



Code of Conduct



2003-2004

Maritime College Judicial Code of Conduct

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Welcome to State University of New York Maritime College

Add Mission statement

General Philosophy

Maritime College, as an academic learning community, is committed to providing an atmosphere conducive to educational and personal growth. The rights and privileges exercised by any person are always a function of relationship with others. Each person is held responsible, formally and informally, for the way freedom is used. When freedom is used non-constructively, the judicial process can determine the response appropriate to the particular kind of abuse. The College's judicial process includes counseling to help individuals gain self-awareness of the consequences of their actions, and to help increase interpersonal competence through a mature acceptance of responsibility. In all aspects, the judicial process is fundamental to education, a major purpose of which is to help make the wisest possible use of the freedom they have and to allow students to work, study and reside together in an atmosphere of mutual respect.

Generally, jurisdiction for SUNY Maritime for judicial matters shall be limited to conduct which occurs on college premises. However, SUNY Maritime reserves the right to apply campus disciplinary procedures for inappropriate student behavior which occurs at off-campus locations whenever the student's conduct, and an activity and/or an event, adversely affect the campus community or undermine the interests and/or mission of the institution.

Admission to the College carries with it the expectation that a student read and abide by the Student Code of Conduct with all the rights and responsibilities that it implies and by his/her attendance at Maritime College assumes the obligation to comply with the Student Code of Conduct.

A College judicial proceeding is not a trial; any attempt to make it similar would seriously impair its educational function, which requires open discussion rather than adversarial debate. Nevertheless forms of due process are used in the interest of fairness.

Definitions

When used in this Code of Conduct

1. The terms "College," "institution," and "SUNY Maritime" mean the State University of New York Maritime College
2. The term "student includes all persons taking or auditing courses at SUNY Maritime, both full and part-time, pursuing graduate or undergraduate studies. Also, those persons who are not officially enrolled for a particular term

Rules, Regulations, and Student Conduct

Generally, through appropriate procedures, institutional disciplinary measures shall be imposed for conduct, which adversely affects the college's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property of persons at the college or on college-controlled property.

Students are expected to conduct themselves in accordance with the rules and regulations of the college. All students are governed by the procedures and codes found in this section and are expected to know and abide by this code of conduct. In addition, no statement, or lack of provision, in these regulations affects the responsibility of every person to respect and adhere to local, state, or federal ordinances, regulations, or laws.

The contents of this manual apply to all students at Maritime College, however, cadets participating in the Degree/License program are also subject to the rules and procedures found in the *Organization, Operations and Regulations Manual for the Regiment of Cadets*.

Maritime College Student Code of Conduct

I. ACADEMIC AND PERSONAL INTEGRITY

A. Academic Dishonesty

All students are expected to do his or her own work in class, assignments, laboratory experiments and examinations or tests in accordance with the directions given by the instructor. It is the responsibility of all students to read and understand the college policy on academic dishonesty. Maritime College considers academic dishonesty a serious matter, and one that will be treated as such. Academic dishonesty is defined as a violation of the college's standards of academic integrity.

A student found to be guilty of an act of academic dishonesty may, depending on the nature of the offense, be subject to one or more of the following measures and/or failure of the assignment or examination, failure of the course, dismissal from the Regiment of Cadet, or dismissal from the college. Dismissal from the Regiment does not imply the student will be asked to leave the college completely. However, dismissal from the college also implies that the student will no longer belong to the Regiment of Cadets.

Cases of academic dishonesty will be sent before the College Judiciary Committee. This committee will exist to hear all evidence regarding the case and decide what sanctions will be placed on the offending student. In addition to the College Judiciary Committee, Regimental Students may be brought before a Captain's Mast and/or a Suitability Hearing Board, on which, further information can be found in the *Organization, Operation, and Regulations Manual for the Regiment of Cadets*.

Examples of Academic Dishonesty:

The following are examples of academic dishonesty, intended to help students understand what constitutes such an offense. Academic dishonesty includes, but is not limited to:

- Using materials from another's work, or from one's own prior work without expressed consent from the instructor, without acknowledgement and claiming it to be one's own. Use of direct quotations and/or paraphrasing without the specific identification of the source constitutes plagiarism.
- Copying and/or modifying another person's computer file, program, printout, or portion thereof for use in an assignment without permission of the instructor.
- Knowingly permitting one's computer file, program, printout, or portion thereof to be copied by another student for use in an assignment without the permission of the instructor.
- Unauthorized giving or receiving of information for an examination, laboratory procedure, or other academic exercise without the permission of the instructor.
- Taking an examination, laboratory procedure, or other academic exercise for another student, or allowing another student to take an examination, laboratory procedure, or other academic exercise, for you.
- Altering or attempting to alter a grade on any piece of graded work, a grade written in an instructor's personal records, or a grade written on any college form, or transcribed in any official College record.
- Submitting a College form with a forged signature.
- Falsifying a College ID.

Reporting Procedures:

Faculty Responsibilities

- Faculty members who encounter acts of academic dishonesty are required to report them in writing to the Provost and Vice President of Academic Affairs with a copy of the report to the Department Chair and to the Dean of Students.
- Whenever possible, the faculty member should impound the evidence of suspected dishonesty. If necessary, photocopies should be made. Such evidence will not be returned to the student, but will

be kept in the confidential files in the Office of the Provost and the Office of the Dean of Students, Judicial Files.

- The Provost's designee should obtain such signed statements from students and other faculty as may be necessary to complete the documentation. The statements will be kept in the confidential files of the Provost and the Office of the Dean of Students.
- Provost's designee should explain the nature of the suspected violation and to advise the student of the actions to be carried out as outlined in this policy.
- If a student admits to an act of dishonesty, the Provost's designee should obtain a statement to that effect signed by the student. The statement will be kept in the confidential files in the Office of the Provost and the Office of the Dean of Students.
- Failure by the faculty member to execute any of these responsibilities will not constitute grounds for dismissal of charges against a student.

Student Responsibilities

Students are encouraged to notify the instructor if they observe an act of academic dishonesty. If a student reports such an incident, the instructor shall be obligated to pursue the matter as indicated above. If, in the opinion of the student who has reported the incident, the instructor has not fulfilled his/her responsibilities in this matter, that student may take one or more of the following steps in an attempt to resolve the situation:

- Confer with the department chairperson.
- Confer with the Dean of Students.
- Confer with the Commandant of Cadets.
- Confer with the Office of Residence Life.
- Appeal in writing to the Dean of Students.

Standard Citation Practices

Writers may refer to a handbook on scholarly writing for information about correct citation procedures. The *MLA Handbook for Writer's of Research Projects* is particularly useful because it also provides examples of plagiarism. Students should be aware that particular regulations regarding proper citation may vary between departments and students should check with their professor regarding appropriate citation styles. The informal nature of some writing may obviate the necessity of rigorously formal citation, but still requires honest attribution to original authors of all borrowed materials. Students should feel free to consult with instructors whenever there is doubt as to proper documentation.

Fear of being charged with plagiarism need not inhibit anyone from appropriately using another's ideas or data in a piece of writing. Even direct quotation frequently serves as an effective device in developing an argument. Academic honesty requires only that writers properly acknowledge their debts to other authors at least by means of quotation marks, footnotes, and references, if not also with in-text phraseology.

Submission of the Same Work in More Than One Course

When submitting any work to an instructor for a course, it is assumed that the work was produced specifically for that course. Submission of the same work in more than one course without prior approval is prohibited. If the courses are being taken concurrently, approval of the professors for both courses is required. If a student wishes to submit a paper that was written for a course taken in a previous semester, the student need only obtain the permission of the professor teaching the current course involved.

Library/Educational Materials Ethics

Students may not hinder the educational opportunity of other students by behavior such as removing, hiding, or defacing educational materials. In like manner, the library will protect the privacy of all students with regards to any and all information contained in their library records; e.g. books that have been checked out, amount or nature of fines, etc.

B. Unacceptable Behavior

CONDUCT UNACCEPTABLE

Conduct Unacceptable occurs when a student exhibits conduct or a pattern of conduct, on or off campus, that involves either a major breach of honor or discipline or constitutes a failure of the individual to live up to his or her community obligations and responsibilities when their actions are unfavorable to the wellbeing and character of the Maritime College community. Such conduct includes, but is not limited to, off campus violations of the federal, state or local laws, any serious breach of conduct regarding personal integrity, blatant disregard for authority, the rights of others, or the safety of self or others. It also includes any pattern of lesser, but consistent and persistent unacceptable behavior that collectively constitutes a major breach. The college acknowledges that, as society develops, the definition of what is considered a major breach of conduct as defined under this regulation may also evolve. Therefore, decisions as to what constitutes "Conduct Unacceptable" will be open to constant interpretation by the college. Such decisions will not be attempts to limit individual rights except where those acts are unfavorable to the wellbeing and character of Maritime College.

DISORDERLY CONDUCT

Disorderly conduct is that conduct which is offensive to good morals or public decency, safety, peace, or order. Such conduct includes, but is not limited to, public drunkenness, unruly or turbulent actions, lewd and obscene acts or gestures, or repeated violations of other regulations of the college (traffic rules, residence hall regulations, etc.). It is recognized that as society develops, the definition of what is considered good for public peace, morals, etc. may also evolve. Accordingly, the decision as to what constitutes obscenity, lewdness, unruliness, etc., will be open to constant interpretation by the college and the Judicial Board. Such decisions will not be attempts to limit individual rights except where those acts are unfavorable to the well-being and character of Maritime College.

ASSAULT/RECKLESS ENDANGERMENT

No person shall intentionally or recklessly cause physical injury or impairment or bodily harm to any member of the College community, or any person who is on campus for a legitimate purpose. No person shall recklessly engage in conduct that creates a substantial risk of serious injury to another person. Those who do will be subject to serious sanctions, administrative and/or legal actions.

INTIMIDATION

Verbal, written, or electronic threats towards a person or group of persons that leads the person(s) to fear for their physical and/or psychological well-being is prohibited and subject to serious administrative actions.

FRAUD

Responsibility for one's own actions is a cornerstone principle in the sound structure of a living, learning society, and a necessity in the development of personal character. Furnishing false information to the college or others with intent to deceive is a personal abrogation of such responsibility, which is contrary to the well being of a college community. Such fraud includes, but is not limited to, the forging, alteration, or misuse of college property, including library material, private property on the campus, auto decals, identification cards, grade reports, or other personal identification instruments requested by an Academy or other official. This includes using another student's ID card to get meals at the dining center.

GAMBLING

Gambling for money or stakes representing money is prohibited at the College and on board the training vessel at any time.

PICKETS, PROTESTS, AND DEMONSTRATIONS

A. Statement of Policy

Maritime College respects the right of all members of the academic community to explore and to discuss questions which interest them, to express opinions publicly and privately, and to join together to demonstrate their concern by orderly means. It is the policy of the college to protect the right of voluntary assembly, to make its facilities available for peaceful assembly, to welcome guest speakers, and to protect the exercise of these rights from disruption or interference. The college also respects the right of each member of the academic community to be free from

coercion and harassment. It recognizes that academic freedom is no less dependent on ordered liberty than any other freedom, and it understands that the harassment of others is especially reprehensible in a community of scholars. The substitution of noise for speech and force for reason is a rejection and not an application of academic freedom. A determination to discourage conduct that is disruptive and disorderly does not threaten academic freedom; it is rather, a necessary condition of its very existence. Therefore, Maritime College will not allow disruptive or disorderly conduct on its premises to interrupt its proper operation. Persons engaging in disruptive action or disorderly conduct shall be subject to disciplinary action, including expulsion or separation, and also to charges of violations of law. While Maritime College strongly supports the First Amendment rights of free speech, student should be aware of the effects of abusive or hurtful language on their classmates. Civil behavior is expected at all times.

