

MAINE MARITIME  
ACADEMY

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# **2021** ANNUAL CAMPUS SAFETY AND FIRE SAFETY REPORT **(CLERY REPORT)**

Reporting Statistics for Calendar Years 2018-2020

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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, 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

Access control

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 Town of Bucksport, 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,



Director of Campus Safety and Facilities Management 207-326-2181

[peter.stewart@mma.edu](mailto: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. 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 local law enforcement 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. Campus Safety also monitors the Center for Professional Mariner Development in Bucksport via patrols, cameras, and access control.

## **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 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 who has responsibility for campus safety, or who has significant responsibilities for students

and campus activities but who does 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 health and counseling centers regarding confidential reports of 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 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 2018-2020 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 2020 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 1<sup>st</sup>. This report is maintained on the Maine Maritime Academy website at <http://mainemaritime.edu/campus-safety/clery/> and hard copies are available upon request to the Campus Safety Department in Windlass House. All current and prospective employees may request a hard copy through Human Resources in Leavitt 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 INCIDENTS OF SEXUAL MISCONDUCT AND DOMESTIC VIOLENCE/STALKING on page 11. An anonymous reporting form is available on the MMA website at <https://mainemaritime.edu/campus-safety/sexual-harassment-misconduct-and-title-ix/>

#### *Reporting Suspicious Activity*

Please report any suspicious activity to the Campus Safety department immediately.

#### *Daily Crime Log*

The Campus Safety Department maintains a Daily Crime Log that records the date the incident was reported, all crimes and other serious incidents that occur on campus, in a non-campus building or 7 property, or on public property. The Daily Crime Log is available for public inspection at Windlass House during regular business hours. The Daily Crime Log includes the nature, date, time, and general location of each crime reported to the office. The office posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from the log under certain circumstances.

### **FIREARMS**

Maine Maritime Academy recognizes the recommendation of law enforcement that ready access to firearms or other deadly weapons by a person in distress contributes significantly to the likelihood of violence. The Academy also recognizes the dangers posed by the accidental or careless discharge of a firearm on property owned, operated or occupied by the Academy.

Consistent with 20-A M.R.S.A. §10009, and unless otherwise provided by law or this policy, no person may possess or use a firearm or other weapon on property owned, operated or occupied by the Academy. This prohibition includes residence halls and motor vehicles parked on such property. Pursuant to 20-A M.R.S.A. §10009, this prohibition also includes any concealed weapon. Persons who violate this policy may be subject to removal, discipline and/or other lawful remedies.

This policy shall not apply to law enforcement officials, and to supervised educational programs, such as drill team, expressly approved in advance by the Academy Administration. In addition, hunting weapons may be possessed and used in accordance with Maine hunting regulations during hunting season on the Academy's Penobscot property. The limited exceptions and permissions are described in Policy 609 in Appendix H.

## **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 a 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 Omnilert) 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>. Omnilert alerts are additionally displayed on all pages of [mainemaritime.edu](http://mainemaritime.edu), [my.mma.edu](http://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](http://www.mainemaritime.edu)

In the event of an emergency on campus, the college emergency website will be activated and can be accessed at: <https://mainemaritime.edu/campus-safety/emergency/>

Local area radio and television stations 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. During 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.

Proximity card readers have been installed at the entrance to each campus building. All campus buildings, with the exception of Dismukes, Leavitt and Quick halls, are locked and require a MMA ID for entrance. Dismukes, Leavitt and Quick halls house offices which are open to the public and are unlocked during business hours for access. 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. 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.

Proximity card readers and door-prop alarms have been installed 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.

The Maine Maritime Academy Waterfront Campus and dock are 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 changes in Maine state law regarding marijuana possession, 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. During Parent Orientation, offered in person and virtually in the summer of 2021, 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](mailto:deidra.davis@mma.edu).

The MMA policies regarding Drugs and Alcohol are posted on the portal and are distributed annually to

each staff member and student as follows:

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.

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.

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 policies 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 –

Voluntary agreement;

Communicated by words;

At the time of the sexual activity;

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 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 the on-line SAPU (Sexual Assault Prevention for Undergraduates) program offered by EverFi and discuss sexual assault response and prevention with the Dean of Student Services and VP for Student Affairs during the first month of either the First Year Experience class or Personal Development class (required for first year students) – 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. A session during Parent Orientation in the summer (offered in-person and virtually in 2021) 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. Resident assistants and student leaders in the regiment of midshipmen participate in annual pre-service training on sexual assault and domestic violence prevention and response facilitated by the Title IX Coordinator and representatives from AMHC, the local advocacy and support agency in Hancock County.

New employees participate in a training session with the Title IX Coordinator or view an informational video.

The MMA policies prohibiting Sexual Misconduct, including Domestic Violence and Stalking, are included in Appendix B and describe in detail procedures for filing a grievance and the investigation and judicial procedures the Academy will undertake upon receipt of a grievance. MMA is committed to conducting a trauma-informed investigation and Honor Board members assigned to cases involving sexual misconduct participate in additional trauma-informed training. The policies were updated in the summer of 2020 to reflect new Title IX regulations issued by the Department of Education. 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. Posters detailing options for resolution of Title IX and other sexual misconduct or domestic violence cases are displayed around campus and the MMA.edu website was updated to provide more clear information about sexual assault/domestic violence response and prevention during the 20/21 academic year - <https://mainemaritime.edu/campus-safety/sexual-harassment-misconduct-and-title-ix/>

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. Students may also file a report of sexual harassment or sexual assault using the Anonymous Reporting Form on the Academy website here: <https://mainemaritime.edu/campus-safety/sexual-harassment-misconduct-and-title-ix/> Options are available to either file the report anonymously or provide contact information for follow-up.

#### *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 policies prohibiting sexual misconduct describe the procedures the Academy will use when investigating a complaint regarding violations of this policy and policies prohibiting domestic violence and stalking. Separate procedures outline how complaints will be addressed depending whether the complaint is considered a violation of Title IX of the Higher Education Reauthorization Act, according to the new regulations, or if the complaint is a violation of MMA policies and the Honor Code of Conduct and Responsibilities. The policies and procedures are included in Appendix B.

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 institution 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 supportive measures. The institution must make such accommodations or provide such supportive 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. Supportive measures are individualized, non-disciplinary services offered as appropriate and as reasonably available, without fee or charge. The measures are designed to restore or preserve equal access to an educational program or activity without unreasonably burdening the other party. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus. The Academy shall maintain confidentiality for the complainant and respondent when providing any supportive measures that they receive, to the extent possible. The Title IX Coordinator implements and monitors the supportive measures.

### **CULTURE OF RESPECT INITIATIVE**

In 2020, MMA applied for and was accepted into NASPA's Culture of Respect Collective. This ambitious two-year program is dedicated to ending sexual misconduct on college campuses. As the first maritime college to participate in this innovative program, we are proud to join a cohort of institutions around the country that are seeking to create meaningful change.

The Culture of Respect program will guide a committee of MMA students, faculty, and staff through a

self-assessment process designed to create a positive shift in our campus culture. The committee will undertake this work as part of a national cohort. Each diverse cohort relies on an expert-developed public health framework, cross-campus collaboration, and peer-led learning to make meaningful programmatic and policy changes. Participating institutions receive strategic support and technical assistance throughout the process, as well as detailed documentation of campus-initiated changes that support survivors, prevent sexual violence, and communicate that violence is unacceptable.

## **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 Omnilert 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, and, if applicable, Health and Counseling Services. The team is activated for 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 Omnilert notifications.

Both announced and unannounced tests are conducted semi-annually. The Omnilert 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 County 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 (Omnilert), 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 Health Services                                       | 207-326-2295 or x2295 (business hours) |
| Title IX Coordinator – Elizabeth True                         | 207-326-2659 or x2659(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                                      |
| Bucksport Police Department     | 911 (207-469-7951 – Non-Emergency Phone) |

|  |                |
|--|----------------|
| Poison Control                                     | 1-800-222-1222 |
| AMHC/MECASA (Statewide Sexual Assault Crisis Line) | 1-800-871-7741 |
| Maine HIV info                                     | 1-800-232-4636 |
| National Suicide Prevention Lifeline               | 1-800-273-8255 |

## **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; that person reports the pertinent facts to the Maine Maritime Academy Campus Safety department; 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 raises 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: Procedure for designation of emergency contact information*

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. Students update their emergency contact information each year via their housing application. For mid-year changes, an "Update to Emergency Contact Information" form is available to students to complete in "Campus Forms" at [mystudentlife.mma.edu](http://mystudentlife.mma.edu).

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*

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.

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.

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 communication 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 Manager of Institutional Communication to provide information to the media that is designed to obtain public assistance in the search for any missing student. This coordination will ensure 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, with the exception of Title IX violations which are described in Policy 201.2 in Appendix B. The resolution of a Title IX complaint of sexual harassment may be referred to a decision-maker if an informal resolution is not agreed to by both parties. Complaints involving employees of the academy cannot be resolved through the informal resolution process.

However, all other violations are adjudicated according to the Student Honor Code of Conduct and Responsibilities, 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 Policies 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 | # 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             | 1*                                       |

\*Additional evacuation drills are conducted on the ship in preparation for and during the summer training cruise when the ship is categorized as a non-campus property.

### **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 (offered in-person and virtually in 2021), 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. 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 SAPU, a program designed to educate students about sexual assault prevention, domestic violence, bystander intervention, and Title IX requirements.

During the year Campus Safety and Residence Life do programs in Curtis Hall and the Commons. “Lock it or Lose it” shows what can happen when a door is left unlocked. “Meet the Campus Safety Officer” is a program designed to create a better rapport between the officers and students. While these programs did not happen in the 20/21 Academic Year due to the pandemic, they will be reinstituted in fall of 2021. Additionally, officers go into classrooms and conduct trainings on emergency situations.

New employees participate in a training on emergency procedures, crime reporting, Clery and prevention

and response to sexual misconduct, and how these apply to their work with students. CSAs are trained annually on Clery and Title IX reporting requirements.

