but is not limited to a:
1. Serious breach of conduct regarding personal integrity.
 2. Blatant disregard or disrespect for authority, the rights of others, or the safety of self or others.
 3. Violation of any Academy policy, rule, or regulation, including but not limited to those governing smoking and use of tobacco products.
 4. Violation of any federal, state or local law.
 5. A pattern of lesser conduct that collectively constitutes a major breach of the same.

**ARTICLE VI
PROCEDURES**

A. PROCESS TRACKS

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

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

B. INFORMAL PROCESS

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

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

3. If an Accused Student does not accept responsibility and/or agreed-upon sanction(s), the Dean shall promptly refer the case to a Conduct Panel or Honor Board as appropriate.

C. CONDUCT PANEL MEETINGS

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

1. A Conduct Panel shall consist of the Director and two trained and impartial students selected by the Dean.
2. The Panel shall meet as soon as practicable and in private with the Accused Student; present the Accused Student with the charges and the nature of the evidence; and provide the Accused Student with an opportunity to be heard.
3. Formal rules of process, procedure, and technical or legal rules of evidence, such as are applied in criminal or civil court, are not used in a Conduct Panel Meeting. An audio recording or written summary of the Meeting shall be made. Deliberations shall not be recorded.
4. After conferring with the two Panel students, the Director shall determine based on substantial evidence (a standard of “whether it is more likely than not”) that the Accused Student violated the Code as charged; and, if so, 2) what Level Two Sanction(s), if any, should be imposed.
5. An Accused Student may appeal to the Dean the decision(s) of the Director. The Dean’s decision shall on any such appeal be final.
6. If the Director determines during this Conduct Panel process that there could be misconduct warranting Level One Sanction(s), the Director shall confer with Dean. If the Dean agrees, the Dean shall refer the case for de novo hearing before the Honor Board. Such decisions to refer cases shall not be subject to appeal.
7. If the Director determines during this Conduct Panel process that there could be misconduct warranting action by the Regimental process, the Director shall confer with the Dean and Commandant. If the Dean and Commandant agree, the Dean shall refer the case for a de novo review in the Regimental process. Any such reference decision shall not be subject to appeal.
8. If an Accused Student, with notice, does not appear without a meritorious excuse for a Conduct Panel Meeting, the information in support of the charges shall be presented and a determination made despite the Accused Student’s absence.

D. REGIMENTAL BOARD HEARINGS

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

E. HONOR BOARD HEARINGS

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

1. The Honor Board shall consist of at least three and not more than five impartial and trained members. A Board with three or four members may have one member who is a student, and a Board with five members may have two students who are members; provided that there shall be no members who are students in cases involving allegations of sexual misconduct or other subjects for which privacy is particularly important. The Vice President shall determine the members and Chair of the Honor Board.

2. The typical Honor Board hearing shall proceed as follows:
 - a. The Dean shall schedule an Honor Board hearing as soon as practicable after the Dean has determined that an Honor Board hearing is required, but not fewer than five (5) school days after notice of the date is provided to both the Accused Student and the Complainant(s).
 - b. The Chair shall preside; the Dean will present the charges, information and findings against the Accused Student; the Accused Student will respond to the case presented by the Dean; and the Dean and Accused Student may then each summarize orally their position. An audio recording or written summary of the Hearing shall be made.
 - c. The Accused Student and Complainant(s) who appear as witness(es) have the right to be assisted at the hearing by an advisor they choose. Such advisors:
 1. May privately counsel, but may not speak to the Honor Board or otherwise participate on behalf of, their advisee;
 2. Must be members of the Academy community and may not be an attorney; provided that the advisor may be an attorney in cases where dismissal or substantial suspension is likely, or where criminal charges are pending, but such an attorney shall not be at the Academy's expense;
 3. Are allowed to attend the entire portion of the Honor Board hearing at which information is received (excluding deliberations).
 - a. Admission of any other person to the Honor Board hearing shall be at the discretion of the Chair.
 - b. 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.
 - d. 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.
 - e. 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.
 - f. All procedural questions are subject to the final decision of the Chair.

