

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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MAINE MARITIME ACADEMY

**STUDENT AFFAIRS
Section 501**

SUBJECT: STUDENT HONOR CODE OF CONDUCT AND RESPONSIBILITIES

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

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 the President’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, in person, in writing or delivered via any electronic device through any platform, including but not limited to current or future forms of social media, which threatens or endangers the physical or mental 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, or their designee, 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, or the President's designee, the decision of the Honor Board or Regimental Board. Such appeals shall be limited to claims: a) of a procedural error that substantially affects the rights of the appellant; b) of new relevant information that would directly affect a material finding; c) that a material finding is incompatible with the weight of information presented; or d) that the penalty is excessive. A Complainant may appeal to the Vice President an Honor or Regimental Board's a) findings of no Code violation(s); and/or b) decision to impose no, or a relatively low, sanction.

C. APPEALS FROM THE VICE PRESIDENT

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

D. OTHER

The following applies to all appeals filed under this Code:

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

ARTICLE X
OTHER

- A. NOTICE.** The Academy may provide a notice under this Code to a student either in person or to the student's most recent electronic, campus or U.S. mail address on file at the Academy. A student will be deemed to have received such notice 1) immediately when informed in person; 2) within 24 hours when notified by electronic or campus mail; or 3) within 72 hours of the date of mailing when notified by U.S. mail. In all instances a student has an affirmative duty to remain in contact with the Academy while a matter is pending under this Code.
- B. ATHLETICS.** The provisions of this Code apply to misconduct related to participation in athletics. The procedures of this Code do not, however, apply determinations of whether a student may be a member of, or receive playing time for, an Academy athletic team because the student has engaged in conduct detrimental to the team. Those determinations shall be made by the coach, provided that the affected student may appeal the coach's decision to the Director of Athletics. For purposes of this provision, "conduct detrimental to the team" includes, but is not limited to, conduct that is unsportsmanlike to fans, officials or opposing coaches or players; disruptive to practices and other team events; brings disruption or disrepute to the team through misconduct or violations of law or Academy policy; or is otherwise contrary to the principles taught through athletic competition, such as reliability, diligence, commitment, teamwork and the willingness to take seriously the duty to represent the Academy honorably during competition.
- C. PARKING.** A student violation of a rule governing a moving, parked or standing vehicle on property owned, operated or under the control the Academy shall be processed under this Code only if the sanction sought by the Academy is suspension or dismissal from the Academy for the violation(s). In all other cases, the Department of Campus Safety and Security shall provide an informal process that permits a student an opportunity to contest the alleged violation before a person designated by the Department to hear such contests.
- D. RECORDS.** Other than Academy expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may upon application to the Vice President be expunged of disciplinary actions other than residence hall dismissal, Academy suspension, Academy dismissal, or revocation or withholding of a degree. Cases involving the imposition of sanctions other than these sanctions may be expunged from the student's confidential record in accordance with the Academy's records retention schedule.
- E. RELATED LEGAL PROCEEDINGS.** Academy disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice

President. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

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

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

DATE ADOPTED: Approved September 9, 2014

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