The First Year Experience seminar is required for all new students not involved in the Regiment of Midshipmen, who already have a required seminar called Personal Development. Workshops are offered in both seminars on Upstander Training (a different take on required bystander training) as well as healthy relationships and domestic violence prevention.

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 2020, including topics related to healthy relationships and consent, responsible drinking, OUI and bystander intervention 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.

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.

*Student Health 101 article examples:*

| ARTICLE  | DATE       |
|--|------------|
| <a href="#">What is the Title IX office and how can it help me?</a>                  | 2/5/2020   |
| <a href="#">#EachForEqual is trending now...here's why</a>                           | 3/4/2020   |
| <a href="#">Want to help protect against sexual assault? Make respect the norm</a>   | 4/8/2020   |
| <a href="#">How healthy is your relationship? Take the quiz</a>                      | 6/17/2020  |
| <a href="#">Why reporting sexual assault is a complex and personal decision</a>      | 6/24/2020  |
| <a href="#">5 steps to help stop sexual harassment and assault in your community</a> | 12/30/2020 |
|  |            |

*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.

Training on hazing and harassment identification and prevention training for the student training staff who work with new students in the regiment.

### *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 Academic Orientation (presented virtually in 2021), 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 to 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 catalog, are designed to support community values of respect, self-discipline, accountability, and responsibility to the college, local, and state communities. During the First Year Seminar and Personal Development classes, new students are informed of the honor code and the accompanying Mariners' Motto, shown here:



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

## CLERY ACT CRIME STATISTICS 2018-2020

### CLERY ACT CRIME STATISTICS 2020

| OFFENSE                                     | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|---|------|--------------------|--------------------------------------|---------------------|-----------------|
| Murder/Non-Negligent Manslaughter           | 2020 | 0                  | 0                                    | 0                   | 0               |
| Negligent Manslaughter                      | 2020 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – forcible: Rape               | 2020 | 1                  | 1                                    | 0                   | 0               |
| Sex Offenses – forcible: Fondling           | 2020 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – non-forcible: Incest         | 2020 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – non-forcible: Statutory Rape | 2020 | 0                  | 0                                    | 0                   | 0               |
| Robbery                                     | 2020 | 0                  | 0                                    | 0                   | 0               |
| Aggravated Assault                          | 2020 | 0                  | 0                                    | 0                   | 0               |
| Burglary                                    | 2020 | 0                  | 0                                    | 0                   | 0               |
| Motor Vehicle Theft                         | 2020 | 0                  | 0                                    | 0                   | 0               |
| Arson                                       | 2020 | 0                  | 0                                    | 0                   | 0               |

#### VAWA Offenses 2020

| OFFENSE           | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Domestic Violence | 2020 | 0                  | 0                                    | 0                   | 0               |
| Dating Violence   | 2020 | 0                  | 0                                    | 0                   | 0               |
| Stalking          | 2020 | 0                  | 0                                    | 0                   | 0               |

#### Arrests 2020

| OFFENSE               | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Weapons               | 2020 | 0                  | 0                                    | 0                   | 0               |
| Drug Abuse Violations | 2020 | 0                  | 0                                    | 0                   | 0               |
| Liquor Law violations | 2020 | 0                  | 0                                    | 0                   | 0               |

#### Disciplinary Actions 2019

| OFFENSE               | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Weapons               | 2020 | 0                  | 0                                    | 0                   | 0               |
| Drug Abuse Violations | 2020 | 0                  | 0                                    | 0                   | 0               |

|                       |      |    |    |   |   |
|-----------------------|------|----|----|---|---|
| Liquor Law violations | 2020 | 24 | 24 | 0 | 0 |
|-----------------------|------|----|----|---|---|

#### CLERY ACT CRIME STATISTICS 2019

| OFFENSE                                     | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|---|------|--------------------|--------------------------------------|---------------------|-----------------|
| Murder/Non-Negligent Manslaughter           | 2019 | 0                  | 0                                    | 0                   | 0               |
| Negligent Manslaughter                      | 2019 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – forcible: Rape               | 2019 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – forcible: Fondling           | 2019 | 2                  | 2                                    | 0                   | 0               |
| Sex Offenses – non-forcible: Incest         | 2019 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – non-forcible: Statutory Rape | 2019 | 0                  | 0                                    | 0                   | 0               |
| Robbery                                     | 2019 | 0                  | 0                                    | 0                   | 0               |
| Aggravated Assault                          | 2019 | 0                  | 0                                    | 0                   | 0               |
| Burglary                                    | 2019 | 0                  | 0                                    | 0                   | 0               |
| Motor Vehicle Theft                         | 2019 | 0                  | 0                                    | 0                   | 0               |
| Arson                                       | 2019 | 0                  | 0                                    | 0                   | 0               |

#### VAWA Offenses 2019

| OFFENSE           | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Domestic Violence | 2019 | 0                  | 0                                    | 0                   | 0               |
| Dating Violence   | 2019 | 0                  | 0                                    | 0                   | 0               |
| Stalking          | 2019 | 1                  | 1                                    | 0                   | 0               |

#### Arrests 2019

| OFFENSE               | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Weapons               | 2019 | 0                  | 0                                    | 0                   | 0               |
| Drug Abuse Violations | 2019 | 0                  | 0                                    | 0                   | 0               |
| Liquor Law violations | 2019 | 0                  | 0                                    | 0                   | 0               |

#### Disciplinary Actions 2019

| OFFENSE               | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Weapons               | 2019 | 0                  | 0                                    | 0                   | 0               |
| Drug Abuse Violations | 2019 | 0                  | 0                                    | 0                   | 0               |

|                              |      |    |    |   |   |
|------------------------------|------|----|----|---|---|
| <b>Liquor Law violations</b> | 2019 | 45 | 45 | 0 | 0 |
|------------------------------|------|----|----|---|---|



# CLERY ACT CRIME STATISTICS 2018

| OFFENSE                                     | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|---|------|--------------------|--------------------------------------|---------------------|-----------------|
| Murder/Non-Negligent Manslaughter           | 2018 | 0                  | 0                                    | 0                   | 0               |
| Negligent Manslaughter                      | 2018 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – forcible: Rape               | 2018 | 1                  | 1                                    | 0                   | 0               |
| Sex Offenses – forcible: Fondling           | 2018 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – non-forcible: Incest         | 2018 | 0                  | 0                                    | 0                   | 0               |
| Sex Offenses – non-forcible: Statutory Rape | 2018 | 0                  | 0                                    | 0                   | 0               |
| Robbery                                     | 2018 | 0                  | 0                                    | 0                   | 0               |
| Aggravated Assault                          | 2018 | 0                  | 0                                    | 0                   | 0               |
| Burglary                                    | 2018 | 0                  | 0                                    | 0                   | 0               |
| Motor Vehicle Theft                         | 2018 | 0                  | 0                                    | 0                   | 0               |
| Arson                                       | 2018 | 0                  | 0                                    | 0                   | 0               |

## VAWA Offenses 2018

| OFFENSE           | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Domestic Violence | 2018 | 0                  | 0                                    | 0                   | 0               |
| Dating Violence   | 2018 | 0                  | 0                                    | 0                   | 0               |
| Stalking          | 2018 | 0                  | 0                                    | 0                   | 0               |

## Arrests 2018

| OFFENSE               | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Weapons               | 2018 | 0                  | 0                                    | 0                   | 0               |
| Drug Abuse Violations | 2018 | 0                  | 0                                    | 0                   | 0               |
| Liquor Law violations | 2018 | 0                  | 0                                    | 0                   | 0               |

## Disciplinary Action 2018

| OFFENSE               | Year | On-Campus Property | On-Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Weapons               | 2018 | 0                  | 0                                    | 0                   | 0               |
| Drug Abuse Violations | 2018 | 0                  | 0                                    | 0                   | 0               |
| Liquor Law violations | 2018 | 27                 | 27                                   | 9                   | 0               |

## HATE CRIMES 2018-2020

No Hate Crimes were reported in the calendar years 2018-2020.

## FIRE SAFETY STATISTICS 2018-2020

The data presented in the following tables summarizes the reported fires that occurred in the MMA residential housing facilities from January 2018 – December 2020. The Department of Campus Safety maintains a fire log that is accessible by the public upon request.

**There were no reported fires that occurred in the MMA residential housing facilities in the calendar years 2019 or 2020.**

**Reported fires that occurred in MMA residential housing facilities January 2018-December 2018**

| Date Fire Reported | Incident Number | Nature of the Fire | Date of Fire | Time of Fire | General Location of the fire |
|--------------------|-----------------|--------------------|--------------|--------------|------------------------------|
| 9/21/18            | SR-531          | Cooking Fire       | 9/21/18      | 1227         | Graduate Commons             |

## CRIME DEFINITIONS

### GENERAL DEFINITIONS

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

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

- 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.
- 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.
- Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 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***
- ***Robbery***
- ***Aggravated Assault***
- ***Burglary***
- ***Motor Vehicle Theft***
- ***Arson***

#### **VIOLENCE AGAINST WOMEN ACT OFFENSES**

1. ***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. The existence of such a relationship is determined based on the following factors: The dating relationship must have existed within the past six months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; AND
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous

basis during the course of the relationship.

**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 include the Center for Professional Mariner Development in Bucksport and the Training Ship State of Maine when she 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 buildings 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 MAPS

## Main Campus Map

Castine, Maine 04420 | 800-464-6565 | [mainemaritime.edu](http://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.



## LOCATION KEY

### Main Campus

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

### Waterfront Campus

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



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## APPENDIX A: Alcohol and Drug Policies

### MAINE MARITIME ACADEMY

#### HEALTH AND SAFETY

#### Section 607

**SUBJECT:** ALCOHOL

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

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#### A. Introduction

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

#### B. Dangers

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

#### C. Support Resources

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

#### D. Application

This policy governs the possession and consumption of alcohol by all students, employees, visitors and all

persons while on Academy premises or at Academy events.