- g. 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.
 - a. Such deliberations shall not be recorded.
3. The Chair shall inform in writing the Accused Student, and the Complainant(s) to the extent permitted by law, of Honor Board’s decisions.
4. Formal rules of process, procedure, and technical or legal rules of evidence, such as are applied in criminal or civil court, are not used in proceedings in Honor Board hearings.
5. There shall be a record of Honor Board hearings and that record shall be the property of the Academy. Honor Board deliberations shall not be tape recorded.
6. If an Accused Student who has been given notice does not without meritorious excuse appear for an Honor Board hearing, the information in support of the charges shall be presented and the matter determined despite such absence.
7. The Honor Board may accommodate concerns for the personal safety, well-being or fears of confrontation that the Complainant, Accused Student or any other witness may have during the hearing by providing separate facilities, by using a visual screen, or by permitting participation by telephone, video conferencing, videotape, audio tape, written statement or other means as determined in the sole judgment of the Dean to be appropriate.

ARTICLE VII SANCTIONS

A. AUTHORITY

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

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

B. EXAMPLES AND LEVELS OF SANCTIONS

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

1. **LEVEL TWO SANCTIONS** - Level Two Sanctions include but are not limited to the following:
 - a. **Warning:** Written notice to the Accused Student that the Accused Student is violating or has violated this Code.
 - b. **Probation:** Written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Accused Student is found to violate any Academy rules or regulation(s) during the probationary period.
 - c. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
 - d. **Restitution:** Compensation for some or all of the loss, damage or injury that the Accused Student caused. This may take the form of money payment, property replacement or work service requirement.
 - e. **Fines:** Payment of a reasonable specified amount.
 - f. **Education:** Complete an educational assignment.
 - g. **Other Sanctions:** Work assignments, service to the Academy, or other discretionary assignments.
2. **LEVEL ONE SANCTIONS** Level One Sanctions include but are not limited to the following:
 - a. **Residence Hall Suspension:** Separation of the Accused Student from the residence halls for a definite period of time, at the end of which the Accused Student may petition the Dean to return to a residence hall. A timely petition shall be granted provided that (1) there is adequate space available; (2) the student has adequately satisfied all conditions of return previously set by the Academy; and (3) the student has not engaged in other misconduct since the suspension.
 - b. **Residence Hall Dismissal:** Permanent separation of the Accused Student from the residence halls without an opportunity to petition for return without written permission of the Vice President.
 - c. **Academy Suspension:** Separation of the Accused Student from the Academy for a definite period of time, at the end of which the Accused Student may petition the Academy's Readmission Board to return to the Academy. A timely petition shall be granted provided that (1) there is adequate space available; (2) the student has adequately satisfied all conditions of return previously set by the Academy; and (3) the student has not engaged in other misconduct since the suspension.
 - d. **Academy Dismissal:** Permanent separation of the Accused Student from the Academy without an opportunity to petition for return without written permission of the Vice President.
 - e. **Revocation of Admission:** Admission to the Academy may be revoked for fraud, misrepresentation.

- f. **Withholding Degree:** The Academy may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.
 - g. **Revocation of Degree:** A degree awarded from the Academy may be revoked for fraud, misrepresentation, or other violation of Academy standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
3. **SANCTIONS FOR STUDENT ORGANIZATIONS** - Student Organizations may be subject to all of the pertinent sanctions listed in *Section VII (B)* above, as well as loss of certain or all group rights and/or privileges for a definite or permanent period of time.

C. OTHER

The following applies to all sanctions imposed under this Code:

- 1. All sanctions shall be communicated in writing to the Accused Student(s) and Student Organization(s).
- 2. More than one sanction may be imposed for any single violation.
- 3. All decisions on sanctions shall take effect when noted; provided that sanctions, other than interim suspension, may, in the discretion of the Dean, be stayed during any appeal.

**ARTICLE VIII
INTERIM SUSPENSION**

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

**ARTICLE IX
APPEALS**

A. APPEALS FROM THE INFORMAL PROCESS OR CONDUCT PANEL

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

B. APPEALS FROM AN HONOR OR REGIMENTAL BOARD

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

C. APPEALS FROM THE VICE PRESIDENT

An Accused Student may appeal to the Academy President the issue of whether a Vice President's decision to impose a Level One Sanction was excessive. A Complainant may appeal to the Academy President a Vice President's a) findings of no Code violation(s); and/or b) decision to impose no, or a relatively low, sanction.