B. Rule

Disruptive picketing, protesting, or demonstrating on Maritime College property or at any place in use for an authorized college purpose is prohibited.

C. Definition

Disruptive picketing, protesting, or demonstrating consists of any conduct that directly interferes with the orderly operation of the college or with the lawful pursuits of any member of the college community or any person otherwise on college premises with the express or implied permission of the college. Without in any way limiting the scope of the foregoing definition, the following actions are specifically prohibited:

1. Unauthorized occupancy of college facilities or buildings.
2. Interference with the rights of students, faculty, or staff and persons who are guests of the college to gain access to any college facility for the purpose of attending classes, participating in interviews, conferences, or any other proper purpose.
3. Interference with the orderly operations of the college, by breach of other forms of disturbance.
4. Interference with college traffic, be it pedestrian or vehicular traffic.

D. Implementation

Violation of the rule stated above shall lead to appropriate disciplinary action. The President or his delegated representatives may bring charges of such violations. Lack of a prompt response to a cease and desist order from the President or his representative will constitute an aggravation of the offense.

E. Amendments

These regulations on pickets, protests, and demonstrations may be changed or amended by the college at any time, but any such change or amendment shall be effective only after due notice or publication.

HAZING

Hazing is a serious violation of College policy and New York State law. Maritime College policy specifically prohibits any person, either singly or in concert with others, shall for the purpose of initiation into or affiliation with any organization or group, recklessly or intentionally take any action or create or participate in the creation of any situation that endangers the mental or physical health of another person. This includes, but is not limited to:

- A. Forced or required participation in physical activities such as calisthenics, exercises or games.
- B. Any form of tattooing or branding.
- C. Forced, coerced or required consumption of alcohol or other drugs.
- D. Any form of physical brutality, including paddling, striking with fists, open hands or objects.
- E. Participation in illegal activities.

- F. Intentional or reckless engagement in conduct that creates a substantial risk of physical injury to another person.
- G. Forced, coerced or required consumption of any food or other substance.
- H. Creation of excessive fatigue or sleep deprivation.
- I. Any act that causes psychological harm, embarrassment, ridicule or emotional distress to any individual.
- J. Forced or required inappropriate dress, full or partial nudity in any situation for any reason.

Further information on the College's stance on Hazing can be found in the *Organization, Operation, and Regulations Manual for the Regiment of Cadets*.

HATE CRIMES/BIASED INCIDENTS

A hate crime is a criminal offense committed against persons, property, or society that is motivated, in whole or in part, by the offender's bias against another group or individual's race, religion, ethnic/national origin, gender, age, political beliefs, disability or sexual orientation. A biased incident is governed by campus policy.

Hate incidents are those actions by an individual or group that is motivated by bias but do not rise to the level of a criminal offense. The fact that the offender was biased against the victim's race, religion, ethnic/national origin, gender, age, political beliefs, disability or sexual orientation does not mean that a hate crime was committed. Rather, the criminal act must have been motivated, in whole or in part, by his/her bias. In keeping with the Maritime College Mission of creating responsible citizens and capable leaders in society, hate motivated vandalism, intimidation or violence will not be tolerated.

Complaints should be referred to the University Police, the Office of Residence Life, and the Office of Regimental Affairs so that action may be taken against the alleged offender promptly. After an initial investigation, a classification will be made in conjunction with the Maritime College Judicial System. The incident may be classified as a hate crime, a crime, a biased motivated incident, a violation of the University's Student Code of Conduct or as an act of Free Speech.

SEXUAL MISCONDUCT

Maritime College condemns and prohibits sexual misconduct in any form. Sexual misconduct will not be tolerated by this campus and will be dealt with by appropriate disciplinary action. Sexual misconduct can be defined as, but is not limited to, one or more of the following:

Rape:

Forcing or coercing someone to have sexual intercourse. Rape most often involves the use or threat of force, violence, or immediate and unlawful bodily injury. The perpetrator does not need to use a weapon or produce physical harm; threat of force, expressed or implied is itself sufficient to categorize the act as rape.

In New York State, an individual has committed rape if sexual intercourse with the victim is consensual. One is unable to consent if at any of sexual intercourse, any of the following conditions exist or made to exist by the assailant:

- victim under 17 years of age
- mental incompetence
- physical helplessness
- unconscious or sleep
- incapacitation through use of alcohol or other drugs

Acquaintance Rape (Date Rape):

Sexual intercourse undertaken by a friend, date, or acquaintance without consent. Acquaintance rape includes sexual intercourse that occurs through force, as a result of threats, physical restraint or physical violence, or without consent.

Sexual Abuse:

Forcing or coercing a man or woman to engage in any sexual contact other than intercourse under the circumstances mentioned above.

Sodomy:

Forcing or coercing a man or woman to engage in any deviate sexual contacts under the circumstances mentioned above.

Sexual Harassment:

Defined as unwelcome sexual advances, request for sexual favors, or other sexually degrading verbal or physical conduct. A complete statement concerning sexual harassment is detailed in the front of this publication.

Where there is probable cause to believe the College's regulations prohibiting sexual misconduct have been violated, the College will expedite strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the College. *Being intoxicated does not diminish a student's responsibility in perpetrating rape, sexual assault, or other sexual misconduct.*

An individual charged with sexual misconduct will be subject to College disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending.

The College will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of continued trauma is the College's priority. When the victim and the accused live in the same residence hall, an immediate hearing with the Dean of Students will be held to determine the need for modifying the living arrangements. Assistance for any other personal or academic concerns will be reviewed and options provided.

SEXUAL ASSAULT PREVENTION

Orientation workshops, seminars, residence hall discussion groups and film presentations are offered throughout the school year concerning sexual assault prevention. Any sexual offense reported to the University Police will be promptly investigated and criminally prosecuted as per the New York State Penal Law and the Criminal Procedure Law.

All victims of sexual abuse will be provided with counseling through our Student Support Service. If a victim is initially unsure of reporting these crimes on campus, we urge the individual to call off-campus professionals at the Safe Horizon 24 hour hotline at 212-227-3000. Victims of sexual assault and all other crimes are encouraged to report each crime to the University Police.

What to do if you have been sexually assaulted recently...

If you do not have visible physical injuries from the assault, friends and family may think you are okay. Many people do not understand the extent of trauma endured by rape and sexual assault victims. There may also be physical injuries that you can't see. The following are some suggestions of how to get the practical and emotional support you need:

- Get to a safe place (for example, the nearest hospital, police precinct, or someone's home).
- You can call 911 for immediate police protection and assistance. You can also call one of a number of hotlines to discuss your options for reporting the assault.
- Go to your local hospital emergency room for immediate medical care to check for injury, prevent sexually transmitted infections and pregnancy, get counseling and collect evidence. Evidence collection does not require you to place a report with the police or press charges; it just preserves these options for the future. To find a local rape crisis center, click here. For the purposes of

evidence collection, we suggest that you avoid showering, combing your hair or changing your clothes before going to the hospital. New York State has a crime victim compensation program that can assist you with ongoing medical and counseling expenses and other expenses related to the assault. Your local rape crisis program can provide more information about this process and your rights as a crime victim.

- Tell someone you trust who can support and assist you.
- Call the nearest rape crisis program for crisis intervention, hospital accompaniment, counseling, courtroom advocacy, support groups for you or your partner, information and referral. Or call the Safe Horizon 24 hour hotline at 212-227-3000.

What if you have been raped or sexually assaulted in the past...

Sexual assault, no matter when it happens can change your life. It can change your view of yourself and others. You may experience changes in your eating and sleeping patterns. You may have nightmares or flashbacks about the assault or rape. Certain sounds, smells, or other sensory experiences may trigger these feelings and fears. You may be afraid of being alone, or you may fear being in crowds. You also may fear that the offender may have infected you with a sexually transmitted disease, such as HIV/AIDS, or that you may become pregnant.

Maybe you were abused by someone you knew (a boss, family member, spouse, friend). Maybe you were assaulted by a stranger. As time passes, you may have a variety of feelings, thoughts, and reactions to what has happened--most rape and sexual assault victims do. Whatever the circumstances, whatever your reactions or fears may be, support and help are available for you. Local rape crisis or sexual assault program staff will assist you, regardless of whether you decide to report the assault to the police.

- Find someone to talk to -- someone who can listen.
- Call the NYPD Special Victims Liaison Unit Report Line (646) 610-RAPE. They can help.

If you are a victim of a rape or sexual assault, it is recommended that you seek medical attention immediately. Call University Police on campus at (718) 409-7310 or, if the rape occurs off campus, the local police at 911. University Police can provide you with transportation to the hospital. It is also suggested that you do not:

- Bathe or douche;
- Change clothing, comb your hair, or brush your teeth;
- Disturb the area in which the crime occurred.

These actions destroy physical evidence that may be necessary to convict the attacker.

Why you should contact University Police or other Police Agencies...

- To officially report the assault: you may decide days or weeks later to press charges. By reporting the assault immediately and preserving evidence, you will have the foundation for future prosecution.
- Reporting the assault does not mean you must prosecute, but the report may help authorities identify the offender and prevent the victimization of other people.
- Reporting the offense to the University Police or other Police agencies does not obligate you to press charges and your name will not be released to the news media.

Remember, sexual assault is a crime committed against you, not by you. Do not blame yourself. Sexual assault is a traumatic experience, and it is recommended that victims seek counseling. Counseling services are available through the Student Support Service at (718) 409-7348.

PREVENTION

- Let others know where you are going and when you expect to return.
- Walk with confidence and alertness. Assaultants are less likely to target a person who appears assertive and difficult to intimidate.
- Report suspicious persons immediately to University Police.

Maritime College is committed to maintaining an environment in which students, faculty, staff and visitors can work together free of all forms of harassment, exploitation and intimidation. Maritime College will take action, as needed, to discourage, prevent, correct, and if necessary, discipline behavior that violates this standard of conduct. Rape and sexual assault constitute crimes. Any such behavior will result in immediate action by the College Judiciary Committee and will result in a penalty no less than suspension and possibly expulsion. Such behavior is prohibited by Federal and New York State Law and College policy. A list of the New York State Law on Sex Offenses and Penalties for Violation of New York State Law for Sex Offenses can be found in Appendix VI and VII of this Code of Conduct.

NEW YORK STATE SEX OFFENDER REGISTRY AND THE SEX OFFENDER REGISTRATION ACT (SORA)

<http://criminaljustice.state.ny.us/nsor/>

The purpose of this site is to provide an overview of the sex offender registration law and how the public can obtain information about sex offenders. The Sex Offender Registration Act, New York's version of Megan's Law, was signed by Governor George E. Pataki in July 1995 and became effective on January 21, 1996.

This site provides access to a wealth of information regarding where to get help, information for parents and educators, links to information regarding related legislation, and a host of other resources. Please check out the above website for information on SORA.

THEFT/POSSESSION OF STOLEN PROPERTY/CRIMINAL MISCHIEF

No person shall take, or intentionally or recklessly damage, or knowingly possess property other than his/her own without the consent of the owner, or intentionally impede recovery by the owner or College officials acting on behalf of the owner.