#### **E. Definitions**

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

1. "Academy events" means any activity or function authorized or hosted by the Academy regardless of whether such activity or function occurs on property owned by the Academy property.
2. "Academy premises" means all means 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 E* below;
- c) Be intoxicated or under the influence of alcohol as exhibited by impaired functioning, disruptive or belligerent conduct, non-responsiveness to directions from public or Academy officials, or other evidence of impaired functioning;
- d) Possess or consume alcohol at campus athletic events or on any vessel;
- e) Operate a vehicle on or near Academy property or an Academy vessel while under the influence or intoxicated;
- f) Present false identification, either written or oral, in order to obtain alcohol;

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

## 2. Additional Rules

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

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

- (2) While operating any vessel and the effect of the intoxicant is apparent by observation;
- (3) While possessing or using alcohol; or
- (4) Within four (4) hours after using alcohol.

In addition, a crew member shall not refuse to submit to an alcohol test and using 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;
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; and
6. By non-student guests staying overnight in Curtis or Leavitt Hall, provided that such guests comply with all pertinent provisions of this policy, particularly those regarding orderly conduct.

#### **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. Any person who violates 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.

To encourage students who believe that they are victims of or witnesses to sexual misconduct to report such misconduct, the Academy reserves the right not to seek discipline of such students for alcohol violations surrounding the reported misconduct that are disclosed by their report or disclosed during a related investigation.

#### **J. Laws**

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

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

DATE ADOPTED: September 9, 2014

DATE(S) AMENDED: June 12, 2015; August 31, 2021

## MAINE MARITIME ACADEMY

### HEALTH AND SAFETY Section 608

#### SUBJECT: DRUGS

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

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##### A. Introduction

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

##### B. Definitions

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

**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 207-287-2595. 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.

#### **J. Penalties for Violations**

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

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

DATE ADOPTED: Approved on September 9, 2014



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

### MAINE MARITIME ACADEMY

HEALTH AND SAFETY  
Section 604

SUBJECT: STUDENT SEXUAL MISCONDUCT AND ASSAULT, STALKING, AND RELATIONSHIP  
VIOLENCE

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PURPOSE: To define and proscribe non-consensual activities, stalking, dating violence and  
domestic violence not governed by Title IX

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#### A. Introduction

This procedure governs acts by students of nonconsensual sexual conduct, dating and domestic violence and stalking that do not fall within the scope of Title IX of the Education Amendments of 1972. Such acts within the scope of Title IX are governed by Maine Maritime Academy Procedure 201.2. This procedure supplements the MMA Student Honor Code of Conduct and Responsibilities ("Code") by defining the prohibited acts of non-consensual sexual conduct, dating and domestic violence, and stalking governed by this procedure; explaining the procedures that will apply to the handling of such alleged violations; and providing important additional information to all students. The definitions of prohibited conduct governed by this procedure reflect Maine law where applicable and may differ from the federal definitions required in Procedure 201.2.

#### B. Definitions

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

1. **"Reliable Consent"** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words and/or actions, as long as those words and/or actions create clear permission regarding willingness to engage in the sexual activity at the time of the activity. Mere acquiescence to the sexual activity shall not be regarded as reliable consent.  
Reliable consent has been obtained when a reasonable person in the Respondent's position would understand through words and/or actions that the person has voluntarily agreed to the sexual activity, at the time of the activity. 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. Agreement from a person who is visibly under the influence of alcohol or drugs or otherwise impaired shall not be regarded as reliable consent.
2. **"Acquiescence"** means a person's submission to engaging in one or more sexual activities without communicating either reliable consent 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; 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, or
- c. **"Sexual act,"** which means any intentional act when that act involves direct physical contact between the:
  - 1) Genitals of one and the mouth or anus of another; or
  - 2) Genitals of one and the genitals of another; or
  - 3) Genitals or anus of one and an instrument or device manipulated by another person.
- 4. **"Sexual assault"** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:
  - a. Expressly communicated by words or physical act(s) a timely objection; or
  - b. Was visibly intoxicated or otherwise visibly impaired; or
  - c. Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
  - d. Was placed in reasonable fear of physical injury or other harm because of the Respondent's use or threatened use of physical force or other harm.
- 5. **"Dating Violence"** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. the length of the relationship;
  - b. the type of relationship; and,
  - c. the frequency of interaction between the persons involved in the relationship.
- 6. **"Domestic Violence"** means one of the following criminal acts against a family or household member:
  - a. Assault- intentionally, knowing or recklessly causing bodily injury or offensive physical contact;
  - b. Criminal threatening- intentionally or knowingly placing a person in fear of imminent bodily injury;
  - c. Criminal terrorizing- communicating a threat of violence that places a person in fear for their safety or the safety of another;
  - d. Reckless conduct-recklessly creating a substantial risk of bodily injury to another person;
  - e. Stalking-intentionally or knowingly engaging in a course of conduct directed at or concerning a family or household member that would cause a reasonable person to: i) suffer serious inconvenience or emotional distress, ii) fear death or fear death of a close relation, iii) fear damage or destruction to or tampering with property, or iv) fear injury to or the death of an animal owned by or in the possession and control of that person

7. **"Stalking"** means the conduct described in subsection 6.e, but the conduct may be directed at or concerning any person.
8. **"Complainant"** means a person who believes he or she experienced sexual misconduct or assault by student.
9. **"Respondent"** means a student accused of sexual misconduct or assault.
10. **"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.

### C. Prohibited Conduct

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

### D. Reports to the Academy

1. **When to Report.** Students are advised to report allegations of sexual misconduct or sexual assault, stalking, dating violence or domestic violence immediately or as soon as possible.
2. **Where to Report.** Reports should be given to the Title IX Coordinator. Any other employee who receives such a report shall immediately share the report with the Title IX Coordinator. The Title IX Coordinator will determine whether the conduct is governed by this procedure or by MMA Procedure 202.2 (Title IX Sexual Harassment Procedure).
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 complained of conduct, and the location(s), date(s) and description of the alleged acts. The Academy cannot take complaints "off the record." Once MMA 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. **False Reports.** It is a violation of the Code for any student to intentionally file a report of any kind with an Academy official when the student knows that such report, by fabrication or material embellishment, is false.

#### **E. Information Provided to a Complaint at the Time of a Report**

At the time of a report to the Title IX Coordinator, the Academy shall provide to the Complainant a copy, or hypertext links to copies, of the Code, this Procedure and the Appendices to this Procedure. The Respondent shall receive copies or hypertext links upon notification of the allegation(s). Students are hereby advised of the following:

1. **Preserving Evidence.** It is important to preserve all evidence, including but not limited to physical evidence, text messages, social media, photographs, and security video in any way related to an allegation of sexual assault or misconduct, stalking, domestic violence, dating violence, retaliation, or request for 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 reports of alleged violations, 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. MMA will be required to disclose the Complainant's name, statements and allegations to the Respondent. MMA 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, Health and Mental Health Services.** Counseling, health and mental health support services are available on campus and/or in the area and both the Respondent and the Complainant shall be provided with information to access available services. A list of such services is attached in the *Appendix* to this procedure.
4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, the police. 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.
5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available. A list of such services is attached in the *Appendix*.
6. **Financial Aid and Visa and Immigration Assistance.** Information regarding student financial aid issues may be obtained from the Academy's Financial Aid Office. International students may obtain information regarding visa and immigration issues from the Academy's Designated School Official.

#### **F. Investigations**

The Academy shall use the Code in conducting an investigation of reports or allegations of conduct within the scope of this procedure.

#### **G. Interim Steps While and Investigation is Conducted**

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

#### **H. Participation during Proceedings**

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.

#### **I. 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.

#### **J. Discipline**

A violation of this procedure shall result in discipline under the Code. With regard to cases involving sexual conduct, because of the wide range of conduct that exists between cases of violent assault and cases of sexual contact resulting from poor communication, the following guidelines shall assist MMA 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 student did not obtain reliable consent 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 student was previously found responsible for sexual misconduct or sexual assault shall be regarded as more severe than a first-offender.

#### **K. Retaliation**

The Academy will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under this procedure 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 D* above.

**L. 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 security, have the authority to enforce such an order by arresting a person who violates the order. The Complainant should, therefore, promptly inform the Academy if such an order is obtained so that the Academy may be better prepared to more promptly contact the police if necessary.

**M. 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 procedure. They shall ensure that Residence Life staff, Honor Board Members and other pertinent employees are annually informed about this procedure. They shall further consult with MMA Counsel on questions arising under, or recommendations to improve, this procedure.

**N. Other**

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

**O. Appendices**

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

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REFERENCES: P. & S.L 1941, ch.27, sec. 2 as amended; 20-A M.R.S.A. §12706(7); The Campus SaVE Act (§304 of the re-authorized Violence Against Women Act of 2013 (VAWA); 20 U.S.C. §1092(1)(8) (Clery)

DATE ADOPTED: September 9, 2014

DATE(S) AMENDED: January 18, 2016 (technical only), August 13, 2020

## MAINE MARITIME ACADEMY

### GENERAL ADMINISTRATION Section 201

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**SUBJECT: SEXUAL HARASSMENT AND CONSENSUAL RELATIONS**

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**PURPOSE: To define and prevent sexual harassment and prohibit certain consensual sexual relationships**

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Sexual harassment, a form of sex discrimination, is a violation of state and federal law and a violation of this policy when engaged in by employees or students. For purposes of this policy, "sex" includes gender as well as sexual orientation, gender identity and gender expression. Any Maine Maritime Academy (MMA) employee or student who violates this policy or the applicable laws will be subject to disciplinary action.

#### **A. Maine Human Rights Act and Title VII of the Civil Rights Act of 1964**

Under the Maine Human Rights Act and Title VII of the Civil Rights Act of 1964, sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature, including conduct based on sex, constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational benefits; or
2. Submission to or rejection of such conduct is used as the basis for an employment or education decision affecting an individual; or
3. Such conduct is so severe or pervasive as to have the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment, educational or living environment; and;
4. A person of reasonable sensibilities would clearly understand that the conduct was unwelcome, harmful or offensive.

#### **B. Title IX of the Education Amendments Act of 1972**

Title IX of the Education Amendments of 1972 (Title IX) has similar proscriptions against the same types of unwelcome sexual and sex-based conduct prohibited by Title VII and the Maine Human Rights Act, although with different definitions of the prohibited conduct. Title IX also includes sexual assault, stalking, dating violence and domestic violence within the definition of sexual harassment. Jurisdictional requirements must be met for the conduct to be governed by Title IX.