D. OTHER

The following applies to all appeals filed under this Code:

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

**ARTICLE X
OTHER**

A. NOTICE. The Academy may provide a notice under this Code to a student either in person or to the student's most recent electronic, campus or U.S. mail address on file at the Academy. A student will be deemed to have received such notice 1) immediately when informed in person; 2) within 24 hours when notified by electronic or campus mail; or 3) within 72 hours of the date of mailing when notified by U.S. mail. In all instances a student has an affirmative duty to remain in contact with the Academy while a matter is pending under this Code.

B. ATHLETICS. The provisions of this Code apply to misconduct related to participation in athletics. The procedures of this Code do not, however, apply determinations of whether a student may be a member of, or receive playing time for, an Academy athletic team because the student has engaged in conduct detrimental to the team. Those determinations shall be made by the coach, provided that the affected student may appeal the coach's decision to the Director of Athletics. For purposes of this provision, "conduct detrimental to the team" includes, but is not limited to, conduct that is unsportsmanlike to fans, officials or opposing coaches or players; disruptive to practices and other team events; brings disruption or disrepute to the team through misconduct

or violations of law or Academy policy; or is otherwise contrary to the principles taught through athletic competition, such as reliability, diligence, commitment, teamwork and the willingness to take seriously the duty to represent the Academy honorably during competition.

- C. **PARKING.** A student violation of a rule governing a moving, parked or standing vehicle on property owned, operated or under the control the Academy shall be processed under this Code only if the sanction sought by the Academy is suspension or dismissal from the Academy for the violation(s). In all other cases, the Department of Campus Safety and Security shall provide an informal process that permits a student an opportunity to contest the alleged violation before a person designated by the Department to hear such contests.
- D. **RECORDS.** Other than Academy expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may upon application to the Vice President be expunged of disciplinary actions other than residence hall dismissal, Academy suspension, Academy dismissal, or revocation or withholding of a degree. Cases involving the imposition of sanctions other than these sanctions may be expunged from the student's confidential record in accordance with the Academy's records retention schedule.
- E. **RELATED LEGAL PROCEEDINGS.** Academy disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

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

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

DATE ADOPTED: Approved September 9, 2014

DATE(S) AMENDED: June 9, 2016

APPENDIX E: Drug Free Schools and Campuses Annual Notification

In compliance with the Drug-Free Schools and Communities Act, the Academy has implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The Program includes annual distribution of information to students and employees concerning the possession, use, or distribution of alcohol and illicit drugs at the college.

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

The Annual Security Report, mandated as part of the Clery Act, includes the MMA Drug and Alcohol policies and is emailed at the end of September to all students and employees.

Students are advised of the Academy's Alcohol and Drug Policies during New Student Orientation and are directed to the policy section of the portal for further information.

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

Policy

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

For Student Disciplinary Actions: Dean of Student Services

For Employee Disciplinary Actions: Human Resources

Enforcement

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

Students

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

Employees

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

Education

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

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

Intervention and Support Services

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

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

Medical Marijuana

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

Federal Funds and Grants and Drug Convictions

Organizations receiving federal grants and contracts, which MMA does, are required to ensure that their workplaces are free from illegal use, possession, manufacture, or distribution of controlled substances. The law requires employers who receive federal funds to: notify employees that drug abuse is prohibited in the workplace, establish a drug-free awareness program, require each employee to notify the Academy of any criminal conviction for violations occurring in the workplace, and impose sanctions or remedial actions for convicted employees. As a result of the Anti-Drug Abuse Act of 1988, a court of law may suspend or terminate an individual's eligibility for federal benefits, including student financial

assistance, if that individual is convicted of certain drug offenses. The Drug Free Workplace Act requires you to notify your supervisor if you are convicted of any workplace-related criminal drug violation. You must notify your supervisor within five (5) calendar days after the conviction. Failure to report a conviction may be grounds for dismissal. Grantees, whether the Academy or individuals, must report in writing to the contracting or granting agency within ten (10) calendar days of receiving notice of the conviction.