WEAPONS

Possession or keeping of a deadly instrument on campus (including in any vehicle) or use of any object with intent to harm another is prohibited. This includes, but is not limited to, firearms, explosives, explosive devices, knives, blackjacks, chukka-sticks, sling shots, kung fu type weapons, fireworks, firecrackers, CO-2 type firearms, spring-powered firearms, chemical or pepper aerosol spray. Violators will be subject to criminal prosecution and/or disciplinary action from the College.

UNAUTHORIZED ENTRY

There are many reasons why certain areas of the college are at times "off limits" to many personnel. These include safety, security, and organizational needs, to name a few. Persons entering academy spaces plainly marked as such, or locked spaces that are not their own rooms, without the expressed permission of a college official duly authorized to do so shall be guilty of unauthorized entry. College spaces include, but are not limited to, classrooms, residence hall rooms, storage rooms, office spaces, maintenance spaces, dining commons, gym, student government spaces, and library.

VANDALISM

The willful or ignorant destruction, damage or defacement of property belonging to others has been defined as vandalism which is a detriment to the college community. This policy covers not only college-owned property, but that of others as well and cannot be tolerated within a civil society.

ALCOHOL AND DRUGS

Possession, use, and/or distribution of illegal drugs and/or alcohol by students are prohibited on campus.

D. Search and Seizure Policy:

ENTRY INTO STUDENTS ROOMS

Students who reside in college residence halls are assured the privacy of their rooms and freedom from unauthorized entrance into, or search of, their rooms. However, the college is obligated to maintain reasonable supervision of the residential areas and associated common areas to promote an environment consistent with the aims of an academic community. Therefore, all student residential rooms, living spaces and common areas (Semi-private and large common heads, lobby and lounge areas, passageways, ladderways, and storage/cleaning lockers) are subject to search by authorized academy officials when circumstance show that there is sufficient probable cause to do so. Further inspection procedures involving Regimental students may be found in the *Maritime College Organization, Operations, and Regulations Manual*.

To foster these conditions, the following regulations are in effect:

1. Safety, Health, Regimental Inspections, Maintenance and Repair:

Residential Life staff, Safety & Security, Regimental, maintenance and custodial personnel may enter assigned rooms at reasonable hours on days designated by notice, for the purpose of carrying out their assigned tasks and functions. This notification, when feasible, shall be posted on the residential facilities bulletin boards or other prominent spaces, stating what dates, and for what purpose, rooms will be entered. Employees in the above categories may report on the condition of college facilities and equipment or on the overall health and safety condition of the room. Following safety and health inspections, residents shall have written notice stating those items reported as a result of such inspections. Upon receipt of this notice the occupant must contact the Residential Life person in charge of their building within forty-eight (48) hours to discuss correction of the reported irregularity. (The written notices must, as well, advise the occupant that subsequent investigation or repair related to damage may henceforth occur at any time during the normal work week.). In accordance with the existing residential regulations, the Director of Residence Life will handle inspection reports related to physical facilities or furnishings.

2. Search and Seizure

- A. **Student Rooms:** No person, with the exception of those listed in Section 1 above, shall enter rooms that are assigned to students living in college residential facilities, except under the conditions listed in part C below.
- B. **Common Areas:** Defined as the semi-private bathrooms, common bathrooms, lobby areas, passageways (hallways), ladderways (stairwells), storage/cleaning lockers, laundry rooms, and lounges located within student residential facilities. They are subject to search by authorized college officials when circumstances provide sufficient probable cause to do so. Such conditions are listed under part D below.
- C. Any student owned or operated motor vehicle parked on college property may be subject to search by authorized college officials when circumstances provide sufficient probable cause that creates a reasonable belief of illegal use of the vehicle (Violation of college policy/regulations or state or federal laws) and when deemed necessary to protect the best interests of the college. The applicable conditions are listed under part D below.
- D. Conditions under which a student room, common area, or vehicle may be entered and/or searched include, but are not limited to the following:
 1. Consent of the occupant(s)/owner/operator. Not applicable to readily accessible spaces in common areas.
 2. Presentation of a properly drawn, court ordered, legal search warrant, served by an officer of the court.
 3. Presentation of a written administrative certificate of search the President, or persons publicly designated to act as their representatives. In the event that immediate action

is warranted, the physical presence or verbal consent of the aforementioned representatives is sufficient for entry. Such authorization is not needed for readily accessible common areas.

4. In the event of an emergency situation posing immediate threat to either the safety of the occupant(s), or the preservation of the building.
5. *Plain View Searches:* If a contraband/prohibited item is present in a student room, common area or vehicle and in plain sight of an college official, the official had sufficient cause to immediately enter the room, common area, or vehicle.
6. All packages, boxes, bags, and/or suitcases that are in, or brought into a student residential facility are subject to a full inspection upon the request of any college official.

3. *Administrative Certificate of Search:*

This is the written authorization that must be provided to residents of a room or vehicle owners in the event that their room/vehicle has been or is to be searched for disciplinary reasons. If the search is generated by a "plain view" or a verbal authorization circumstance then the completed form will be supplied within 24 hours of the event. Certificates of search can be authorized by the President, Dean of Students, Director of Residence Life, or their designees. It must specify the reasons for believing such a search is necessary, the objects sought, and the area to be searched. An effort will be made to conduct the search in the presence of one or both of the residents. However, inability to locate the residents will not be cause for a delay in the search.

4 *Record of Search:*

The request for a search, if approved by the designated authorities, shall be kept in records with the authorization until the time of the student's graduation and shall be available to the student for examination. These records will be kept completely separate from the student's permanent record. Should the search figure in any hearing within the college, the authorization shall be attached to the hearing record. If no action is taken following the search, notation of that fact shall be noted with the authorization. All security reports are, by law, open to law enforcement agencies.

D. Alcohol and Drugs

MARITIME COLLEGE ALCOHOL POLICY

The college believes that illegal activity involving alcohol or illicit drugs has the potential to damage the quality of campus life and is contrary to the qualities required of a Maritime Student. The following are examples of the damage alcohol and illicit drugs can do:

1. Place at risk those that are dependant on the professional competence and self practices of those in positions of responsibility.
2. Injure the physiological and psychological well being of individuals.
3. Disrupt and endanger the welfare of those in the immediate environment of the illegal activity.
4. Attract criminal activity to the campus.

While procedures have been developed for addressing violations of the campus alcohol policy, respect for issues of student privacy and security from unreasonable intrusions will be consistent with policy and past practice.

The College will comply with the requirements of the New York State Alcohol Beverage Control Law. Amendments to the law provide that, "No person under the age of 21 shall possess any alcoholic beverage with the intent to consume such beverage."

Alcoholic beverages are not permitted in residence halls and no events will be approved in which alcohol will be served or consumed in the residence halls. Residents are subject to all local and state laws concerning the use, possession, sale, and transportation of alcoholic beverages. College policy prohibits

open containers of alcoholic beverages in all outside areas on the campus. Bringing alcoholic beverages to any public or private event on campus is not permitted.

Except as noted below, student use, consumption, possession, or transportation of alcoholic beverages is prohibited on the college grounds, the training ship, and /or any vehicle or craft belonging or in custody of the College. Students returning to the college grounds or training ship under the influence of alcohol are subject to disciplinary action for this offense. Cases where injury, referral to a hospital, vandalism, use of a vehicle while under the influence, police involvement, or actions bring discredit to Maritime College and such actions will bear harsh consequences to the offending student.

Events where alcohol is served may be authorized under certain special circumstances where the vast majority of attendees will be 21 years of age or older. Individuals involved in the serving of alcoholic beverages must also be 21. Students who dispense or furnish alcoholic beverages to underage students are in violation of college policy and of New York State Law.

Students found in violation of the offense of Consumption, Possession or Transportation of Alcoholic Beverages will be dealt with in the following manner:

First offense: A minimum of twenty-five (25) hours of community service and a required meeting with the school counselor.

Second offense: A minimum of thirty-five (35) hours of community service and mandatory participation in an approved substance abuse program (paid for by student)

If property damage is combined with above offense a minimum of twenty-five (25) additional hours of community service will be assigned.

Student(s) occupying a room where any of the above is encountered may also be subject to assigned community service hours, or other disciplinary action, themselves. If evidence exists that a student over 21 has provided alcohol for underage people or provided a place for underage people to consume alcoholic beverages, the ensuing punishment will be elevated to that of a second offence level.

It should be noted that the presence of empty alcoholic beverage containers in or about college grounds is prima facie evidence of use, consumption, and/or transportation. Students found in violation of the college alcohol policy will be referred to the Dean of Students for adjudication.

Violations of Alcohol Beverage Control Law

Violation of this policy will result in appropriate disciplinary sanctions up to and including dismissal from the college, as provided for under established College judicial procedures. While students are subject to the provisions of campus alcohol policy, the following information is provided regarding provisions of the Alcohol Beverage Control Law:

- Violators are subject to a fine of up to \$50 per offense, but are not subject to arrest. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials, including campus police officers. Disposal and destruction of seized alcoholic beverages are also authorized but cannot be carried out until three days after the initial appearance date, unless otherwise ordered by a court.
- Persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine up to \$100 and a community service requirement of up to 30 hours. Previously, violations of this section were punishable only by the imposition of a one year probationary period and a fine.
- A person under the age of 21 who represents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.
- No person shall sell, deliver, give away, permit, procure to be sold, delivered, or given away, any alcoholic beverages to any intoxicated person or any person under the influence of alcohol.
- Any person who shall be injured in person, property, means of support or otherwise by an intoxicated person, or by reason of the intoxication of any person, whether resulting in his/her death or not, shall have a right of action against any person who shall, by unlawfully selling to or

unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action, such person shall have a right to recover actual and exemplary damages.

- Social host liability creates civil liability for anyone who knowingly furnishes alcoholic beverages to any intoxicated person under the legal age of purchase if intoxication results in injury or damages to a third party.

MARITIME COLLEGE DRUG POLICY

Student use, consumption, possession, or transportation of narcotics and/or illegal drugs is prohibited on college grounds, the training ship, and/or any college vehicle. It should be noted that possession of paraphernalia associated with drug use is prima facie evidence of use and/or possession. Banned substances include, but are not limited to, the following:

1. Controlled Substances requiring a prescription, but that are obtained without a physician's order, such as methedrine (speed), amphetamines (Ritalin, Adderall, etc.), antidepressants (Prozac, etc.), sedatives and barbiturates, tranquilizers, and pain killers (Valium, Vicatin, etc.)
2. Narcotics, such as morphine, heroine, codeine, ketamine, and cocaine in its many forms.
3. Chemical substances and organic matter, such as LSD (Acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, etc.

Unauthorized (without prescription) use or possession of any of the above is an illegal act. Use, possession, or sale of these substances may also result in legal action. The college will remain cognizant of its responsibility to civil matters.

The crime and penalties associated with possession and/or consumption of controlled substances and narcotics in New York State can be found in Appendix III, Controlled Substances Crime and Penalties in NY State, at the rear of this manual. For crimes and penalties associated with controlled substances and narcotics under Federal Law, please see Appendix IV, Controlled Substances Crime and Penalties Under Federal Law.

SMOKE FREE COLLEGE POLICY

The College recognizes the serious and substantial public health risk and productivity problems caused by smoking. In an effort to create a healthful, comfortable and productive environment for all students, faculty, staff and visitors, the College has adopted a smoke-free policy. This policy applies to all students, faculty, staff and visitors at Maritime College and all College buildings and facilities.