Under Title IX, sexual harassment is unwelcome conduct based on sex that satisfies one or more of the following:

1. A MMA employee conditions the provision of a MMA aid, benefit, or service on an individual's participation in the unwelcomed sexual conduct.

2. Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to MMA education programs or activities.
3. Sexual assault, domestic violence, dating violence and stalking as defined by federal law and set forth in MMA Procedure 202.2.

The alleged conduct also must have occurred against a person in the United States participating or attempting to participate in a MMA program or activity at a location owned or controlled by MMA, and MMA had substantial control over the alleged perpetrator and the context in which the alleged sexual harassment occurred.

### **C. Complaints and Investigations**

Individuals who believe that they are victims of sexual harassment must contact the Title IX Coordinator to file a complaint. It is the policy of Maine Maritime Academy to provide fair and impartial investigations, consistent with related MMA procedures and guidance, that will protect the rights of persons filing sexual harassment complaints, the persons complained against, and Maine Maritime Academy. All conduct within the scope of Title IX is governed by MMA Procedure 202.2. All other allegations of sexual harassment are governed by MMA Procedure

202.1. The Title IX Coordinator will determine the applicable procedure after review of the allegations.

Additionally, individuals may also file a sexual harassment complaint with the Maine Human Rights Commission within 300 calendar days of the alleged incident. Further information is available from the

Maine Human Rights Commission at State House Station 51, Augusta, Maine 04330, (207) 624-6290, and/or from the United States Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, Massachusetts 02109-3921, tel. 617-289-0111, TTY/TTD 800-877-8339, and fax 617-289-0150.

College presidents are directed to take appropriate steps to distribute this policy statement and to inform students and employees of procedures for making complaints.

### **D. Consensual Sexual Relations**

Sexual relationships between employees and students, or between employees, that begin consensually can end acrimoniously. Such endings can and do subsequently lead to claims of unprofessional conduct, sexual harassment in violation of this policy, and/or a conflict of interest in violation of other Academy policy.

Accordingly, the Academy prohibits consensual romantic or sexual relationships between



employees when one employee supervises or otherwise has authority over the other employee. In addition, consensual romantic or sexual relationships between an employee and a student, even when the employee does not instruct, advise, or otherwise have authority over the student, can give rise to the same claims described above. Consequently, the Academy prohibits all such relationships between an employee and a student, unless the relationship pre-existed the start of employment or academic enrollment. Employees who violate these prohibitions are subject to counseling and/or disciplinary action.

**E. Retaliation**

It is a violation of this policy to retaliate against a person who in good faith reports or participates in an investigation of sexual harassment. A person may be found responsible for retaliation even if not found responsible for the underlying alleged sexual harassment.

**F. False Reports**

It is a violation of this policy 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.

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REFERENCES: P. & S.L. 1941, ch. 27, sec 2 as amended; 5 M.R.S.A. §4551- §4632, 5 M.R.S.A. §4601- §4604, 42 U.S.C. §2000e, et seq., 20 U.S.C. §1681, et seq., 34 C.F.R. §106.1 et seq.

DATE ADOPTED: April 9, 2014

DATE(S) AMENDED: November 29, 2012, January 24, 2018, August 13, 2020

## MAINE MARITIME ACADEMY

### GENERAL ADMINISTRATION

#### Section 201.1

#### **SUBJECT: ACADEMY PROCEDURE FOR DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND AFFIRMATIVE ACTION COMPLAINTS**

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**PURPOSE: To establish a procedure for receiving and investigating student, employee, applicant and any other complaints regarding discrimination, harassment, sexual harassment and affirmative action**

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##### **A. Introduction**

Harassment, including sexual harassment (hereinafter collectively called “harassment”), and discrimination (including retaliation, intimidation and coercion) on the basis of race, color, national origin, age, ancestry, sex, religion, veteran status, sexual orientation, genetic information, familial status or disability (hereinafter called “discrimination”) are a violation of federal and/or state law, as well as Maine Maritime Academy policy. This purpose of this document is to establish a procedure to receive and investigate complaints brought by a student, employee, applicant or any other person (hereinafter the “complainant”) that allege harassment or discrimination by an Academy student, employee, contractor or other agent (hereinafter the “respondent”). This Procedure also applies to complaints regarding the Academy’s use of affirmative action.

##### **B. Publication of this Procedure**

This Procedure shall be available online and included in the Academy’s student handbook. Notice of the Academy’s non-discrimination statement and contact information of the Academy’s Non-Discrimination/Affirmative Action Officer (“ND/AA Officer”) and ADA compliance officers must also be posted in conspicuous locations on campus.

##### **C. Reporting Discrimination and/or Harassment**

###### **1. Where to Report**

Any person who believes that he or she has been discriminated against or harassed (“complainant”) must make a timely report to the Academy’s ND/AA Officer as set forth herein. If the ND/AA Officer is the person alleged to have discriminated against or harassed, the complainant should report the complaint to the Academy President. The Academy President will then assign a person other than the ND/AA Officer to investigate the complaint. If the Academy President is the person alleged to have discriminated against or harassed, the role of the Academy President in this procedure will be executed by the Academy Director of Human Resources or that Director’s designee.

###### **2. When to Report**

A complainant should report their complaint as soon as possible after the first date of the alleged discrimination or harassment, and must report, if at all, not later than 300 calendar days after the last date of the alleged discrimination or harassment.

**3. How to Report**

A complaint may be made orally or in writing, and it must be particular. It must disclose the identity of the person(s) alleged to have engaged in discrimination or harassment ("respondent"), and the location(s), date(s) and description of the alleged acts. If a complainant discusses a complaint with an employee of the Academy, that employee should promptly refer the complainant to the ND/AA Officer and inform that Officer of that employee's knowledge of that complaint.

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.

A report filed under this procedure will not be deemed to be a "grievance" under any applicable collective bargaining agreement. If a complainant seeks to file a collective bargaining-based grievance, the complainant must do so in addition to complying with this Procedure.

**4. Disability Accommodation Complaints**

A person whose discrimination complaint relates to a disability accommodation must first comply with the Academy's ADA or Disability Services policy and procedure, and present any such concerns to the Academy's Accessibility Coordinator prior to reporting a complaint to the ND/AA Officer.

**D. Investigation of Complaints**

The following procedures apply to the investigation of discrimination and harassment complaints. In some instances, the Academy President or Director of Human Resources may authorize a qualified person other than the ND/AA Officer to conduct the investigation and/or act upon its findings, which person shall then assume the ND/AA's duties as designated.

**1. Informal Procedure**

The ND/AA Officer will attempt to resolve a complaint of discrimination or harassment as informally as possible by seeking information and cooperation from both the complainant and respondent.

If the parties agree to use this Informal Procedure, such procedure should be completed within 20 working days of the ND/AA Officer's receipt of the complaint. This timeframe may be extended by the ND/AA Officer as the Officer deems reasonably necessary, provided that any such extension does not impose undue delay, and provided further that the ND/AA Officer documents the dates of, and reasons for, each delay. If either the complainant or respondent declines to use the Informal Procedure, or such Informal Procedure is not otherwise successful, the ND/AA Officer will use the following Formal Procedure.

## **2. Formal Procedure**

The Formal Procedure, if used, should be completed within 60 calendar days of the ND/AA Officer receipt of a complaint under this Procedure.

### **a) Within 15 working days of receiving the complaint**

Within 15 working days of receiving the complaint, the ND/AA Officer should:

- (1) meet with the complainant to discuss the complaint;
- (2) provide to the respondent that notice of the complaint as may be required by either a Student Code of Conduct or a collective bargaining agreement;
- (3) begin to collect evidence and arrange interviews of witnesses; and
- (4) interview the respondent.

### **b) Within 10 working days of completing the investigation**

An investigation is complete when the pertinent supervisor (e.g., Dean of Students, Academy President) and ND/AA Officer determine that no additional fact finding is required and any report thereon is completed. Within 10 working days of completing the investigation, the Academy should decide upon its response to the complaint and so inform the complainant and respondent of the nature of that response. Personnel privacy obligations may prevent the Academy from disclosing to the complainant the details of the specific action that the Academy will take.

### **c) Extension and Coordination of Above Timeframes**

The timeframes specified above may be extended by the ND/AA Officer as the Officer deems reasonably necessary, provided that any such extension does not impose undue delay, and provided further that the ND/AA Officer documents the dates of, and reasons for, each delay. In addition, this Formal Procedure must be applied as consistently as possible with the related procedures set forth in an Academy Student Code of Conduct or collective bargaining agreement. When a timeframe specified in this Formal Procedure conflicts with a specific timeframe set forth in a Student Code of Conduct or collective bargaining agreement, the timeframe in such Code or agreement shall control, provided that such control shall not unduly delay the completion of the Academy's investigation under this procedure.

## **3. Interim Steps**

While a complaint is under review, the ND/AA Officer may recommend to the appropriate supervising authority at the Academy that such authority take, consistent with the applicable procedures and standards set forth in a Student Code of Conduct and/or any employment policy or agreement, any appropriate or necessary interim action such as removing the complainant from contact with the respondent.

## **4. Limit on Confidentiality**

The Academy may need, as part of its investigation, to disclose the complainant's name, statements and allegations to certain relevant other persons, including the alleged discriminator or harasser.

## **E. Action upon Findings from the Investigation**

If the Academy determines that it will take disciplinary or other responsive action as a result of its investigation, that action will be taken as follows without undue delay.

**1. Action against a Student**

To implement discipline or other action in response to complaints against a student, the Academy will use a pertinent Student Code of Conduct.

**2. Action against an Employee**

To implement discipline or other action in response to complaints against an employee, the Academy will use the applicable collective bargaining agreement or other pertinent employment policy.

**3. Action against Others**

To implement discipline or other action in response to complaints against a contractor or other party, the Academy will consult with the Academy President.

**4. Action to Address Disability Accommodations**

To address the Academy's provision of disability accommodation, the Academy will follow its pertinent ADA or Disability Services protocol.