Maine Alcohol Laws and Consequences

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

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

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

Illegal sale of liquor :

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

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

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

Penalties for first convictions are:

With a blood-alcohol content from .08 to .14 percent: a fine of at least \$400, and loss of license for at least 90 days

However, if blood-alcohol content is .15 percent or more, the individual is traveling 30 m.p.h. or more over the speed limit, attempts to elude a law officer, or has a passenger in the vehicle who is under 21 years of age penalties increase follows: a fine of at least \$400, and at least 48 hours in jail, and loss of license for at least 90 days

If you refuse to submit to a blood test: a fine of at least \$500, at least 96 hours in jail, and loss of license for at least 90 days

Penalties for subsequent convictions are more severe.

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

Special Liquor Laws Relating to Minors

Illegal Possession of Liquor

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

- **1st offense**, \$200 to \$400
- **2nd offense**, \$300 to \$600

- **3rd and subsequent offense, \$600**

Teen Drinking and Driving Laws

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

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

Maine Drug Laws

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

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

Furnishing means giving drugs to another, regardless of profit

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

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

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

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

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

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

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

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

** The court may order any person convicted of possession, furnishing, or trafficking to pay a fine in an amount up to twice the pecuniary gain he/she derived from the crime or to pay a fine equal to the value, as of the time of the offense, of the drugs involved in the offense.

*** Please note that the state of Maine had not yet completed the process of updating penalties for possession of marijuana after the passage of a voter referendum decriminalizing the use of small amounts of marijuana and this report was provided to the community during the reporting year of 2016. A new notice will be sent to the MMA community once the penalties are finalized.

NOTE: State law allows for forfeiture of motor vehicles used in the commission of drug-related crimes.

Federal Drug Offenses

The criminal offenses most commonly charged under the Federal Controlled Substances Act involve the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance, or the possession of any controlled substance with the intent to manufacture, distribute, or dispense. Federal law also prohibits the knowing, intentional, and unauthorized creation, distribution, dispensing, or possession with intent to distribute or dispense a “counterfeit substance.”

Simple possession without necessarily an intent to distribute is also forbidden by federal law and carries a penalty of imprisonment or a minimum \$1,000 fine. Furthermore, “attempts” and/or conspiracies to distribute or possess with intent to distribute controlled substances are crimes under federal law.

Specific drug crimes carry greater penalties, including:

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

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

With the exception of simple possession charges which result in up to one year imprisonment and/or a fine, maximum penalties for narcotic violations range from 20 years to life in prison. Certain violations carry mandatory minimum prison sentences of either 5 years or 10 years. Harsher penalties will be imposed if a firearm is used in the commission of a drug offense. If a drug offense results in death or serious bodily injury to an individual who uses the drug involved the penalties are also more harsh.

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

Health Risks Associated with Alcohol and Drug Abuse

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

Alcohol

- Slowing down of brain function, judgment, alertness, coordination, and reflexes
- Attitude and/or behavioral changes or increased risk taking
- Alcohol combined with other drugs can intensify the drug's effects, alter the desired effect of the drug, cause nausea, sweating, severe headache, and convulsions
- Addiction or chemical dependency
- Memory blackouts
- Physical problems such as cirrhosis of the liver
- Birth defects and cognitive damage in user's offspring

Steroids

- Liver disease, cancer, bone fusion
- Growth problems, testicular atrophy, breast reduction, failure of secondary sex characteristics
- Psychological problems including rage and uncontrolled anger
- HIV
- Sexual dysfunction, sterility (reversible), impotence
- Fetal damage

Marijuana

- Elevated blood pressure, coughing, dryness of the mouth and throat, decrease in body temperature, sudden appetite, swollen red eyes
- Panic reaction, paranoia
- Distortions of time, reality, and perception, often impairing short-term memory

- Possible addiction
- Dysfunctions related to thinking, learning, and recall
- Impaired ability to drive and do other things that require physical and intellectual capabilities
- Irritate lungs, aggravate asthma, bronchitis, emphysema
- Listlessness, fatigue, inattention, , withdrawal, and apathy
- Chronic lung disease and lung cancer

Cocaine

- Sudden death, cardiac arrhythmia, convulsions, seizures, suppression of respiration, stroke
- Diseases of the lung, heart, kidney and blood vessels
- Intense anger, restlessness, paranoia, fear
- Hearing and seeing imaginary things
- Malnutrition