1. Smoking is prohibited in all indoor locations including but not limited to:

- classrooms, lecture halls, auditoriums and libraries;
- laboratories, shops, computer rooms and studios;
- offices, meeting rooms and lunch rooms;
- dining facilities, lounges and rest rooms;
- lobbies, foyers, and waiting rooms;
- hallways, stairwells and elevators;
- maintenance areas, mechanical and storage rooms;
- gyms and physical activity centers;

2. Smoking is prohibited in all enclosed areas including but not limited to:

- building entrances and covered walkways;
- loading docks and parking garages;
- courtyards and patios.

3. Smoking is prohibited in the following outdoor locations:

- at any outdoor event with seating;
- within 15' of any building entrance or ventilation system

4. Smoking is prohibited in all College vehicles including buses, vans, cars and trucks.

5. Smoking is prohibited in College Residence Halls, as stipulated in items 1-3 of this policy and in all common areas including:

- laundry rooms, cooking areas and bathrooms;
- recreation, study and lounge areas.

6. The sale of cigarettes and other tobacco products is prohibited anywhere on College property.

7. Cigarette advertisements must not be publicly displayed at the College.

8. Any person who fails to comply with the requirements of this policy may be in violation of Article 13E of the New York State Public Health Law. Violations may be subject to the imposition of a civil fine in addition to University disciplinary action.

9. The Department of Environmental Health & Safety and the Department of Public Safety may be called upon to enforce the provisions of New York State Law.

RELATED DOCUMENTS:

[Article 13E-New York State Public Health Law](#)

Regulation of Smoking in Certain Public Areas

II. COLLEGE JUDICIAL PROCEDURES

The college judicial process is a three tier system of adjudication. At the lowest level, cases are mediated by residence hall directors. At the next level, cases are heard by an administrator from the Office of Residence Life or the Dean of Students in the case of non-regimental students, and the Commandant of Cadets in the case of regimental students. At the highest level, cases are heard by the College Judiciary Committee. Nothing in these procedures implies that civil or criminal action cannot be taken independent of this judicial system in appropriate cases. The College reserves the right to make public, the outcome of disciplinary hearings.

A. Minor Infraction: Adjudication by Judicial Officer

Some minor infractions of the College's Rules and Regulations, where guilt would result in penalty that would require a minimum fine and/or community service, (ie. first alcohol offense, smoking, unregistered guest, etc.) will be addressed by the Office of Residence Life, which includes the Director of Residence Life, Manager of Residence Life, Resident Director(s), and Resident Assistant(s). They have the authority to assign disciplinary sanctions and can also recommend any cases to be adjudicated by the Dean of Students or Commandant of Cadets.

B. Minor Infractions: Adjudication by Dean or Commandant

Minor infractions of the College's Rules and Regulations, where guilt would result in a penalty less severe than suspension (ie. trespassing on college property, repeated smoking offenses, etc.) will be addressed by the Commandant of Cadets, in the case of regimental students and the Dean of Students, in the case of traditional students. They have the authority to assign disciplinary sanctions, as they feel necessary.

C. Major Infractions: The College Judiciary Committee

The Dean of Students shall determine if a complaint represents a charge of a major infraction that merits being heard by the College Judiciary Committee. Regarding alleged academic dishonesty the Dean shall meet with the faculty members of the committee to decide if the case merits a hearing. All formal charges of academic dishonesty, assault, harassment, or sexual misconduct shall be heard by the College Judiciary Committee. The committee has the authority to submit the alleged student to disciplinary actions they deem appropriate of the offense.

If at any point prior to, or during the hearing, the President or the Dean of Students decides that the well being of a student or of the College is at stake, he or she can intercede in the proceedings and order immediate sanctions against the student who is the subject of the hearing. The action assumes no guilt and the hearing will be held as soon as possible. If the student refuses to appear at the hearing, the Dean of Students may assess additional penalties on the student.

D. Composition of the College Judiciary Committee:

The College Judiciary Committee shall consist of 7 members: The College Judicial Officer, 2 faculty members 2 College Administrators and 2 student members that are appointed by the student government. The committee member shall be selected from a pool of administrators and faculty so that the same members are not required at each committee hearing.

The Judicial Officer will serve as chair of the committee and will act as a non-voting member. The role of the Dean is to participate as needed and guide the hearings along in a fair and efficient manner; however, he/she will not take part in any vote determining guilt except in the case of a tie, in which the chair will vote in order to break the tie.

E. College Judiciary Committee: Hearing Procedures

1) Character Witness Statements

Prior to the opening of the hearing up to two (2) character witnesses may testify to the character of the accused. He/she may not testify to the specifics of the case in question.

2) Opening of the Proceedings

- a. The panel chair will open the proceedings by reminding all participants that the persons present and testimony presented in the hearing must be kept strictly confidential.
- b. The panel chair will note the date, identity of the party(ies), the charges, and identity of all panel members.
- c. The accused and witness(es) will be sworn in.
- d. The accused will confirm that s/he has been read the rights of the accused and understands them.
- e. The accused will confirm that s/he has received all the evidence materials.

3) Entrance of Plea(s)

The accused will plead guilty, not guilty, or guilty in part, to each of the charges, or move to postpone the hearing for good cause shown.

4) Opening Statements

- a. The panel chair may invite the moving party(ies)/victim to make a statement (approximately 3-5 minutes), summarizing the essential facts and expressing opinions thereon. At any point prior to this stage of the hearing, the moving party(ies) may decline such invitation.
- b. The panel chair will request the accused to present his or her case. As stated above, the accused has the right to produce witnesses, introduce documents, and offer testimony in his or her own behalf. The accused may waive this right by a verbal declaration.
- c. If the accused elects to offer testimony on a specific act of misconduct, he/she waives a right to continued silence, and must answer truthfully all questions pertaining to the act.

5) Questioning

- a. The panel may call and question all witnesses. (The panel chair may sequester witnesses to appear consecutively or direct them to appear before the panel simultaneously.)
- b. The accused may ask questions of the moving party or any witness(es), under the condition that the panel chair deems them fair and relevant.
- c. The moving party and/or witness(es) may not ask questions of the accused directly, but may ask to be recognized by the panel chair if they have any points of clarification or further explanation pertinent to the incident. This provision may be waived by the accused at any point during the proceedings.

6) Recesses

- a. The panel chair may recess hearings for a short duration of time in order to facilitate the work of the panel.
- b. By vote of a majority of the panel members, hearings may be recessed for an extended duration of time in order:
 - i. To accommodate extraordinary circumstances such as personal emergencies.
 - ii. To acquire additional evidence or testimony.
 - iii. To provide adequate time for considering and setting sanctions.
- c. A witness or accused enjoys the right to a brief recess after a lapse of one (1) hour from commencement of the official recording of the hearing.
- d. No recess may be declared for the purpose of amending the original charges against the accused. If it is determined during the hearing and prior to verdict and judgment that the charges must be amended,
 - i. With the unanimous consent of the hearing panel and the agreement of the accused, the charge(s) may be amended and the hearing may continue, or
 - ii. Without the unanimous consent of the hearing panel or the agreement of the accused, the hearing must be terminated without prejudice and the procedures set forth under preliminary investigation reinstated.

7) Closing Statement

The accused will have an opportunity to make a closing statement at the conclusion of the questioning.

8) Decision and Sanction

- a. After the hearing closes, the panel will consider its verdict and sanction in closed session.

- b. The verdict is a determination of guilt or non-guilt. A guilty verdict is based on the existence of clear and convincing evidence that the accused committed the act(s) alleged in the charge(s).
- c. The sanction is a statement of the punishment imposed drawn from those enumerated below.
- d. The verdict and sanction will be determined by a majority vote of a panel except that any judgment of expulsion or suspension of an individual must be supported consensus of a seven (7)-member panel.

F. Disciplinary Outcomes: Administrative Hearings

No disciplinary outcome or action shall be imposed upon a student by or in the name of the college except in accordance with the Code of Conduct and where applicable, with the *Maritime College Organization, Operations, and Regulations Manual*.

A. Individual Offenses

- Expulsion or suspension from the Academy or any lesser sanction may result from the commission of any of the following offenses:
 - Academic dishonesty.
 - Theft.
 - Assault and battery.
 - Vandalism.
 - Fraud.
 - Lewd or indecent conduct that interferes with the goals of the Academy, or is detrimental to the welfare of the Academy community.
 - Illegal use/ possession of drugs or related paraphernalia.
 - Unauthorized entry.
 - Harassment or hazing
 - Two or more (or the repetition of) offenses listed in Section 3 below.
 - Weapons
 - Sexual Assault
 - Sexual Harassment
 - Unauthorized or illegal use of alcohol.
 - The inappropriate use or abuse of academy computer services
2. Disciplinary probation or any lesser sanction may result from the commission of any of the following offenses:
- a. Disorderly conduct, including that resulting from drunkenness, not considered lewd or indecent.
 - b. Violations of residence hall regulations.
 - c. Repeated violations of traffic rules.
 - d. Gambling.
 - e. Failure to abide by a lawful order of a college official acting within the realm of his/her authority.

B. Group Offenses

Living organizations, societies, clubs, and similar organized groups are responsible for compliance with College regulations. Upon satisfactory proof that the group has encouraged, or did not take reasonable steps as a group, to prevent violations of Academy regulations, the group may be subjected to permanent or temporary suspension of charter, social probation, denial of use of college facilities, or other like sanctions.

Disciplinary Actions

The campus judicial system is based on the assumption that disciplinary actions, when required, should be an educational process first. Disciplinary sanctions are imposed to help students develop

individual responsibility and encourage self-discipline, to foster a respect for the rights of others, and to protect the rights, freedoms and safety of members of the campus community.

Disciplinary action may take the form of Disciplinary Reprimand, On-Campus Community Service, Restitution, Loss of Privileges, Corrective Educational Sanctions, Residence Probation, Disciplinary Probation, Residence Suspension, Suspension and Disenrollment. Only the disciplinary actions defined herein may be assigned to a student unless approved by the Dean of Students. As appropriate, sanctions may be combined.

The following describes the specific action and the level of authority that it may be assigned:

Disciplinary Reprimand – A Disciplinary Reprimand is a written notification to the student that his or her behavior is unacceptable in the college community and that repetition of that behavior will result in further more serious disciplinary action. It may be combined with other sanctions. All levels of adjudication may assign disciplinary Reprimand. The Disciplinary Reprimand will be signed by the Director of Residence Life and delivered to the student with a copy to the students file.

On-Campus Community Service - On-campus Community Service is a specific numbers of hours of directed work on the campus that is constructive in nature. The work is assigned and supervised by the Office of Residence Life. All levels of adjudication may assign on-campus Community Service. Record of on-campus Community Service will be signed by the Director of Residence Life and delivered to the student with a copy to the students file.

Restitution – Restitution requires the student to pay for all direct and indirect costs of damages to property or person. Restitution may be assigned at all levels of hearing panels. The amount of restitution and amount of restitution will be determined by the Office of Residence Life. A listing of the offense and the restitution assigned will be maintained in the student's file.

Loss of Privileges – Privileges within the college community may be revoked for a specified period of time, as long as they are consistent with the nature of the offense and the education of the student. Loss of Privileges may be assigned at all levels of hearing panels. The specific loss of privilege must be approved by the Office of Residence Life. A listing of the offense and the specific loss of privilege will be maintained in the student's file.

Corrective Educational Sanction – Corrective Educational Sanctions are intended to contribute to the education of the student, the education of the college community, and/or to be a form of social restitution. It can take either of two forms:

a) Developmental Exercise – The student may be required to attend, plan or participate in a program, workshop, or other appropriate activity.

b) On-Campus Community Service – The student will be required to engage in community service projects on the campus for the number of hours of service required. The community service should be in some way appropriate to the offense.