**F. Appeals of Academy Response to Complaint**

Any appeals from action taken under *Section E* above shall be taken pursuant to the applicable Code, collective bargaining agreement or employment policy. Only if those sources do not provide an appeal process to an affected party, shall the following appeal process apply.

Within 10 working days of receiving the report of the investigation, a party to the complaint who is aggrieved by the decision may appeal ("appellant") to the Academy President (or to the Academy Director of Human Resources if the Academy President is the respondent to the complaint; see *Section C.1*). Within 10 working days of receipt of the appeal, the Academy President will meet with the appellant to discuss the appeal. Within 10 working days after the meeting, the Academy President will inform the appellant and other party(s) to the complaint of the Academy President's decision on the appeal.

Such timeframes may be extended by the Academy President as the President deems reasonably necessary, provided any such extension does not impose undue delay, and provided further that the Academy President documents the dates of, and reasons for, each delay.

**G. External Complaint Procedures**

In addition to, or in place of, filing a complaint through this procedure, a complainant has the right to file a private lawsuit or a complaint with outside agencies. For example, a complaint alleging discrimination in the Academy's education programs and/or activities under Title VI of the Civil Rights Act of 1964 (race, color, national origin), the Age Discrimination Act of 1975 (age), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act of 1973 (disability), and/or Title II of the Americans with Disabilities Act of 1990 (disability) may be filed with the United States Department of Education, Office for Civil Rights, 8<sup>th</sup> floor, 5 Post office Square, Boston, MA 02109-

3921, telephone 617.289.0111, TTY/TDD 800.877.8339, fax 617.289.0150, e-mail [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov), internet <http://www.ed.gov/about/offices/list/ocr/index.html?src=oc>.

The Federal government agency that has the responsibility for enforcing anti-discrimination laws in regard to employment is the United States Equal Employment Opportunity Commission, which may be contacted at JFK Federal Building, 15 New Sudbury Street Room 475, Boston, MA 02203-0506, telephone 800.669.4000, TTY 800.669.6820, fax 617.565.3196, internet <http://www.eeoc.gov/>.

The State agency in Maine that has the responsibility for enforcing anti-discrimination laws is the Maine Human Rights Commission, which may be contacted at 51 State House Station, Augusta, ME 04333-0051, telephone 207.624.6050, TTY/TDD 207.624.6064, fax 207.624.6063, internet <http://www.state.me.us/mhrc/index.shtml>.

#### **H. Retaliation, Intimidation and Coercion**

Retaliation, intimidation and/or coercion against any person who in good faith either files a discrimination or harassment complaint or otherwise participates in the complaint process is a violation of law and Academy policy. Complaints alleging retaliation of any kind shall be reported immediately to the ND/AA Officer as set forth in *Section C* of this Procedure.

#### **I. Other Provisions**

##### **1. Communication with Disabled Persons**

In implementing this procedure, the Academy shall communicate with a complainant who has a disability in a format accessible to the complainant.

##### **2. Record Retention**

Unless otherwise directed by the Academy Director of Human Resources or legal counsel, the AA/ND Academy will retain a record of all information, complaints, decisions, appeals and responses handled under this procedure for at least three (3) years.

##### **3. Interpretation of this Procedure**

This procedure intends to make as clear and consistent as practical the Academy's best practices in complying with state and federal laws. This procedure is not intended, and shall not be construed, to create or expand substantive or procedural rights under any law.

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REFERENCES: P. & S.L. 1941, ch. 37, §2 as amended

DATE ADOPTED: April 9, 2014

DATE(S) AMENDED: November 3, 2020

## MAINE MARITIME ACADEMY

### GENERAL ADMINISTRATION Section 201.2

#### **SUBJECT: TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE**

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**PURPOSE: To define and proscribe sexual harassment and explain how complaints will be handled by the Academy under Title IX regulations**

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#### **A. Introduction**

This procedure applies solely to allegations of sexual harassment that fall within the scope of Title IX of the Education Amendments of 1972 (Title IX). Under Title IX, discrimination in the form of sexual harassment is conduct, on the basis of sex, that effectively denies a person equal access to a Maine Maritime Academy(MMA) educational program or activity. That conduct might be (a) quid pro quo; (b) unwelcome conduct that a reasonable person would deem severe, pervasive, and objectively offensive; or (c) sexual assault, dating violence, domestic violence, or stalking. The purpose of this procedure is to define the reporting, investigation and adjudication procedures that govern MMA's handling of sexual harassment allegations within the scope of Title IX and to provide guidance on the application of those procedures.

Allegations of sexual harassment outside the scope of Title IX are governed by MMA Procedure 201.1 and 604.

#### **C. Definitions**

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

1. **"Complainant"** means a person who is alleged to be the victim of conduct that could constitute sexual harassment.
2. **"Consent"** means a knowing, voluntary, and mutual decision among all parties to engage in sexual activity. Consent can be given by words and/or actions, so long as those words and/or actions create clear permission regarding willingness to engage in the sexual activity, at the time of the activity. Mere acquiescence to the sexual activity shall not be regarded as consent. Consent has been obtained when a reasonable person in the Respondent's position would understand through words and/or actions that the person has voluntarily agreed to the sexual activity, at the time of the activity. Agreement to engage in one sexual activity is not agreement to engage in a different sexual activity. Consent can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop. Permission from a person who is visibly under the influence of alcohol or drugs or otherwise impaired shall not be regarded as consent.
3. **"Dating Violence"** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a

relationship shall be determined based on a consideration of the following factors:

- a. the length of the relationship;
  - b. the type of relationship; and,
  - c. the frequency of interaction between the persons involved in the relationship.
4. **“Domestic Violence”** means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.
  5. **“Quid Pro Quo”** means an employee of the Academy conditioning the provision of an Academy aid, benefit, or service upon a person’s participation in unwelcome sexual conduct.
  6. **“Respondent”** means a person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
  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.
  8. **“Sexual Assault”** means an offense that meets the following definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting System:
    - a. **“Rape”** means 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 complainant.
    - b. **“Fondling”** means 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 their age and/or because of their temporary or permanent mental incapacity.
    - c. **“Incest”** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - d. **“Statutory Rape”** means sexual intercourse with a person who is under the statutory age of consent. In Maine, the age of consent is 16.
  9. **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:



- a. Fear for their safety or the safety of others; or
- b. Suffer substantial emotional distress.

10. **“Unwelcome Conduct”** means conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a MMA program or activity.

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

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

#### **E. Reports and Formal Complaints to the Academy**

A report is different than a formal complaint, and a report may precede a formal complaint or a formal complaint may be made independently. A report can be made informally, anonymously, orally or in writing by anyone. Supportive measures are available for students, faculty, or staff making a report. A person making a report alleging sexual harassment is not required to file a formal complaint.

Only a formal complaint initiates the resolution process. A formal complaint must be written and signed by the complainant. Supportive measures are available for complainants and respondents named in the formal complaint.

##### **1. Reports**

- a. Students, faculty, and staff are advised to report allegations of sexual harassment immediately, or as soon as possible.
- b. Reports should be made to the Title IX Coordinator. Other administrators, including the Academy President, Vice Presidents, Deans, Commandant and Director of Human Resources, who receive a sexual harassment report shall immediately share the report with the Title IX Coordinator.
- c. Reports should include enough information for the Title IX Coordinator to follow up with the person alleged to be sexually harassed.
- d. The Title IX Coordinator must reach out to the person alleged to be sexually harassed and provide:
  - i. The option for supportive measures, and
  - ii. Information on the Formal Complaint and the Grievance Procedure, including that the person is not required to make a Formal Complaint.
- e. The Title IX Coordinator must document that this information was provided.
- f. If the person does not wish to make a Formal Complaint, the Title IX Coordinator has the discretion to make a Formal Complaint based on the

allegation, and would be the signatory, but not a party to the complaint.

## **2. Formal Complaints**

- a. Students, faculty, and staff are advised to file a written, signed Formal Complaint with allegations of sexual harassment or sexual assault immediately, or as soon as possible. Formal complaints must be made while the complainant is participating in or attempting to participate in the education program or activity of MMA.
- b. Formal Complaints shall be made to the Title IX Coordinator. Other administrators, including the Academy President, Vice Presidents, Deans, Commandant and Director of Human Resources who receive a Formal Complaint shall immediately share the Complaint with the Title IX Coordinator.
- c. Formal Complaints must be in writing and signed by the complainant or the Title IX Coordinator. The writing could be an email, a web form, or other document. Digital signatures are allowed as long as it is clear that the complainant intends to submit a formal complaint. A Formal Complaint must contain as much detail as possible. It must disclose the identity of the person(s) alleged to have engaged in the sexual harassment, and the location(s), date(s), identification of potential witnesses and description of the alleged conduct.
- d. Upon receipt of a Formal Complaint, MMA has sixty business days to conclude the Informal Resolution or conduct the Investigation and issue the draft report. Extensions shall be made only for good cause.
- e. It is a violation of the 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.

## **3. Mandatory Dismissal of a Formal Complaint**

Federal regulations require that a formal complaint of sexual harassment that does not meet the Title IX criteria must be dismissed from these procedures. However, the parties may be referred to the Dean of Student Services to assess whether the alleged conduct violates the Student Honor Code of Conduct and Responsibilities. Employee complaints will be referred to Human Resources.

Formal Complaints must be dismissed out of the Title IX sexual harassment procedures if:

- a. The alleged conduct would not constitute sexual harassment under the Title IX sexual harassment definitions, even if proved;
- b. The alleged conduct was against a person not in the United States;
- c. The alleged conduct was against a person not participating, or attempting to participate, in the Academy's educational program or activity; or
- d. The alleged conduct was not at an Academy location, not during an Academy

activity or program, or if the Academy did not have substantial control over both the respondent and the context.

**4. Discretionary Dismissal of a Formal Complaint**

The Academy has the discretion to dismissal of a Formal Complaint if:

- a. The complainant notifies the Title IX Coordinator, in writing, that the complainant would like to withdraw the formal complaint or any allegations therein;
- b. The respondent is no longer enrolled or employed by the Academy; or
- c. Specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

**5. Appeal of Dismissal of Formal Complaint**

A written notice shall be provided to both parties if the Formal Complaint is dismissed out of the Title IX sexual harassment procedure. The notice shall include the right to appeal the decision in writing to the Provost within two business days of receipt. The request to appeal the decision shall include the grounds for appeal.