LSD

- Experiencing frightening hallucinations
- Exacerbating pre-existing mental health issues
- Distortions of reality such as feeling that the unusual and somehow frightening effects of the drug will somehow last forever
- Growing tolerance with repeated use encourages increased use
- Effects may recur (“flashbacks”) days or weeks later, even without further use of LSD
- Death may result from suicide or accident

Heroin

- Death from overdose
- Addiction with severe withdrawal symptoms
- Drowsiness, clouding of mental process, apathy, slowing of reflexes and physical activity
- Infection, hepatitis, or HIV

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

Students: Dean of Student Services, Deidra Davis at deidra.davis@mma.edu or 326-2138

Employees: Director of Human Resources, Carrie Margrave at carrie.margrave@mma.edu or 326-0265

The annual notification also includes the policies included in Appendix A.

APPENDIX F: Emergency Response Guidelines

EMERGENCY RESPONSE GUIDELINES

mainemaritime.edu/campus-safety | 207-326-2479



ACTIVE THREAT/ SHOOTER

RUN: If you can safely leave the building, run.

HIDE: If you cannot safely leave, find a safe place to hide.

FIGHT: If you cannot leave the building safely or cannot hide, be prepared to fight for your life.



BOMB THREAT/ SUSPICIOUS PACKAGE

IF A BOMB THREAT IS RECEIVED:

- Remain calm, and attempt to keep the caller on the phone as long as possible.
- If your phone has caller ID, record the number displayed.
- After the call is complete, immediately contact Campus Safety at x2479.
- Provide for an orderly evacuation if ordered by emergency personnel.
- Turn off cell phones and other radio transmitting equipment in the area.

- **DO NOT** operate any power switch or light switch.
- **DO NOT** use elevators.
- **DO NOT** congregate in the building lobby.
- **DO NOT** reenter the building until instructed to do so by the proper authorities.

IF YOU DISCOVER OR RECEIVE A SUSPICIOUS LETTER OR PACKAGE:

- **DO NOT** attempt to open it.
- **DO NOT** handle, shake, or move the package.
- Avoid radio or cell phone use in close proximity.
- Immediately contact **Campus Safety at x2479**.



FIRE

ACTIVATE the nearest pull station to engage the building fire alarm system.

RESCUE anyone in the immediate danger area if you can safely do so.

CONFINE the fire by closing doors to the fire scene and securing potentially dangerous substances and/or equipment.

EVACUATE the building by the nearest or alternate exit if possible. If you are not able to evacuate or you are a person with special needs, go to the nearest stairwell if you can.



EVACUATION - GET OUT!

PULL THE MANUAL FIRE ALARM to prompt a response for others to evacuate.

EVACUATE the building as quickly as possible and go to the Building Rally Point (Get Out!).

DO NOT USE ELEVATORS nor reenter the building until authorized emergency personnel give the "all clear" signal.

ASSIST THOSE WHO NEED HELP but carefully consider whether you may put yourself at risk. Alert authorities to those who may need assistance or any missing or trapped persons.

IF YOU ARE NOT ABLE TO EVACUATE OR YOU ARE A PERSON WITH SPECIAL NEEDS go to nearest stairwell if you can. If conditions deteriorate, move into the stair landing or area adjacent to the stairwell if the stair landing is already full.



SHELTER IN PLACE - STAY IN!

SECURITY THREAT

- If you cannot safely evacuate, find a secure area within your building to stay and await further information.
- Assist those who need help, but carefully consider whether you may put yourself at risk.
- Once within a safe place, attempt to secure the space (i.e. lock doors, close windows/blinds).
- If unable to lock the door, secure it by any means possible.
- Remain quiet, unless making noise would be beneficial to your safety.

- **DO NOT** open the door until a **KNOWN** law enforcement officer advises it is safe to do so or some other credible information, such as an E2 Campus emergency notification, is received advising the threat is over.

SEVERE WEATHER

- If you are outside, proceed to the nearest protective building.
- If sheltering-in-place due to severe weather, proceed to the lowest, most interior area of the building away from windows or hazardous equipment or materials.

Nothing contained within these guidelines should replace your common-sense ability to adapt and react to a changing situation and the specific threat presented. The elements of this situational awareness material are intended as suggested actions. Only follow these actions if safe to do so.

MAINE MARITIME ACADEMY