Corrective Educational Sanctions may be assigned at the College Judiciary Committee Hearing, Office of Residence Life or by the Dean of Students. A listing of the offense and the Developmental Exercise or Community Service will be maintained in the student's file in the Office of Residence Life.

Residence Probation – This sanction informs students that the standards necessary for community living have been seriously violated and that future violations of residence community living standards will result in a minimum, immediate suspension from the residence halls. Residence probation is usually given in combination with another sanction. It may be assigned Dean of Students or as recommended by the College Judiciary Committee and issued in writing. A listing of the offense with a copy of the letter informing the student of the probation will be maintained in the student's file.

Disciplinary Probation - Disciplinary Probation is assigned for a definite period of time during which the student is required to fulfill specified conditions or obligations, with the understanding that failure to meet the requirements of the probation or further infraction of college policy may result in more

server sanctions, including suspension or disenrollment from the college. Individuals on Disciplinary Probation may not represent the college in extra curricula activities, or hold office in any student group or organization. It may be assigned Dean of Students or as recommended by the College Judiciary Committee and issued in writing. A listing of the offense with a copy of the letter informing the student of the probation will be maintained in the student's file.

Residence Suspension - This sanction requires the student to terminate occupancy on the campus for a specified period of time. Conditions must be met in order to be eligible to live on campus and the termination of the suspension period will be clearly outlined in the notification letter. It may be assigned Dean of Students or as recommended by the College Judiciary Committee and issued in writing. A listing of the offense with a copy of the letter informing the student of the suspension will be maintained in the student's file.

Suspension – A suspension is a separation from the college, for a specified period of time, ranging from a portion of a given semester to a full academic year. Conditions for return to the college, if any, must be outlined at the time of suspension and may include appearance before a Conduct Readmission Review Board. In addition, restrictions on the suspended student's access to the campus may also be assigned, including the assignment of Persona Non Grata status. It may be assigned Dean of Students or as recommended by the College Judiciary Committee and issued in writing. A listing of the offense with a copy of the letter informing the student of the suspension will be maintained in the student's file.

Expulsion– Expulsion is the permanent separation of the student from the college. It is reserved for the most serious of offenses. Requests for reinstatement to the college will require appearance before a Conduct Readmission Review Board and a recommendation made to the President. The President of the college will approve all requests for readmission. It may be assigned by the President or as recommended by the College Judiciary Committee and issued in writing. A listing of the offense with a copy of the letter informing the student of the expulsion will be maintained in the student's file.

G. Due Process of the Accused

Due Process Procedures for Cases Adjudicated by Residence Hall Directors and Administrative Hearing Officers

1. The student who has been accused of a violation will be informed of the charges in writing or orally at the time of the administrative hearing.
2. The student will be informed of the nature of the evidence against him/her.
3. The student has the right to make statements and present witnesses on his/her behalf.
4. The student may ask that the administrative hearing be postponed for 24 hours in order to have time to call witnesses or to gather witness statements.
5. The student who has been accused has the right to remain silent and may not be forced to incriminate himself/herself.
6. Decisions about violations of the Student Code will be based on the preponderance of evidence.

Due Process Procedures for Cases Adjudicated by the College Judiciary Committee:

1. The student who is accused of a violation of the Student Code will be given notice of the hearing in writing 48 hours prior to the hearing.
2. The student who is accused of a violation shall be informed of the nature of the evidence against him or her.
3. The student who is accused and students who have made a complaint against a student have the right to make statements and present witnesses.
4. Students who are accused will be made aware of all known testimony against them, with written summary or copies available on request.
5. Students who are accused and students who have made complaints have the right to be assisted by an advisor, at their expense. The advisor cannot speak for the advisee or present the case or participate directly in the hearing. The advisor may be an attorney.

6. A student who has been accused has the right to remain silent and may not be forced to incriminate himself/herself.
7. Decisions about violations of the Student Code will be based on the preponderance of evidence.

H. Grievances and Appeal Procedures:

Appeal Process for Cases Adjudicated by Residence Hall Directors and Administrative Hearing Officers

1. A decision and/or a sanction may be appealed. The appeal must be in writing and should be delivered to the Director Residence Life or a designee of the Office of Residence Life within 5 class days of the hearing.
2. For cases that were heard by residence hall directors, the appeal will go to the Office of Residence Life.
3. For cases that were heard by the Office of Residential Life administrators, the Dean of Students or his/her designee will review the appeal.
4. **The appeal process will consist of a review of the records of the administrative hearing and the supporting documents. The appeal process will not include a new hearing.** The following exceptions apply:
 - a. If the appeal presents new evidence that was not available at the time of the administrative hearing, the student may be called to discuss the evidence.
 - b. If it is found that the student's due process rights were violated at the administrative hearing, the case will be heard again by an individual appointed by the Vice President or his/her designee.
5. The individual who reviewed the appeal will respond to the appeal in writing.
6. If the appeal is upheld, the individual who reviewed the appeal may make changes in sanctions or may refer the case for a new administrative hearing.
7. If the appeal is upheld, sanctions may be reduced but may not be increased.
8. Students are limited to one appeal for each hearing.

Grounds for Appeals for Cases Adjudicated by Residence Hall Directors and Administrative Hearing Officers

The **written** appeal will be considered if it includes at least one of the following:

1. The student demonstrates that the hearing was not conducted fairly in light of the charges or that the student was not provided a reasonable opportunity to prepare and present evidence and/or rebuttal to the allegations. (See Due Process Procedures for Cases Adjudicated by the Residence Hall Directors and Administrative officers.)
2. The student demonstrates that the decision that was reached was not based on substantial evidence. That is, the facts of the case were insufficient to establish that a violation of the Student Code of Conduct occurred.
3. The student demonstrates that a sanction that was imposed was inappropriate for the violation of the Student Code of Conduct that the student committed.
4. The student brings forth new evidence or other relevant facts that were not brought forward at the time of the hearing because they were not known to the student at the time of the hearing.

Appeal Process for Cases Adjudicated by the College Judiciary Committee

1. A decision and/or a sanction may be appealed. The appeal must be in writing and should be delivered to the Office of the Dean of Students within 5 class days of the hearing.
2. **The appeal process will consist of a review of the records of the College Judiciary Committee hearing and the supporting documents. The appeal process will not include a new hearing.** The following exceptions apply:

- a. If new evidence is brought forward that was not available at the time of the hearing by the College Judiciary Committee, the student may be called to present the evidence.
 - b. If it is found that the student's due process rights were found to have been violated, the case will be heard by the Dean of Students, or a designee of the Dean's Office.
3. The records will be reviewed by the Dean of Students or his/her designee.
4. The Dean of Students or his/her designee will respond to the appeal in writing.
5. If the appeal is upheld, the Dean of Students or his/her designee may make changes in sanctions or may refer the case back to the College Judiciary Committee.
6. If the appeal is upheld, sanctions may be reduced but may not be increased.
7. Students are limited to one appeal for each hearing.

Grounds for Appeals for Cases Adjudicated by the College Judiciary Committee

The **written appeal** will be considered if it includes at least one of the following:

1. The student demonstrates that the hearing by the SDB was not conducted fairly in light of the charges or that the student was not provided a reasonable opportunity to prepare and present evidence and/or rebuttal to the allegations. (See Due Process Procedures for Cases Adjudicated by the College Judiciary Committee.)
2. The student demonstrates that the decision that was reached was not based on substantial evidence. That is, the facts of the case were insufficient to establish that a violation of the Student Code of Conduct occurred.
3. The student demonstrates that a sanction that was imposed was inappropriate for the violation of the Student Code of Conduct that the student committed.
4. The student brings forth new evidence or other relevant facts that were not brought forward at the time of the College Judiciary Committee hearing because they were not known to the student at the time of the hearing.

Appendix I)

EFFECTS AND HEALTH RISKS OF DRUGS AND ALCOHOL

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also INCREASES the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is like to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome (FAS) or fetal alcohol effect (FAE). Both FAS and FAE are the leading known cause of mental retardation, which is irreversible. To prevent this syndrome, total abstinence from alcohol during pregnancy is necessary. Alcohol should also be avoided if you are trying to become pregnant, as significant damage may occur before pregnancy is discovered.

Tobacco and the Body

Tobacco, commonly smoked through pipes, cigars, and cigarettes, can also be chewed and inhaled in the form of snuff. Nicotine is the active ingredient in all forms of tobacco. Nicotine stimulates the heart and central nervous system and is a power constrictor of small arteries. Insufficient oxygen to the heart is the cause of heart attacks. Smoking causes the lungs and bronchioles to be inflamed and congested. Possible health risks of tobacco include arteriosclerosis, emphysema, chronic bronchitis, heart disease, and lung cancer.

Cannabis (aka. Marijuana, Pot, Grass, Reefer, Joint, Acapulco Gold, sinsemilla, Thai sticks, Weed, THC, Marinol, Hashish, Hashish Oil)

The psychoactive ingredient in marijuana is tetrahydrocannabinol (THC). The amount of THC in a joint is what effects the user. THC is used medically as an anti-nauseant for cancer patients receiving chemotherapy.

Possible signs of use or abuse of cannabis include: increased heart and pulse rate, bloodshot eyes, increased appetite, dryness in mouth and throat, hallucinations, paranoia or panic, impaired memory, altered sense of time, and decreased concentration, reaction time, and coordination.

Health risks include: damage to heart and lungs, damage to brain nerve cells, lung cancer, memory disorders, interference with psychological maturation, temporary loss of fertility in men and women, psychological dependence, and bronchitis. For pregnant women, health risks are premature births and low birth weights.

Designer Drugs

Designer Drugs are lab-made versions of drugs that are designated controlled substances under U.S. law. Under provisions of the Controlled Substance Analog Act, designer drugs are illegal. Early designer drugs included substitutes for heroin, amphetamines and hallucinogens, including MDMA ("E", "X", "XTC," Ecstasy).

Risks of designer drugs are often related to how the drugs are made as well as how they are used. Base chemicals such as phenyl acetic acid, formaldehyde, carbamate, acetic anhydride, and others can build up to toxic levels in the labs. In the process of synthesizing some chemicals can poison the final product-creating seizure-inducing forms of PCP for instance. Many times the chemist doesn't know exactly what drug he's created until it's been "tested" on real people and confirmed by medical examiners.

MDMA, MDA, XTC, ADAM, Rhapsody, E, X, ecstasy.

Risks associated with MDMA include the possibility of overdose and related risk of hypothermia. Because MDA/MDMA are amphetamines tolerance develops quickly and overdose is possible, liver damage and exhaustion can occur. The drugs are known to intensify heart problems. Research indicates there may be damage to brain cells that manufacture the neurotransmitter serotonin.

There are risks connected to all night dancing and MDMA-dehydration; heat exhaustion and dangerously high body temperature is the most common serious. (Taking breaks to cool off and drinking plenty of water will help alleviate the risk.)

Appendix II)

DRUG ACTIONS CLASSIFIED BY TYPE OF DRUG

	Cocaine/Crack
Drug Type	Coke, Snow, Toot, White Lady, Flake, Blow, Big C, Snowbirds, Lady, Nose Candy, Rock, Readyrock
The Facts	<p>Cocaine is extracted from the leaves of the South American coca plant. Cocaine is a white powder that can be inhaled, injected, or smoked (free based). Cocaine stimulates the central nervous system, increasing alertness and activity. In order to extend a seller's supply and profits, cocaine sold on the streets is often mixed with other substances such as sugar, salt, cornstarch, or possibly other drugs. Its unknown purity content increases the dangers of using cocaine. Cocaine is an addictive drug. Initially, users of cocaine experience a "high." But when the "high" wears off a devastating "low" follows. To avoid this "low" users are often compelled to use more.</p> <p>Crack is a smokeable form of cocaine. Crack is extremely addictive. Smoking crack provides intensified cocaine effects because higher doses of the drug reach the brain with more immediacy.</p>
Possible Signs of Use/Abuse	<p>Euphoria; dilated pupils; narrowing of blood vessels; increased blood pressure, heart rate, breathing rate, and body temperature; decreased appetite; insomnia; runny nose; violent, erratic, or paranoid behavior; sweating; anxiety; and tremors.</p> <p>Malnutrition, respiratory problems; addiction; stroke; liver problems; seizures; heart and respiratory failure; psychosis; coma; convulsions; and sexual dysfunction.</p>
Possible Health Risks of Use/ Abuse	<p>For users who share or use unsterile needles to inject cocaine; tetanus, hepatitis, tuberculosis, or HIV/AIDS. For pregnant women: miscarriage, stillbirths, premature labor or delivery, or hemorrhaging. Babies exposed to cocaine (cocaine babies) may be irritable and unresponsive. Cocaine babies may suffer strokes, have malformed kidneys and genitals, and may be at risk for seizures or sudden infant death syndrome (SIDS).</p>

Tobacco

Drug Type	Cigarettes, cigars, chew, snuff
The Facts	Tobacco is used in a variety of ways. It is smoked through pipes, cigars and cigarettes. Tobacco is also chewed and inhaled in the form of snuff. Nicotine is the active ingredient in all forms of tobacco. Nicotine stimulates the heart and central nervous system. Nicotine is just as addictive as heroin and cocaine. Smoking costs \$65 billion per year in health care costs and lost productivity. In Minnesota, it is a petty misdemeanor for persons under the age of 18 to possess, use or purchase tobacco products. Local ordinances may increase these offenses to misdemeanors, with fines up to \$700 and jail time up to 90 days. Furnishing tobacco to a minor is also a misdemeanor. It is a gross misdemeanor, punishable by up to one year in jail and a \$3,000 fine, to sell tobacco products to people under the age of 18.
Possible Signs of Use/Abuse	Flushing; nausea; gagging; vomiting; coughing; sweating; abdominal cramps; watering eyes; dizziness; bad breath; increased heart rate and blood pressure; dilated pupils, increased salivations; and decreased appetite.
Possible Health Risks of Use/Abuse	Health risks of smoking tobacco include: arteriosclerosis, emphysema, pneumonia, chronic bronchitis, heart disease, and lung cancer. Health risks of chewing or inhaling tobacco include: oral cancer, decreased taste sensation and ability to smell, and dental problems.

Caffeine

Drug Type	Caffeine is found in many sources including: coffee, tea, cola, chocolate, aspirin, nonprescription cough and cold remedies, diet pills, nonprescription stimulants that aid in alertness, and some street drugs.
The Facts	Caffeine may be the world's most popular legal drug. It is a white, bitter, crystal-like substance. Physical dependence may result from chronic consumption of moderately high daily doses of caffeine. Regular users of caffeine may find that an abrupt stop in use can cause withdrawal symptoms including: a severe headache, irritability, nervousness and restlessness.
Possible Signs of Use/Abuse	Increased metabolism; alertness; headache; nausea; decreased appetite; increased body temperature and blood pressure; irritability; sleeplessness; nervousness; frequent urination; boredom; tremors; nausea; impaired coordination; and anxiety.
Possible Health Risks of Use/Abuse	Diarrhea; abnormal heart rate; and depression. Poisonous doses of caffeine rarely occur but may result in convulsions, respiratory arrest and death.

Steroids

Drug Type	Anabolic-Androgenic (roids, juice, d-ball)
The Facts	Steroids may contribute to increases in body weight and muscular strength. The acceleration of physical development is what makes steroids appealing to athletes and young adults. Anabolic-Androgenic steroids are chemically related to the male sex hormone testosterone. Anabolic means to build up the muscles and other tissues of the body. Androgenic refers to the development of male sex characteristics. Steroids are injected directly into the muscle or taken orally. In Minnesota, unlawful possession or sale of any amount of anabolic steroids is a felony.

Possible Signs of Use/Abuse	Sudden increase in muscle and weight; increase in aggression and combativeness; violence; hallucinations; depression; jaundice; purple or red spots on body, inside mouth, or nose; swelling of feet or lower legs (edema); tremors; and bad breath. For women: breast reduction, enlarged clitoris, facial hair, baldness, and deepened voice. For men: enlarged nipples and breasts, testicle reduction, enlarged prostate, and baldness.
Possible Health Risks of Use/Abuse	High blood pressure; liver and kidney damage; heart disease, increased risk of injury to ligaments and tendons; bowel and urinary problems; gallstones and kidney stones; and liver cancer. For men: impotence, sterility, and prostate cancer. For women: menstrual problems and sterility. For users who share or use unsterile needles to inject steroids: hepatitis, tetanus, tuberculosis and HIV/AIDS.
	Like the abuse of all drugs, the health risks of using steroids far outweigh the perceived benefits.

Solvents-Inhalants

	Many people classify solvents-inhalants as drugs. However, the solvents-inhalants most abused are toxic chemicals found in common household and industrial products.
Drug Type	The most frequently abused solvents-inhalants are: toluene, acetone, methyl and ethyl ketones, benzene, xylene, hexane, trichloromethane, trichloroethylene, the freons, nitrous oxide, and the volatile nitrates.
The Facts	Inhalants are toxic chemicals that are sniffed or huffed (inhaling fumes through the mouth) in order to produce mood-altering effects. Solvents are the chemicals abused as inhalants. Solvents-inhalants act as depressants and slow down the body's functions.
Possible Signs of Use/Abuse	Lightheadedness; feelings of euphoria; excitability; loss of appetite; forgetfulness; weight loss; sneezing; coughing; headache; nausea and vomiting; bad breath; red eyes; sores on noses and mouth; delayed reflexes; decreased blood pressure; flushing; dizziness; and violence.
Possible Health Risks of Use/Abuse	Heart failure; respiratory arrest; liver and brain damage; suffocation; unconsciousness; seizures; and damage to the nervous system and body tissues. "Sudden Sniffing Death" may also result. This occurs because solvents cause abnormal pumping of the heart that can lead to heart failure.

Depressants

Drug Type	Alcohol (Brew, Juice, Liquor) Barbiturates (Downers, Barbs) Benzodiazepines (Valium, Librium, Tranquilizers) Chloral Hydrate Noctec (Knock Out, Mickey Finn) Glutethimide (Doriden) Methaqualone (Quaalude, Ludes) Other Depressants (Equanil, Miltown, Noludar, Placidyl, Valmid). Flunitrazepam (Rohypnol, Roche Pills, Date Rape Drug, R2, Mexican Valium)
The Facts	Depressants slow down the central nervous system by relaxing muscles, calming nerves, and producing sleep. Alcohol is a depressant. Depressants are composed of sedative-hypnotic and tranquilizer drugs. Depressants are addictive. Users of depressants develop a tolerance to the drugs, meaning larger doses must be taken each time to produce the same effect. Flunitrazepam is a Benzodiazepine ten times stronger than Valium that is

long acting and produces marked memory loss.

Possible Signs of Use/Abuse

Relaxation and drowsiness; lack of concentration; disorientation; loss of inhibitions; lack of coordination; dilated pupils; slurred speech; weak and rapid pulse; distorted vision; low blood pressure; shallow breathing; staggering; clammy skin; fever; sweating; stomach cramps; hallucinations; tremors; and delirium.

Possible Health

Risks of Use/Abuse

Liver damage; convulsions; addiction with severe withdrawal symptoms; and coma.

Hallucinogens

Drug Type

Lysergic Acid Diethylamide (LSD)
Phencyclidine (PCP, Angel Dust)
Mescaline and Peyote (Mexc, Buttons, Cactus)
Psilocybin (Mushrooms)
Amphetamine Variants (MDMA/Ecstasy, MDA/Love Drug, TMA, DOM, DOB, PMA, STP, 2.5-DMA)
Phencyclidine Analogues (PCE, PCPy, TCP)
Other Hallucinogens (Bufotenine, Ibogaine, DMT, DET, Psilocyn)

The Facts

Hallucinogens are psychedelic, mind-altering drugs that affect a person's perception, feelings, thinking, self-awareness, and emotions. A "bad trip" may result in the user experiencing panic, confusion, paranoia, anxiety, unpleasant sensory images, feelings of helplessness, and loss of control. "Flashback" is a reoccurrence of the original drug experience without taking the drug again.

Possible Signs of Use/Abuse

Dilated pupils; increased body temperature, heart rate, and blood pressure; sweating; loss of appetite; sleeplessness; dry mouth; tremors; hallucinations; disorientation; confusion; paranoia; violence; euphoria; anxiety; panic; and distorted perception of time, space and reality.

Possible Health

Risks of Use/Abuse

Agitation; extreme hyperactivity; psychosis; convulsions; mental or emotional problems.

Narcotics

Drug Type

Codeine (School Boy)
Heroin (H. Harry, Junk, Brown Sugar, Smack)
Hydromorphone (Lords)
Meperidine (Doctors)
Methadone (Dollies, Methadose)
Morphine (Morpho, Miss Emma)
Opium (Dovers Powder)
Other Narcotics (Percodan, Talwin2, Lomotil, Darvon, Numorphan, Percocet, Tylox, Tussionex, Fentanyl)

The Facts

Narcotics are composed of opiates and synthetic drugs. Opiates are derived from the seed of the pod of the Asian poppy. Synthetic drugs called opioids are chemically developed to produce the effects of opiates. Initially, narcotics stimulate the higher centers of the brain, but then slow down the activity of the central nervous system. Narcotics relieve pain and induce sleep. Narcotics, such as Heroin, are often diluted with other substances (i.e. water, sugar) and injected. Other narcotics are taken orally or

inhaled. Narcotics are extremely addictive. Users of narcotics develop a tolerance to the drugs, meaning larger doses must be taken each time to produce the same effect.

Possible Signs of Use/Abuse Euphoria; restlessness and lack of motivation; drowsiness; lethargy; decreased pulse rate; constricted pupils; flushing (skin appears to be reddish); constipation; nausea and vomiting; needle marks on extremities; skin abscesses at injection sites; shallow breathing; watery eyes; and itching.

Possible Health Risks of Use/Abuse Pulmonary edema; respiratory arrest; convulsions, addiction, and coma.

For users who share or use unsterile needles to inject narcotics: tetanus, hepatitis, tuberculosis and HIV/AIDS.

Stimulants

Drug Type Amphetamines (Uppers, Pep Pills)
Cocaine (Coke, Flake, Snow)
Crack (Rock)
Methamphetamines (Ice, Crank, Crystal)
Methylphenidate (Ritalin)
Phenmetrazine (Preludin, Preludes)
Other Stimulants (Adipex, Cylert, Didrex, Ionamin, Melfiat, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2)

The Facts Stimulants activate the central nervous system, increasing alertness and activity. Users of stimulants develop a tolerance, meaning larger doses must be taken to get the same effect. Stimulants are psychologically addictive.

Possible Signs of Use/Abuse Increased alertness; excessive activity; agitation; euphoria; excitability/increased pulse rate, blood pressure, and body temperature; insomnia; loss of appetite; sweating; dry mouth and lips; bad breath; disorientation; apathy; hallucinations; irritability; and nervousness.

Possible Health Risks of Use/Abuse Headaches; depression; malnutrition; hypertension; psychosis; cardiac arrest; damage to the brain and lungs; convulsions; and coma.

Appendix III)

CONTROLLED SUBSTANCES CRIMES AND PENALTIES IN NEW YORK STATE

Class A-1 Felony: 15-25 years minimum; life term maximum

Possession: 4 oz. Narcotic Drugs (Opiates, Heroin, Morphine, Opium derivatives, codeine, coca leaves, cocaine, other drugs listed in Public Health Law 3306 Sch. 1 (b), (c); II (b) and (c) excluding Methadone); 5760 mg. Methadone.

Sale: 2 oz. Narcotic Drugs; 2880 mg. Methadone

Class A-II Felony: 3-8 H years minimum; life term maximum

Possession: 2 oz. Narcotic Drugs; 2880 mg. Methadone; 10 gm. Stimulants (Fenethylamine, N-ethylamphetamine, Amphetamine, Methamphetamine [2 oz.]); 25 mg. LSD; 625 mg. Hallucinogens (DOM, STP, N-Methyl-3- Piperidyl Benzilate, Psilocybin, Psilocybin, Psilocyn, Tetrahydrocannabinols, Ethylamine analog of (PCP); 25 gm.

Hallucinogenic Substances (DMA, PMA, DET, DMT, LSD, Marijuana, Mescaline Peyote).

Sale: ½ oz. Narcotic Drugs 360 mg. Methadone; 5 gm. Stimulants; ½ oz. Methamphetamine; 5 mg. LSD; 125 mg.

Hallucinogens; 5 gm. Hallucinogenic Substances.

Class B. Felony: 1-8 H years Minimum; 3-25 years maximum

Possession: ½ oz. Narcotic Drugs; 5 gm. Stimulants; ½ oz. Methamphetamine; 5 mg. LSD; 1250 mg. Phencyclidine (PCP); 125 mg. Hallucinogens; 5 gm. Hallucinogenic Substances.

Sale: Any amount of Narcotic Drugs; any amount Narcotic Preparations; 1 gm. Stimulants; 1/8 oz. Methamphetamine; 1 mg. LSD; 250 mg. Phencyclidine (PCP); 25 mg. Hallucinogens; 1 gm.

Hallucinogenic Substances.

Class C Felony: Maximum 15 years prison

Possession 1/8 oz. Narcotic drugs; 2 oz. Narcotic Preparations; 360mg. Methadone; 1 oz. Concentrated Cannabis; 1 gm. Stimulants; ½ oz. Methamphetamine; 1 mg. LSD; 250 mg. PCP; 25 mg. Hallucinogens; 1gm. Hallucinogenic Substances; 10oz. Dangerous Depressants (Methaqualone; Phencyclidine; Amobarbital, Glutethimide, Pentobarbital, Secobarbital, Barbitol, Methoexital, Mephobarbital, Phenobarbital); 2 lb. Depressants (items in P.H.L. 3306* , Sch . IV [c] not listed above), 10 lbs. aggregate Marijuana.

Sale: Any amount Narcotic Preparations, Methadone, Concentrated Cannabis; (to persons 19 yrs. on school ground, any amount Stimulants, Methamphetamines, LSD, PCP, Hallucinogens, Hallucinogenic Substances, Dangerous Depressants, Depressants); 50mg. PCP, 10 oz. Dangerous Depressants; 2 lb. Depressants; more than 16 oz. Marijuana.

Class D Felony: Maximum 7 years prison

Possession: 500 mg. Cocaine, ½ oz. Narcotic Preparations; ¼ oz. or more Concentrated Cannabis; 50mg. PCP, 16 oz. aggregate Marijuana.

Sale: Any amount Stimulants; Methamphetamines; LSD; PCP; Hallucinogens; Hallucinogenic Substances; Dangerous Depressants; Depressants; more than 4 oz. of Marijuana; any amount to a person under 18 years old Marijuana.

Class E Felony: Maximum 4 years prison

Possession: 8 oz. aggregate** Marijuana.

Sale: 25 gm. Aggregate** Marijuana.

Class A Misdemeanor: Maximum 1 year prison or \$1,000 fine

Possession: Any amount of Narcotic Drugs; narcotic preparations; Methadone; concentrated Cannabis; Stimulants; Methamphetamines; LSD; PCP; Hallucination; Hallucinogenic Substances; Dangerous Depressants; Depressants; Marijuana.

Class B Misdemeanor: Maximum 3 months prison or \$500 fine

Possession: Any amount Marijuana exposed in a public place; 25 gm. Marijuana otherwise.

Sale: 2 gm. or 1 joint Marijuana.

*Public Health Law 3306- available from Public Safety

** Aggregate is the gross weight of material in which “pure” marijuana is contained.

Appendix IV)

CONTROLLED SUBSTANCES CRIMES AND PENALTIES UNDER FEDERAL LAW

Possession: 100 grams or more methamphetamine or kilogram or more methamphetamine mixture, 1 kilogram or more heroin mixture, 5 kilograms or more cocaine mixture, 50 grams or more crack mixture, 100 grams or more PCP or 1 kilogram or more PCP mixture, 10 grams of more LSD mixture, 400 grams or more Fentanyl mixture, 100 grams or more Fentanyl analogue mixture, 1000 or more marijuana plants.

Penalty:

First Offense: 0 to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual.

Second Offense: 0 to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than the individual.

Possession: 10-99 grams methamphetamine or 100-999 grams methamphetamine mixture, 100-999 grams heroine mixture, 500-4999 grams cocaine mixture, 5-49 grams crack mixture, 10-99 grams PCP or 100-999 grams PCP mixture, 1-10 grams LSD mixture, 4-399 grams Fetanyl, 10-99 grams Fetanyl analogue, 100-1000 kilograms marijuana, 100-1000 marijuana plants.

Penalty:

First Offense: 0 to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$ 2 million fine individual, \$ 5 million other than individual.

Second Offense: 0 to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$ 4 million fine individual, \$ 10 million other than individual.

Possession: Any amount of other Schedule I and Schedule II Controlled Substances, 50-100 kilograms marijuana, 50-99 marijuana plants, 10-100 kilograms hashish, 1-100 kilograms hashish oil.

Penalty:

First Offense: 0 to 20 years; if death or serious injury, 20 year minimum, not more than life; up to \$1 million fine individual, \$ 5 million other than individual.

Second Offense: 0 to 30 years; if death or serious injury, not less than life; up to \$ 2 million fine individual, \$ 10 million other than individual.

Possession: Any amount of Schedule IV Controlled Substances.

Penalty:

First Offense: 0 to 3 years; up to \$ 250,000 fine individual, \$ 1 million other than individual.

Second Offense: 0 to 6 years; up to \$ 500,000 fine individual, \$ 2 million other than individual.

Possession: Any amount of Schedule V Controlled Substances.

Penalty:

First Offense: 0 to 1 year; up to \$ 100,000 fine individual, \$ 250, 000 other than individual.

Second Offense: 0 to 2 years; up to \$ 200, 000 fine individual, \$ 500, 000 other than individual.

In addition to the above penalties for controlled substances crimes, Federal law provides for: (1) forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable b more than one year imprisonment; (2) forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance; (3) a civil fine of up to \$10,000 (pending adoption of final regulations); (4) denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses; (5) ineligibility to receive or purchase a firearm; and (6) revocation of certain Federal benefits, e.g. pilot licenses, public housing tenancy, etc., as determined by individual Federal agencies.

**MARITIME COLLEGE CAMPUS SAFETY REPORT
2002**

This report is filed as required by the Federal "Crime Awareness and Campus Security Act." The purpose of this report is to provide our faculty, staff and applicants for enrollment with campus safety information including crime statistics, security policies and procedures to follow when reporting a crime. This information must be published in an annual report for dissemination. The University Police Chief is charged with the responsibility to publish the annual security report

General Information

The State University of New York- Maritime College is located at 6 Pennyfield Avenue, Throggs Neck, NY 10465.

In the year 2002, 713 undergraduate students were enrolled at Maritime College, 143 graduate students were enrolled for the same period. The college has 265 employees.

Crime Reporting

The University Police Department is located at the entrance of the Maritime College campus. This facility is available to students and others to report criminal incidents and emergencies on campus 24 hours a day, 365 days a year.

University Police- (718) 409- 7200
Emergency Telephone Number- (718) 409-7310

Once reported, the University Police Dispatcher will dispatch State University Police Officers to respond to the incident and/or emergency and thereby provide any and all need assistance. In addition, they will notify any additional essential personnel, provide supervisory notifications and fill out required paperwork.

University Police Department

Campus safety and security are coordinated by the University Police Department, which has a force of 6 police officers and 5 security officers.

State University of New York Police Officers meet the highest standards in New York State for law enforcement officers. The officers have passed a basic training program administered by the State University of New York Police Academy in Albany, NY or a local regional police academy and undergo continuous training to upgrade their skills. They conduct foot and vehicular patrols of the campus and residence hall areas 24 hours a day, 365 days a year.

The objective of the University Police is to provide a safe environment for teaching, social endeavors and to protect the lives and property of the students, employees and visitors of the State University College. This objective is pursued within the framework of the State University rules and regulations and all local, state and federal laws. The investigation of crimes committed on the campus falls under the jurisdiction of the University Police Department. The University Police also work closely with the New York City Police and the New York State Police assisting them with incidents that occur off-campus but involve campus staff or students.

Relationship with Other Police Departments

The University Police Department works closely with the NYC Police Department's 45th Precinct. Meetings of community interest both on and off campus are jointly attended.

The University Police Department also maintains a working relationship with the NY State Police and Tri-borough Bridge and Tunnel Authority Police.

Programs to Inform

During the indoctrination period, students receive orientation in the form of lectures. During that period of time, new students are trained in security procedures and practices and are encouraged to be responsible for their own security and the security of others.

The University Police lecture before the students on the functions of the University Police, fire safety, parking and sexual assault.

The lecture discusses the structure of the University Police Department, gate security, room and personal safety. It also discusses fire safety, including equipment available, reporting fires, responses, evacuations; and all parking rules and regulations including registration, assigned lots and enforcement.

Visitor Policy

Guests of Maritime College students are welcome at the college between the hours of 8 AM and 11 PM. Guests are permitted in the lounges on the first floor of Baylis Hall and in the basement lounges of Vander Clute Hall. Visitors require permission and student escort to visit other areas of the dormitories.

A student's guest should be accompanied by that student for a visiting tour or arrangements should be made for another student to assist. Appropriate courtesies are to be rendered by students to all visitors.

Each residence hall has a visitor's lounge where visitors who call on students may be entertained. Additionally, a large and comfortable lounge is available in Baylis Hall and in the Student Activities Building.

The student gate watch and the University Police will be responsible for the screening of visitors at the main entrance to the college.

The student to be visited is to be held responsible for his/her actions and also to adhere to college regulations including leaving the campus after visiting hours are over. All visitors should exit the campus no later than 11 PM. Guests wishing to stay past that time need to fill out a Guest Registration form in the Office of Residence Life, on the first floor of Baylis Hall.

Policy on Alcohol

Except as noted below, student use, consumption, possession, or transportation of alcoholic beverages is prohibited on the college grounds, the training ship, and /or any vehicle or craft belonging or in custody of the College. Students returning to the college grounds or training ship under the influence of alcohol are subject to disciplinary action for this offense. Cases where injury, referral to a hospital, vandalism, use of a vehicle while under the influence, police involvement, or actions bring discredit to Maritime College and such actions will bear harsh consequences to the offending student.

Alcoholic events may be authorized under certain special circumstances where the vast majority of attendees will be 21 years of age or older. Individuals involved in the serving of alcoholic beverages must also be 21. Students who dispense or furnish alcoholic beverages to underage students are in violation of college policy and of New York State Law.

It should be noted that the presence of empty alcoholic beverage containers in or about college grounds is prima facie evidence of use, consumption, and/or transportation. Students found in violation of the college alcohol policy will be referred to the Dean of Students for adjudication.

Policy on Drugs

Student use, consumption, possession, or transportation of narcotics and/or illegal drugs is prohibited on college grounds, the training ship, and/or any college vehicle. It should be noted that possession of paraphernalia associated with drug use is prima facie evidence of use and/or possession. Banned substances include, but are not limited to, the following:

4. Controlled Substances requiring a prescription, but that are obtained without a physician's order, such as methedrine (speed), amphetamines (Ritalin, Adderall, etc.), antidepressants (Prozac, etc.), sedatives and barbiturates, tranquilizers, and pain killers (Valium, Vicatin, etc.)
5. Narcotics, such as morphine, heroine, codeine, ketamine, and cocaine in its many forms.
6. Chemical substances and organic matter, such as LSD (Acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, etc.

Unauthorized (without prescription) use or possession of any of the above is an illegal act. Use, possession, or sale of these substances may also result in legal action. The college will remain cognizant of its responsibility to civil matters.

The crime and penalties associated with possession and/or consumption of controlled substances and narcotics in New York State can be found in Appendix III, Controlled Substances Crime and Penalties

in NY State, at the rear of this manual. For crimes and penalties associated with controlled substances and narcotics under Federal Law, please see Appendix IV, Controlled Substances Crime and Penalties Under Federal Law.

Sexual Assault

Rape and sexual assault, such as sexual abuse and sodomy are serious criminal offenses and will be dealt with accordingly. Such behavior is prohibited by New York State Law (see section 130 of the New York State Penal Law) and by the student handbook. The college also strongly condemns sexual harassment in any form. Allegations of sexual assault or rape, must be reported immediately to the University Police Department at (718) 409- 7310.

Allegations of sexual assault or rape occurring off-campus should be reported to the NYC police, or the local police having jurisdiction of the location of the incident.

Sexual Harassment/ Discrimination

It is the policy of Maritime College that sexual harassment and/or discrimination of students will not be permitted or tolerated. Sexual discrimination is against the law and violates the equal opportunity policies of the State University of New York and state and federal statutes. Sexual harassment is inconsistent with the traditions of personal integrity and professionalism that are the foundation of Maritime College.

The Equal Employment Opportunity Commission has issued “Guidelines on Discrimination Because of Sex,” in order to clarify the issue of sexual harassment and unlawful employment practice. The guidelines define sexual harassment and unlawful employment practice. The Guidelines define sexual harassment as:

- 1) Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.
- 2) When submission to such conduct is made either explicitly or implicitly a term or condition of an Individuals employment.
- 3) When such conduct has the purpose or effect of substantially interfering with and individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Though the guidelines are based on a federal statute and apply only to sexual harassment in the workplace, consistent with the State University of New York’s policy to ensure fair treatment to all individuals, protection for students is to be provided by these same guidelines.

Allegations of sexual harassment should be reported to the Affirmative Action Office, x 7304 or to the University Police.

Weapons on Campus

Firearms and dangerous weapons of any type are not permitted on campus. Intentional use, possession, or sale of firearms or other dangerous weapons by anyone is strictly forbidden and is a violation of state and federal law as well as a violation of the Maritime College Code of Conduct.

Campus Crime Statistics for Maritime College- 2003-2004

The Maritime College University Police compiles and submits reported crimes to the NYS Division of Criminal Justice Services. This reporting is in compliance with the Students Right to Know and Campus Security Act (Public Law 101-542). The following charts reflect the number of crimes reported for the past three years at Maritime College.

Criminal Offenses- On-campus

	Criminal Offense	2000	2001	2002
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a.	Murder/Non-negligent manslaughter	0	0	0
b.	Forcible Sex Offenses (Forcible Rape)	0	0	0
c.	Non-Forcible Sex Offenses	0	0	1
d.	Robbery	0	0	0
e.	Aggravated Assault	0	0	1
f.	Burglary	36	17	23
g.	Motor Vehicle Theft	0	0	0
h.	Arson	0	0	0
i.	Negligent Manslaughter	0	0	0

Criminal Offenses- On-campus- Residence Halls

	Criminal Offense	2000	2001	2002
a.	Murder/Non-negligent manslaughter	0	0	0
b.	Forcible Sex Offenses (Forcible Rape)	0	0	0
c.	Non-Forcible Sex Offenses	0	0	1
d.	Robbery	0	0	0
e.	Aggravated Assault	0	0	1
f.	Burglary	25	10	11
g.	Motor Vehicle Theft	0	0	0
h.	Arson	0	0	0
i.	Negligent Manslaughter	0	0	0

Criminal Offenses- Non-Campus

	Criminal Offense	2000	2001	2002
a.	Murder/Non-negligent manslaughter	0	0	0
b.	Forcible Sex Offenses (Forcible Rape)	0	0	0
c.	Non-Forcible Sex Offenses	0	0	1
d.	Robbery	0	0	0
e.	Aggravated Assault	0	0	0
f.	Burglary	0	0	0
g.	Motor Vehicle Theft	0	0	0
h.	Arson	0	0	0
i.	Negligent Manslaughter	0	0	0

Criminal Offenses- Public Property

	Criminal Offense	2000	2001	2002
a.	Murder/Non-negligent manslaughter	0	0	0
b.	Forcible Sex Offenses (Forcible Rape)	0	0	0
c.	Non-Forcible Sex Offenses	0	0	1
d.	Robbery	0	0	0
e.	Aggravated Assault	0	0	0
f.	Burglary	0	0	0
g.	Motor Vehicle Theft	0	0	0
h.	Arson	0	0	0
i.	Negligent Manslaughter	0	0	0

Arrests- On-campus

	Crime	2000	2001	2002
a.	Liquor Law Violations	0	0	0
b.	Drug Law Violations	0	0	0
c.	Illegal Weapons Possessions	0	0	0

Arrests- On-campus- Residence Halls

	Crime	2000	2001	2002
a.	Liquor Law Violations	0	0	0
b.	Drug Law Violations	0	0	0
c.	Illegal Weapons Possessions	0	0	0

Arrests- Non-Campus

	Crime	2000	2001	2002
a.	Liquor Law Violations	0	0	0
b.	Drug Law Violations	0	0	0
c.	Illegal Weapons Possessions	0	0	0

Arrests- Public Property

	Crime	2000	2001	2002
a.	Liquor Law Violations	0	0	0
b.	Drug Law Violations	0	0	0
c.	Illegal Weapons Possessions	0	0	0

Appendix VI)

NEW YORK STATE LAW ON SEX OFFENSES

The following represents all sections of the New York State Penal Law which are sex offenses:

The following represent all sections of the New York State Penal Law which are sex offenses:

Sec. 130.20 Sexual Misconduct

A person is guilty of sexual misconduct when:

- a) being a male, he engages in sexual intercourse with a female without her consent; or
- b) he engages in deviate sexual intercourse with another person without the latter's consent; or
- c) he engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.

Sec. 130.25 Rape in the third degree

A person is guilty of rape in the third degree when:

- a) he or she engages in sexual intercourse with another person to whom the actor is not married who is incapable of consent by reason of some factor other than being less than seventeen years old; or
- b) being twenty-one years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than seventeen years old.

Rape in the third degree is a class E felony.

Sec. 130.30 Rape in the second degree

A person is guilty of rape in the second degree when, being eighteen years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than fourteen years old.

Rape in the second degree is a class D felony.

Sec. 130.35 Rape in the first degree

A male is guilty of rape in the first degree when he engages in sexual intercourse with a female:

- a) by forcible compulsion; or
- b) who is incapable of consent by reason of being physically helpless; or
- c) who is less than eleven years old.

Rape in the first degree is a class B felony.

Sec. 130.40 Sodomy in the third degree

A person is guilty of sodomy in the third degree when:

- a) he engages in deviate sexual intercourse with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; or
- b) being twenty-one years old or more, he engages in deviate sexual intercourse with a person less than seventeen years old.

Sodomy in the third degree is a class E felony.

Sec. 130.45 Sodomy in the second degree

A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviate sexual intercourse with another person less than fourteen years old.

Sodomy in the second degree is a class D felony.

Sec. 130.50 Sodomy in the first degree

A person is guilty of sodomy in the first degree when he engages in deviate sexual intercourse with another person:

- a) by forcible compulsion; or
- b) who is incapable of consent by reason of being physically helpless; or
- c) who is less than eleven years old.

Sodomy in the first degree is a class B felony.

Sec. 130.55 Sexual Abuse in the third degree

A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.

Sec. 130.60 Sexual Abuse in the second degree

A person is guilty of sexual abuse in the second degree when he subjects another person to sexual contact and when such other person is:

- a) incapable of consent by reason of some factor other than being less than seventeen years old; or
- b) less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

Sec. 130.65 Sexual Abuse in the first degree

A person is guilty of sexual abuse in the first degree when he subjects another person to sexual contact:

- a) by forcible compulsion; or
- b) when the other person is incapable of consent by reason of being physically helpless; or
- c) when the other person is less than eleven years old.

Sexual abuse in the first degree is a class D felony.

Sec. 130.66 Aggravated Sexual Abuse in the third degree

A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:

- a) by forcible compulsion; or
- b) when the other person is incapable of consent by reason of being physically helpless; or
- c) when the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provision of this section.

Aggravated sexual abuse in the third degree is a class D felony.

Sec. 130.67 Aggravated Sexual Abuse in the second degree

A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

- a) by forcible compulsion; or
- b) when the other person is incapable of consent by reason of being physically helpless; or
- c) when the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the second degree is a class C felony.

Sec. 130.70 Aggravated Sexual Abuse in the first degree

A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

- a) by forcible compulsion; or
- b) when the other person is incapable of consent by reason of being physically helpless; or
- c) when the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the first degree is a class B felony.

Sec. 130.75 Course of Sexual Conduct against a child in the first degree

- a) a person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration, he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, deviate sexual intercourse or aggravated sexual contact, with a child less than eleven years old.
- b) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the first degree is a class D felony.

Sec. 130.80 Course of Sexual Conduct against a child in the second degree

- a) A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration, he or she engages in two or more acts of sexual conduct with a child less than eleven years old.
- b) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the second degree is a class D felony.

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Appendix VII)

PENALTIES FOR VIOLATIONS OF NEW YORK STATE LAW-SEX OFFENSES

Sex offenses which are committed in violation of the New York State Penal Law are subject to the following penalties:

- **Class A Misdemeanor** - Fine of up to \$1,000 and/or imprisonment up to one year.
- **Class B Misdemeanor** - Fine of up to \$500 and/or imprisonment up to three months.
- **Class E Felony** - Fine of up to \$5,000 and/or imprisonment up to four years.
- **Class D Felony** - Fine of up to \$5,000 and/or imprisonment up to seven years.
- **Class C Felony** - Fine of up to \$5,000 and/or imprisonment up to 15 years.
- **Class B Felony** - Fine of up to \$5,000 and/or imprisonment up to 25 years.