**F. Supportive Measures Offered to a Person at the Time of a Report; Supportive Measures Offered to Complainant and Respondent at the Time of a Formal Complaint.**

Supportive measures are individualized, non-disciplinary services offered as appropriate and as reasonably available, without fee or charge. The measures are designed to restore or preserve equal access to an educational program or activity without unreasonably burdening the other party. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus.

The Academy shall maintain confidentiality for the complainant and respondent when providing any supportive measures that they receive, to the extent possible. The Title IX Coordinator shall implement and monitor the supportive measures.

**G. Complaint Resolution Procedures**

**1. Notice of Formal Complaint**

Both of the complainant and the respondent shall be notified, as simultaneously as practical, that a Formal Complaint has been made. The notice must include:

- a. Details of the allegation (parties, conduct, date, location);
- b. The grievance resolution procedure, including that the process shall be fair, prompt, and impartial;
- c. That both parties may receive supportive measures, and that the Title IX Coordinator will work with each party to implement individualized measures;

- d. That both parties may have an advisor of their choice;
- e. That both parties may inspect and review evidence;
- f. That the respondent is presumed not responsible and that a determination regarding responsibility shall be made at the conclusion of the grievance process;
- g. That MMA bears the burden of proof as to the complaint;
- h. That an informal resolution process may be available, if appropriate and both parties agree, in writing, to participate; and,
- i. That it is against policy to make false statements.

Additionally, under the provisions of the Violence Against Women Act (VAWA) , the notice must include statements regarding:

- a. Preserving Evidence. It is important to preserve all evidence in order to prove sexual harassment, a criminal sexual assault, stalking, domestic violence, other acts of violence occurring within a dating relationship, or to help obtain a protective order;
- b. Confidentiality. The Academy uses best efforts to protect the confidentiality of the identity and allegations involved in a Formal Complaint, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or assault Formal Complaints, and any investigation or review of those Formal Complaints, 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 person(s) involved will be protected;
- c. Counseling, Health and Mental Health and Other Services. Counseling, health and mental health support services are available either on campus or in the area. A list of such services is attached in the *Appendix* to this procedure;
- d. Law Enforcement. The complainant has the right to contact, and file a criminal complaint with, appropriate law enforcement authorities. 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;
- e. Victim Advocacy and Legal Assistance Services. Victim advocacy and legal assistance services are also available. A list of such services is attached in the *Appendix* to this procedure;
- f. Visa and Immigration resources, if applicable; and

- g. Student Financial Aid resources.

## **2. Emergency Removal of a Respondent**

A respondent may not receive any disciplinary sanctions, such as suspension or expulsion, prior to the conclusion of the grievance process. The Academy may remove a respondent on an emergency basis, provided that the Academy:

- a. Undertakes an individualized safety and risk analysis; and
- b. Determines that there is an immediate risk of physical health or safety to any person arising out of the allegations of sexual harassment.

The Academy shall provide the respondent with notice of emergency removal. It shall also provide the opportunity to be heard immediately following the removal. To file an appeal, students shall contact the Dean of Student Services and employees shall contact the Director of Human Resources. The Dean of Student Services'/Director of Human Resources' decision shall be final.

## **3. Informal Resolution Process**

- a. Informal Resolution process shall be guided by a trained facilitator;
- b. Informal Resolution process may be available if both parties agree in writing. Informal Resolution process is not available if the respondent is an employee.
- c. Informal Resolution process is available at any time prior to reaching a determination regarding responsibility.
- d. Information disclosed by the parties during the Informal Resolution process is confidential and may not be used as evidence during the Formal Grievance process.
- e. The parties may, until the Informal Resolution has been agreed upon, leave the process and return to the Formal Grievance process. Likewise, if the process fails and the parties cannot agree on a resolution, the complaint shall be referred to the Formal Grievance process.
- f. A successful Informal Resolution process will yield an agreement between the parties. Once the agreement is reached, the parties cannot pursue the Formal Grievance process for the same conduct.
- g. Agreements to participate in the Informal Resolution process, Informal Resolutions, and the referral to the Formal Grievance process shall be kept as records.

## **4. Formal Resolution Procedures**

- a. Investigation  
If the parties do not agree to attempt an Informal Resolution, the investigation will initiate after the notice. The Academy shall investigate Formal Complaints of sexual harassment. Both the complainant and the respondent shall have the same opportunity to provide evidence and witnesses to the investigator.

All parties shall receive written notice of the date(s), times(s), location(s), participant(s), and purpose of all hearings, investigative interviews or other meetings, with sufficient time for the party to prepare to participate. If the investigator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Investigator shall provide notice of the additional allegations. Further, the Academy may consolidate Formal Complaints where the allegations of sexual harassment arise out of the same facts or circumstances.

In gathering evidence, the Academy may not use records that are privileged without obtaining that party's voluntary written consent. Both parties will have equal opportunity to present witness and evidence to the Investigator. Parties shall forward all evidence to the Investigator as soon as the evidence becomes available.

Prior to the completion of the investigative report, the investigator will provide to the parties, and their respective advisors (if the party has one), all gathered evidence directly related to the allegations, and a copy of the draft report. The evidence will either be electronic or hard copy. The parties and their respective advisors (if the party has one) shall not copy, share, post, or otherwise disseminate the evidence. This prohibition does not apply to the use of evidence in a judicial proceeding. The parties have ten (10) business days to submit a written response to the investigator.

The investigator will review, and incorporate as appropriate, the responses prior to completing the report. The complete report will be provided to the parties, and their respective advisors, and the parties will have ten (10) business days to submit a written response. Following the completion of the investigative report, the live hearing will be scheduled.

**b. Live Hearing**

The hearings shall be live and may be aided by technology so that the parties may see and hear the proceedings from separate rooms or locations. A recording of the hearing will be made available to both parties within ten (10) business days. The hearings will be conducted by a Decision Maker in accordance with the MMA

Rules for Title IX Live Hearings" and will use the preponderance of the evidence standard. Ultimately, the Decision Maker will make determinations of credibility and a determination of responsibility.

Three (3) business days prior to the hearing, parties shall be required to confirm attendance; provide their witness list, in the order the witnesses shall be called, and provide the name of their advisor if they have one. The parties shall also be invited to submit their list of cross-examination questions to the Decision Maker for relevancy predetermination.

The Decision Maker shall open the proceeding, recognize the parties and their respective advisors. If a party does not have an advisor at the hearing the Academy will make one available, at no cost to the party. The parties shall make their opening statements and question their own witnesses. Advisors may only participate during direct, oral cross-examination of the other party and witnesses. The Decision Maker shall make relevancy determinations on every cross-examination question and follow up before the question is answered by the party or witness. Advisors may not appeal the relevancy determination of the Decision Maker.

If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker shall not rely on any statement of that party or witness in reaching a determination regarding responsibility.

All evidence collected during the investigation shall be available at the hearing.

The Decision Maker shall issue in writing a responsibility finding which shall include a statement of and rationale for the results as to each allegation including a determination regarding responsibility, any disciplinary sanctions the Academy will impose on the respondent, and whether remedies will be provided to the complainant.

**c. Findings**

The Decision Maker shall issue written findings which shall include:

- 1) Identification of the allegations potentially constituting sexual harassment;
- 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including all notifications to parties, interviews with parties and witnesses, site visits, methods used to gather evidence and hearings held;
- 3) Findings of fact supporting the determination;
- 4) Conclusions regarding the application of Policy 201 and, if applicable, the MMA Honor Code of Conduct to the parties;
- 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction the

College imposes on the respondent, and whether remedies are provided to the complainant; and

- 6) The grounds and procedures for the parties to appeal.

Both parties shall be notified in writing as simultaneously as practical and provided with the written findings.

**d. Appeals**

The Respondent(s) and Complainant(s) have the right to appeal the findings and any disciplinary measures accorded. Grounds for appeal are:

- 1) Procedural irregularities affecting the outcome;
- 2) Newly discovered evidence not previously available; or
- 3) Bias on the part of the Title IX Coordinator, the Investigator, or the Decision Maker.

Appeals must be made in writing within two (2) business days of the notice of finding. The Academy shall notify the other party when an appeal has been filed and both parties shall have five (5) business days to submit a written statement in support of, or challenging the outcome. The Academy shall simultaneously issue a written decision to both parties describing the rationale for and result of the appeal.

**J. Discipline**

Respondents found responsible shall be subject to discipline up to and including dismissal from the Academy. Student discipline shall be consistent with the guidelines set forth in MMA Policy 50 I - Student Honor Code of Conduct and Responsibilities. Employee discipline shall range from counseling to termination.

**K. Retaliation**

The Academy will take appropriate steps to ensure that an individual who in good faith reports, files a formal complaint, or participates in an investigation under this procedure will not be subjected to retaliation by the Respondent or others. Anyone who experiences retaliation is strongly encouraged to report that concern using the procedures in Section E above.

**L. 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 State Police or Hancock County Sheriff's Department, and not Academy Campus Safety 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 if such an order is obtained so that the Academy may be better prepared to more promptly contact law



enforcement if necessary.

**M. Primary Authority and Annual Training**

The Title IX Coordinator at the Academy shall have primary responsibility for overseeing the application of this procedure. The Coordinator shall ensure that Senior Officials, Informal Resolution facilitators, Investigators, Decision Makers, Appeals Decision Makers, Student Affairs staff, Resident Assistants, and other pertinent employees are annually informed about this procedure, and that all training materials are publicly posted to the Academy's website.

**N. Other**

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

**O. Appendices**

The Appendix of services and authorities referenced above is attached to this procedure.

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REFERENCES: Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681 et. seq.); 20-A M.R.S.A. § 12706(7); The Campus SaVE Act (§304 of the re-authorized Violence Against Women Act of 2013 (VAWA); 20 U.S.C. §1092(f)(8) (Clery); 34 C.F.R 106.1 et seq. (Title IX Regulations); MMA Policies 201,201.1, and 604.

DATE ADOPTED: August 13, 2020

DATE AMENDED: November 3, 2020

## APPENDIX

### SEXUAL ASSAULT SUPPORT SERVICES

#### **Maine Maritime Academy Counseling Services**

207-326-2419 or [paul.ferreira@mma.edu](mailto:paul.ferreira@mma.edu)

Students who wish to meet with a female counselor may request so through Counseling Services.

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

24 hour statewide sexual assault crisis and support

line 1-800-871-7741 (voice) 711 (Maine Relay)

The regional sexual assault crisis and support centers that comprise the Maine Coalition Against Sexual Assault are:

#### **Sexual Assault Response Services of Southern Maine**

York and Cumberland Counties

24 hour support line: 1-800-313-9900 [www.sarsonline.org](http://www.sarsonline.org)

#### **Sexual Assault Support Services of Midcoast Maine**

Eastern Cumberland, Lincoln, Sagadahoc, Knox and Waldo Counties 24 hour support

line: 1-800-822-5999

Anywhere in Maine: 1-800-871-7742 TTY: 1-888-458-5599

[www.sassmm.org](http://www.sassmm.org)

#### **Sexual Assault Prevention & Response Team**

Androscoggin, Franklin and Oxford Counties, and the Towns of Bridgton and Harrison

24 hour helpline: 1-888-458-5599 TTY: 1-888-458-

5599

[www.sapars.org](http://www.sapars.org)

#### **Sexual Assault Crisis & Support Center**

Kennebec and Somerset Counties

24 hour support line: 1-800-871-7741

[www.silentnomore.org](http://www.silentnomore.org)

#### **Rape Response Services** Penobscot and Piscataquis

Counties 24 hour hotline: 1-800-310-0000

TDD: 1-888-458-5599

[www.rrsonline.org](http://www.rrsonline.org)

**AMHC Sexual Assault Services**

Aroostook, Hancock & Washington Counties (207)-498-6431

[www.amhc.org](http://www.amhc.org)

**United Somali Women of Maine**

Androscoggin and Cumberland Counties (207) 753-0061

[www.uswofmaine.org](http://www.uswofmaine.org)

**Other Maine-based Sexual Violence Services****Maliseet Domestic Violence and Sexual Assault Program**

(207) 532-6401

**Penobscot Nation, Domestic Violence and Sexual Assault Services**

(207) 817-7498

**Passamaquoddy Peaceful Relations**

1-877-853-2613

**National Resources**

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

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

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

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**POLICE DEPARTMENTS****Hancock County Sheriff's Department**

50 State Street Ellsworth, Maine 04605

(207) 667-7575

**MEDICAL HOSPITALS****Blue Hill Memorial Hospital**

57 Water Street, Blue Hill, Maine 04614

(207) 374-3400

<http://www.bhmf.org>

**Pen Bay Medical Center**

6 Glen Cove Drive, Rockport, Maine 04856

(207) 596-8000

<http://www.penbayhealthcare.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>**Maine Coast Memorial Hospital**

50 Union Street, Ellsworth, Maine 04605

(207) 667-5311

<http://www.mainehospital.org>**Waldo County General Hospital**

PO Box 287, Belfast, Maine 04915

(207) 338-2500

<http://www.wcgh.org>**Mt. Desert Island Hospital**

10 Wayman Lane, Bar Harbor, Maine 04609

(207) 288-5081

<http://mdihospital.org>**LEGAL SERVICES****Pine Tree Legal Services**

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

**Augusta Office**

Somerset, Lincoln and Knox Counties

39 Green Street

P.O. Box 2429

Augusta, Maine 04338-2429

(207) 622-4731 or (207) 623-7777

**Portland Office**

Cumberland, York, Sagadahoc, Androscoggin,

Oxford, Franklin, Lincoln and Knox

88 Federal Street

P.O. Box 547

Portland, Maine 04112

(207) 774-8211

**Bangor Office**

Penobscot, Piscataquis and Waldo

115 Main Street, 2<sup>nd</sup> floor Bangor, Maine 04401

(207) 942-8241

**Presque Isle Office**

Aroostook County

373 Main Street

Presque Isle, Maine 04769 (207) 764-4349

**Lewiston Office**Androscoggin, Oxford and Franklin 37 Park  
Street, Suite 401

Lewiston, Maine 04243-0398

(207) 784-1558

**Machias Office**

Washington and Hancock 13 Cooper Street

P.O. Box 278

Machias, Maine 04654

(207) 255-8656

**All Offices****TTY: 711**

<http://www.ptla.org>

**Cumberland Legal Aid Clinic**

A legal aid clinic operated by the University of Maine School of Law. Services provided to low-income individuals with legal cases in Southern Maine courts (Cumberland, parts of York, Sagadahoc and Androscoggin counties) for most types of civil, criminal, juvenile and family matters.

Greater Portland area - (207) 780-4370

Toll free: (877)-780-2522

<https://mainelaw.maine.edu/academics/clinics-and-centers/clac/>

**Maine Lawyer Referral Service**

A referral service operated by the Maine State Bar Association.

1-800-860-1460

<http://www.lrs@mainebar.org>

**Maine Volunteers Lawyers Project**

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

Portland: (207) 774-4348

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

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

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

- Athletic Director
- Athletic Head Coaches
- Campus Safety Administrative Assistant
- Campus Safety Officers
- Commandant of Midshipmen
- Dean of Faculty
- Deputy Commandants of Midshipmen
- Dean of Student Services
- Director of Campus Safety and Facilities
- Director of Residential Life and Student Activities
- Faculty Advisors to Student Organizations
- Lead Security/Life Safety Officers
- President
- President’s Chief of Staff
- Regimental Company and Class Officers
- Assistant Director of Residential Life
- Assistant Director of Student Activities
- Resident Assistants
- Vice President for Academic Affairs/Provost
- Vice President for Enrollment Management and Marketing
- Vice President for Financial and Institutional Services
- Vice President for Institutional Advancement
- Vice President for Student Affairs

## **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 and consistent standard of student self-governance and to give the student body ownership of their own behavior. Within our Honor Code are the guidelines students must meet in order to be successful here. Community life and a successful experience depend upon a commitment to be responsible for oneself and care for other people. Members of our community are expected to act with honesty and integrity, and treat others (including 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 Catalog, 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 to comply with our Honor System. This pledge traditionally occurs at Fall Convocation.

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 as needed at any time. Electronic versions of this Code, the Academy's other Handbooks, and the Academy's Policies and Procedures are available on Academy's website or portal, and those electronic versions constitute the most current versions. 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, Vice President for Academic Affairs, or other pertinent Academy administrators.

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**STUDENT AFFAIRS**  
**Section 501**

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

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

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

**ARTICLE I**

**PREAMBLE**

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

**ARTICLE II**

**PURPOSES**

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

**ARTICLE III**

**DEFINITIONS**

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

- I. "Dean" means the person performing the duties of Dean of Student Services or that person's designee.
- J. "Director" means the person performing the duties of the Director of Residential Life and Student Activities or that person's designee.
- K. "Member of the Academy community" means any student, employee, guest, neighbor or other person performing authorized services for the Academy.
- L. "President" means the person performing the duties of the Academy President or that person's designee.
- M. "Student" means any person who a) has been notified of their admission; b) is either on a full-time or part-time basis taking courses or otherwise pursuing undergraduate, graduate or professional studies at the Academy; c) has a continuing relationship with the Academy even if the person is not officially enrolled for a particular term; or d) has withdrawn from the Academy while a disciplinary matter is pending.
- N. "Student Conduct Board" means any Conduct Panel, Honor Board or Regimental Board that adjudicates student disciplinary matters.
- O. "Student Organization" means any recognized group of students, such as student clubs.
- P. "Vice President" means the person performing the duties of the Vice President for Student Affairs 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 and sexual assault**, as defined in and governed by Procedure 201.2 and MMA Policy 604.
2. **Sexual harassment**, as defined in MMA Policy

201 and governed by MMA *Procedures 201.1 and 201.2*.

- 3. Dating violence, domestic violence and stalking**, as defined in and governed by MMA Procedure 201.2 and MMA Policy 604.

Acts of sexual harassment, sexual assault, dating violence, domestic violence and stalking within the scope of Title IX's prohibitions are governed by MMA Procedure 201.2. All other such conduct, excluding sexual harassment, is governed by MMA Policy 604 and Procedure 201.1. Sexual harassment outside the scope of Title IX is governed by MMA Procedure 201.1. The Academy will determine the applicable procedure after review of the alleged conduct.

- 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 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 an employee of the Academy or, in cases where dismissal or substantial suspension is likely or criminal charges are pending, an attorney not affiliated with the Academy, provided that any such attorney shall not be at the Academy's expense;
    - (3) Are allowed to attend the entire portion of the Honor Board hearing at

which information is received (excluding deliberations).

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

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

Such deliberations shall not be recorded.

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

of confrontation that the Complainant, Accused Student or any other witness may have during the hearing by providing separate facilities, by using a visual screen, or by permitting participation by telephone, video conferencing, videotape, audio tape, written statement or other means as determined in the sole judgment of the Dean to be appropriate.

## **ARTICLE VII SANCTIONS**

### **A. AUTHORITY**

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

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

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

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

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

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

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

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

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

- a) **Residence Hall Suspension:** Separation of the Accused Student from the residence halls for a definite period of time, at the end of which the Accused Student may petition the Dean to return to a residence hall. A timely petition shall be granted provided that (1) there is adequate space available; (2) the

student has adequately satisfied all conditions of return previously set by the Academy; and (3) the student has not engaged in other misconduct since the suspension.

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

### 3. SANCTIONS FOR STUDENT ORGANIZATIONS

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

### C. OTHER

The following applies to all sanctions imposed under this Code:

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

### ARTICLE VIII

#### INTERIM SUSPENSION

- A. Notwithstanding any other provision of this Code, the Vice President may, in the Vice President's sole discretion, impose an Academy or residence hall interim suspension prior to initiating any

disciplinary process. An interim suspension does not replace the regular disciplinary process, which shall proceed on the typical schedule.

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

#### **ARTICLE IX APPEALS**

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

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

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

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

##### **C. APPEALS FROM THE VICE PRESIDENT**

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

##### **D. OTHER**

The following applies to all appeals filed under this Code:

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

#### **ARTICLE X OTHER**

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

In all other cases, the Department of Campus Safety and Security shall provide an informal process that permits a student an opportunity to contest the alleged violation before a person designated by the Department to hear such contests.

- D. RECORDS.** Other than Academy expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may upon application to the Vice President be expunged of disciplinary actions other than residence hall dismissal, Academy suspension, Academy dismissal, or revocation or withholding of a degree. Cases involving the imposition of sanctions other than these sanctions may be expunged from the student's confidential record in accordance with the Academy's records retention schedule.
- E. RELATED LEGAL PROCEEDINGS.** Academy disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.
- When a student is charged by federal, state, or local authorities with a violation of law, the Academy will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under this Code, the Academy may advise off-campus authorities of the existence of this Code and of how such matters are typically handled within the Academy community. The Academy will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the Academy community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

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

DATE ADOPTED:           Approved September 9, 2014

DATE(S) AMENDED: June 9, 2016; August 20, 2020; February 9, 2021; September 25, 2021

## **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.

### **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 SAPU 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, as well as during the FYE and PD courses for new students.

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.

### **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.

## **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 and recreational marijuana laws. Thus, MMA does not permit medical or recreational 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:

- 1<sup>st</sup> offense, \$200 to \$400
- 2<sup>nd</sup> offense, \$300 to \$600
- 3<sup>rd</sup> 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)

|  | <b>Cocaine</b>   | <b>Marijuana</b>            | <b>LSD</b>                 | <b>Heroin</b>              | <b>Steroids</b>         |
|--|--|-----------------------------|----------------------------|----------------------------|-------------------------|
|  | Prison and Fine**  | Prison and Fine             | Prison and Fine            | Prison and Fine            | Prison and Fine         |
| <b>Possession*</b>   | up to 1 yr &/or \$2,000<br><i>increased penalties for cocaine base and depending on amount</i> | See marijuana section below | up to 1 yr &/or \$2,000    | up to 5 yrs &/or \$5,000   | up to 6 mo \$1,000      |
| <b>Possession with intent to furnish</b>                       | 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 |
| <b>Possession with intent to traffic</b>                       | 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 |
| <b>Possession with intent to commit aggravated Trafficking</b> | 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    |
| <b>Furnishing</b>  | 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 |
| <b>Trafficking</b>   | 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.

\*\*\*Maine law 28B Section 1501 defines legal personal adult use of marijuana and marijuana products; the fine is for violations of the provisions of this chapter. More details on marijuana laws and penalties in Maine are described below.

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

**Maine State Marijuana Laws**

Penalties for violations of Maine state laws regarding marijuana possession and distribution vary, depending upon a variety of factors, including but not limited to age, amount of marijuana, and

location of possession or consumption. Penalties range from a Class E to a Class A violation and range from small fines to significant prison sentences.

### **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, judgement, 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 or 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 the 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 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
- Irrigate 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, 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](mailto:deidra.davis@mma.edu) or 326-2138

**Employees:** Senior Human Resources Generalist, Heidi Pugliese at [Heidi.Pugliese@mma.edu](mailto:Heidi.Pugliese@mma.edu) or 326-2761

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

## APPENDIX G: Sexual Assault Response Resources

# Sexual Assault RESOURCES

### ON-CAMPUS RESOURCES

If you are in need of assistance, there are resources available on campus to support you.

**IF YOU ARE IN AN EMERGENCY SITUATION, PLEASE CALL 911.**

**MMA's Title IX Coordinator can help you:**

- learn about and understand your options
- file an official complaint
- request medical attention or to have evidence collected at the hospital
- request supportive measures such as a no-contact order, changing classes or housing

Elizabeth True  
Title IX Coordinator  
elizabeth.true@mma.edu  
(207) 326-2659

If you need immediate assistance, please contact MMA's Campus Safety office by phone at 207-326-2479. You may ask for their assistance or simply tell them you are requesting a call from the Title IX Coordinator. Campus Safety will ask if you are safe and for your callback number.

Campus Safety  
207-326-2479

#### Counseling Services

Our Director of Counseling Services, Paul Ferreira, and counselors Megann Holland, and Andrea Tolbert are available for counseling services with any interested students. During Fall 2020, appointments will be hosted remotely. Counseling services may be requested by contacting [counseling@mma.edu](mailto:counseling@mma.edu) or Paul or Dean Davis. After hours, emergency counseling can also be arranged by calling Campus Safety.

Counseling Services  
Paul Ferreira, MSW, LCSW  
207-326-2419  
[paul.ferreira@mma.edu](mailto:paul.ferreira@mma.edu)

Deidra A. Davis  
Dean of Student Services  
207-326-2138  
[deidra.davis@mma.edu](mailto:deidra.davis@mma.edu)

#### Local Law Enforcement

If you would like to request assistance from law enforcement but would like MMA staff to help you coordinate contact or support you through that process, please contact the Title IX Coordinator. The Title IX Coordinator will help you contact the State Police so they can send an officer to initiate a report.

#### Anonymous Reporting

You may file an anonymous report with the Academy at [safety.mainemaritime.edu](mailto:safety.mainemaritime.edu). You also have the option to provide your contact information for follow up.

### OFF-CAMPUS RESOURCES

If you would like to seek assistance outside of MMA, there are resources in the local community to support you.

**IF YOU ARE IN AN EMERGENCY SITUATION, PLEASE CALL 911.**

#### Maine Coalition Against Sexual Assault

The Maine Coalition Against Sexual Assault (MeCASA) provides a 24-hour statewide sexual assault crisis and support line. If you would like to:

- learn about options
- access a victim's advocate or counselor
- request medical attention or to have evidence collected at the hospital
- file a police report

Maine Coalition Against Sexual Assault  
1-800-871-7741

MeCASA online chat support  
Monday - Friday  
8 a.m. - 8 p.m.  
[mecasa.org/online-help](http://mecasa.org/online-help)

#### Law Enforcement

If you are in an emergency situation, call 911!

To contact law enforcement when you are not in an emergency situation, please call:

Maine State Police  
207-973-3700

Hancock County Sheriff's Office  
207-667-8866  
50 State Street, Suite 10  
Ellsworth Maine 04605

#### Northern Light Eastern Maine Medical Center

To seek immediate medical attention, you can go directly to the hospital. In our region, only Northern Light Eastern Maine in Bangor has a Sexual Assault Nurse Examiner (SANE) on staff who can collect evidence; call in advance to assure that a SANE nurse is on duty.

Northern Light Eastern Maine Medical Center  
489 State St., Bangor  
(207) 973-7000

#### Next Step Shelter

If you are the victim of domestic violence or stalking and need to request confidential assistance, contact the Next Step Shelter in Ellsworth.

1-800-315-5579  
[nextstepdvproject.org](http://nextstepdvproject.org)

### AMNESTY POLICY:

Students who report a complaint of sexual misconduct are not held responsible for violations of the Academy alcohol policy that they may disclose as part of an investigation.

Maine Maritime Academy is committed to maintaining a safe environment for our students, faculty, and staff. Sexual harassment, assault, and violence have no place in our community.

MAINE MARITIME ACADEMY

## **APPENDIX H: Firearms Policy**

### **MAINE MARITIME ACADEMY**

### **HEALTH AND SAFETY**

### **Section 609**

#### **SUBJECT: FIREARMS AND OTHER WEAPONS**

**PURPOSE:** To regulate possession of guns and other weapons on Academy property

#### **A. Rationale**

Maine Maritime Academy recognizes the recommendation of law enforcement that ready access to firearms or other deadly weapons by a person in distress contributes significantly to the likelihood of violence. The Academy also recognizes the dangers posed by the accidental or careless discharge of a firearm on property owned, operated or occupied by the Academy.

#### **B. Policy**

Consistent with 20-A M.R.S.A. §10009, and unless otherwise provided by law or this policy, no person may possess or use a firearm or other weapon on property owned, operated or occupied by the Academy. This prohibition includes residence halls and motor vehicles parked on such property. Pursuant to 20-A M.R.S.A. §10009, this prohibition also includes any concealed weapon. Persons who violate this policy may be subject to removal, discipline and/or other lawful remedies.

#### **C. Definitions**

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

1. “Firearm” means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive. This includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, semi-automatic gun, machine gun, shotgun, paintball gun, spear gun, cannon, or other weapon that can be made into a firearm;
2. “Other Weapon” includes, but is not limited to a slingshot, bow, explosive, switchblade knife, dagger or martial arts weapon;
3. “Possession” means ownership, care, custody or control whether concealed or in plain view; and
4. “Property” means all property, buildings and parking lots owned or occupied by the Academy.

#### **D. Limited Exceptions**

This policy shall not apply to law enforcement officials, and to supervised educational programs, such as drill team, expressly approved in advance by the Academy Administration. In addition, hunting weapons may be possessed and used in accordance with Maine hunting regulations during hunting season on the Academy's Penobscot property.

#### **E. Limited Permissions**

Students residing on campus who desire to store a:

1. Paint ball gun on campus for use off campus shall store such equipment with Residence Life; and
2. Firearm or bow and arrows designed and used for hunting (hunting equipment) shall:
  - a) Immediately take such hunting equipment to the Academy Safety Armory when arriving on campus or immediately remove such equipment from Academy property once retrieved from the Armory;
  - b) Transport such hunting equipment in a locked case while on campus;
  - c) Ensure that any hunting firearm is unloaded prior to bringing such firearm onto Academy property;
  - d) Label all hunting equipment with the student's name; and
  - e) Remove all such equipment at the end of the academic year.

The Academy may limit the amount of paint ball or hunting equipment stored for each and all students.

REFERENCES: P. & S.L. 1941, ch. 37, §2 as amended; 20-A M.R.S.A. §10009; 17-A M.R.S.A. §2 (12-A)

DATE ADOPTED: October 8, 2019

DATE(S) AMENDED: