

## **STUDENT CODE OF CONDUCT**

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### **SECTION 1 - INTRODUCTION**

#### **ARTICLE I - MARITIME COLLEGE MISSION STATEMENT**

Maritime College educates and equips leaders to excel in the complex global maritime environment through an interdisciplinary approach to undergraduate and graduate studies in engineering, maritime studies, global maritime business, security and supply chain management, environmental science, and specialized programs that are pathways to US Coast Guard licensing or ROTC military commission.

##### **Vision**

Be “First and Foremost”: SUNY Maritime College is a premier institution recognized internationally for its expertise in global maritime research, development, education and training. Towards that end, the College delivers exceptional quality learning worldwide to meet the “*any time, any place*” needs of the maritime community.

##### **Guiding Principles**

- Inspire the pursuit of excellence in all things, developing the SUNY Maritime nation to seek the highest standards of intellectual inquiry, scholarly achievement, and ethics and integrity, built on a foundation of strong character and a philosophy of service before self.
- Equip all students with the necessary foundation to reach their fullest potential, whether through participation in the Regiment of Cadets or the Civilian student experience.
- Challenge our students to develop analytical and communication skills that will enable them to dissect complex patterns in emerging issues, render reasoned judgments and make wise decisions.
- Develop a community characterized by outstanding leadership, responsible citizenship and self-discipline.
- Foster an innovative, hands-on learning environment directed by a faculty devoted and empowered to stretch creatively toward new discoveries.
- Promote the development of an internationally recognized resource of maritime expertise that spans all the disciplines associated with the maritime industry and environment.
- Remain grounded in proven traditions and a unique heritage while stretching to embrace the opportunities and transformation required by an evolving and increasingly complex global maritime environment

#### **ARTICLE II - GENERAL PHILOSOPHY**

Maritime College is an academic learning community, committed to providing a positive 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 appropriate response 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, its impact on others, 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 and to allow students to work, study and reside together in an atmosphere of mutual respect.

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. In general, jurisdiction for SUNY Maritime 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 affects the campus community or undermines the interests and/or mission of the institution.

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. SUNY Maritime College reserves the right to adjudicate campus judicial matters separately and in advance from federal, state or local proceedings.

Admission to the College carries with it the expectation that students 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. All students at the College are responsible for the reading and understanding of the Student Code of Conduct. In addition, cadets are responsible for the reading and understanding of the *Organization, Operations and Regulations Manual for the Regiment of Cadets*.

### **ARTICLE III - AFFIRMATIVE ACTION POLICY**

SUNY Maritime College recognizes the importance of diversity for assuring the success of students and graduates in an increasingly global environment. We seek to establish the diversity that will provide all of our students with a learning environment to develop leaders and lifelong learners. Our efforts to attract a diverse student body will be enhanced by attracting diverse staff and administrators.

Maritime College is committed to equal treatment in every aspect of campus life. Maritime College proactively reviews its policies and practices to assure that decisions with respect to every dimension of student life and employment are made without regard to age, color of skin, disability, gender expression and identity, genetic predisposition, marital status, national origin, race, ethnicity, religion, sex, sexual orientation, veteran's status, status as a victim of domestic violence, and all other protected groups and classes under Federal and State Laws and executive orders.

The designated office for Affirmative Action is the Office of Human Resources, Located in McMurray Hall, # 209. They can also be contacted during regular business hours at 718-409-7303.

## **ARTICLE IV – NONDISCRIMINATION, INDIVIDUAL RIGHTS & EQUAL EDUCATION POLICY**

The policy of SUNY Maritime College is that discrimination against any individual for reasons of gender, race, creed, religion, national origin, sex, sexual orientation, age, marital or parental status, ethnicity, citizenship status, veteran or military status, disability or for any other legally protected basis is specifically prohibited. This includes discriminatory language, gestures, and written or electronic communication. Accordingly, equal access to educational programs, employment opportunities, scholarship and loan programs, athletics and all other College activities is extended to all eligible persons. Detailed information on the policy and procedure for pursuing a claim of discriminatory treatment or sexual harassment is explained in detail in a separate section of this Handbook.

Nothing in this policy shall abridge academic freedom or SUNY Maritime College's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to the classroom subject matter. Violation of any of these policies puts the entire community in jeopardy. Persons in violation are subject to discipline, up to being barred from the campus.

## **SECTION 2 - STATE & FEDERAL LAWS/ POLICIES**

### **ARTICLE I - RULES & REGULATIONS FOR PUBLIC ORDER**

*Board of Trustees SUNY Maintenance of Public Order Statutory Authority Education Law 6450*

#### **A. Statement of Purpose**

The following rules are adopted in compliance with section 6450 of the Education Law and should be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within 10 days after adoption. Nothing herein is intended nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher education institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance of order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students, and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent, but to prevent abuse of rights of others and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom and they shall be interpreted and applied to that end.

#### **B. Application of Rules**

These rules shall apply to all State operated institutions of the State University except as provided in Part 550 as applicable to the State University Maritime College. These rules may be supplemented by additional rules for the maintenance of public order heretofore or hereafter adopted for any individual institution, approved and adopted by the State University Trustees and filed with the Commissioner of Education and Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules hereby adopted shall govern the conduct of student, faculty and other, licensees, invitees and all other persons, whether or not their presence is authorized, upon the campus of any institution to which such rules are applicable and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities; provided, however, that charges against any student for violation of these rules on the premises of any such institution other than the one at which he/she is in attendance shall be heard and determined at the institution in which he/she is enrolled as a student.

## **ARTICLE II - NOTIFICATION OF RIGHTS UNDER FERPA**

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights are:

### **A. The right to inspect and review**

This gives the right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, or head of the academic department (or appropriate official) written requests that identify the record (s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

### **B. The right to request the amendment**

This gives the right to request an amendment of the student's education records that the student believes is accurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

### **C. The right to consent to disclosures**

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school

official is defined as a person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff): a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent): a person serving on the Board of Trustees; or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll. (NOTE: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless the institution states in its annual notification that it intends to forward records on request).

Information concerning a student shall be released without consent in order to comply with a judicial order or lawfully issued subpoena. Effort will be made to give advance notice to the student of such an order before compliance by the University.

#### **D. The right to file a complaint**

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA can be sent to:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-4605

### **ARTICLE III - NOTICE OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Maritime College, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your education records. However, Maritime College may disclose appropriately designated “directory information” without written consent, unless you have advised the College to the contrary in accordance with College procedures. The primary purpose of directory information is to allow Maritime College to include this type of information from your education records in certain publications. Examples include:

- A playbill, showing role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling, showing weight and height of team

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. If you do not want Maritime

College to disclose directory information from your education records without your prior written consent, you must notify the College in writing. Maritime College has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Electronic mail address
- Photograph
- News Releases
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- Enrollment status (part-time/full-time)
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended

#### **ARTICLE IV - PARENTAL NOTIFICATION POLICY**

In October 1998, Congress passed the Higher Education Amendment which permits postsecondary institutions to disclose to parents or legal guardians of students under 21, without their consent, information regarding the student's violation of any federal, state, or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance. The Office of Student Affairs or the Office of the Dean of Students may inform parents of any alcohol or drug violation involving students under 21.

Emergency notification may occur when a current registered student is known to have been involved in an emergency (as determined by the College) on property owned or controlled by the College. In cases where specific information is unavailable, other sources may be utilized to notify a contact. If non-directory information is needed to resolve a crisis or emergency, an educational institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals." Factors considered in making a decision to release such information in these situations are: (1) the severity of the threat to the health or safety of those involved; (2) the contact's need for the information; (3) the time required to deal with the emergency; and, (4) the ability of the contact to assist in dealing with the emergency. The College may disclose known information without consent, in order to communicate the student's location, their status as a student [if temporarily suspended or otherwise unable to return to the College] and how communication with the student might be achieved. During and after emergencies, entities from and beyond the College, with specific knowledge of the emergency, may also require a student to sign "Consent for the Release of Information Form" before releasing information.

#### **ARTICLE V - SEXUAL MISCONDUCT/ASSAULT POLICY**

Maritime College, State University of New York has programs in place to protect all members of the Maritime

College community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY at Maritime College University Police. For more information please see additional policies listed under “Section 3 – College Policies.”

## **ARTICLE VI - BIAS CRIMES**

It is a Maritime College, State University of New York University Police mandate to protect all members of the Maritime College community by preventing and prosecuting bias of hate crimes that occur within the campus’s jurisdiction. Hate crimes, also called bias crimes or bias related crimes, are criminal activity motivated by the perpetrator’s bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from Maritime College University Police headquarters.

## **SECTION 3 - COLLEGE POLICIES**

Please note that all penalties associated with violations can be found within this section, under Article XXXII entitled “Prohibited Conduct” and under Section 4, Judicial System, Article IV entitled “Disciplinary Sanctions.”

The Dean of Students has the ultimate responsibility for the judicial process for the students not in the Regiment and the Commandant of Cadets oversees the Regimental students; however, both the Dean of Students and Commandant of Cadets can assign one another, or another official designee, to act on their behalf in their absence.

## **ARTICLE I - ACADEMIC INTEGRITY**

Absolute integrity is expected of every Maritime student in all academic undertakings. Integrity entails a firm adherence to a set of values, and the values most essential to an academic community are grounded on the concept of honesty with respect to the intellectual efforts of oneself and others. Academic integrity is expected not only in formal coursework situations, but in all College relationships and interactions connected to the educational process, including the use of College resources. While both students and faculty of Maritime College assume the responsibility of maintaining and furthering these values, this document is concerned specifically with the conduct of students.

A Maritime student’s submission of work for academic credit indicates that the work is the student’s own. All outside assistance should be acknowledged, and the student’s academic position truthfully reported at all times. In addition, Maritime students have a right to expect academic integrity from each of their peers.

Students are expected to do their own work in class, on 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 this statement of College policy on academic integrity. Maritime College considers the violation of academic integrity a serious matter, and one that will be treated as such.

A student who violates academic integrity may, depending on the nature of the offense, be subject to one or more of the following measures: failure of the assignment or examination, failure of the course, dismissal from the Regiment of Cadets, or dismissal from the College. Violations of academic integrity, also known as academic dishonesty, are subject to review by the Judicial Board. In addition to facing the Judicial Board, Regimental Students may be brought before a Captain's Mast and/or a Suitability Hearing Board if the violation has occurred on the training ship. For further information, see the Organization, Operation, and Regulations Manual for the Regiment of Cadets.

The first academic integrity violation may be handled and processed by the faculty member. However, the Dean of Students or Commandants of Cadets shall have concurrent jurisdiction to adjudicate any instances of academic integrity. Thus, all integrity offenses can be grounds for dismissal or other action initiated by the Dean of Students or Commandants of Cadets.

A second academic integrity violation shall result in physical and academic removal from the College.

#### **A. Examples of Academic Dishonesty**

Academic dishonesty includes cheating, plagiarism, obtaining unfair advantage, falsification of official documents, and collusion. The following definitions are intended to help students understand what constitutes academic dishonesty, but it is not intended to be a complete list:

1. Cheating is the attempted or unauthorized use of materials, information, notes, study aids, devices or communication during an academic exercise.
2. Plagiarism is the act of presenting another person's ideas, research or writing as your own.
3. Obtaining an unfair advantage.
4. Falsification of official documents.
5. Collusion is lending assistance or failing to report witnessed acts of academic misconduct.

#### **B. Faculty Responsibilities**

1. Faculty should take steps to ensure that conditions during an exam or quiz are not conducive to cheating.
2. Faculty members should state clearly in all syllabi that violations of academic integrity will not be tolerated at Maritime College and that acts of academic dishonesty will be penalized in accordance the terms of this article.
3. Faculty members shall define as much as possible what terms like plagiarism mean and what is considered cheating in their course, especially in cases where such terms or instances are not obvious.
4. Faculty members who encounter acts of academic dishonesty are required to report them in writing to the Judicial Board, together with a list of any penalties already imposed (e.g., failure of assignment, failure of course, etc.) and a possible recommendation to the Board of any additional action to be taken. The chairman of the Board will record the information in a database maintained by the Board. If this is a first offense, the Board will take no further action unless requested by the Faculty member. If this is not a first offense, the



chair will convene the Board and review the case.

5. 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 of the Judicial Board.
6. Failure by the faculty member to execute any of these responsibilities will not constitute grounds for dismissal of charges against a student.

### **C. Student Responsibilities**

1. 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:
  2. Confer with the department chairperson.
  3. Confer with the Vice-President for Academic Affairs.

## **ARTICLE II - ALCOHOL**

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 to or in custody of the College. Cadets returning to the training ship under the influence of alcohol are subject to disciplinary action for this offense. The legal maximum limit of Blood Alcohol Concentration (BAC) as determined by Breath Alcohol Concentration (BrAC) is 0.08 percent in New York State for those over 21 years of age; it is expressly prohibited for those under twenty-one years of age. On the Training Ship the BrAC is .04. Violation of this limit means the student is “per se” intoxicated. In cases where Maritime is unable to verify BrAC, symptoms that indicate intoxication include, but are not limited to; slurred speech, loss of control of fine motor movement and coordination, staggered gait, vomiting, impaired balance and confusion.

By enrolling at SUNY Maritime College, the Cadet has implied consent to taking a breathalyzer test to determine their BAC. If UPD or a staff member asks a suspected intoxicated Cadet to yield to a breathalyzer, the Cadet is required to do so; failure to submit to a breathalyzer will result in an automatic failed test result.

Cases where injury, referral to a hospital, vandalism, use of a vehicle while under the influence, police involvement, or actions bringing discredit to Maritime College will be referred to the Dean of Students and/or Deputy Commandant of Cadets to determine sanction(s) to be placed on the student.

Events at which 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.

It should be noted that the presence of empty alcoholic beverage containers in or about residence rooms, halls and/or

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 or Deputy Commandant of Cadets for adjudication.

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.

Please see Section 3 – College Policies, Article XXVII for Maritime College’s policy on “tailgating.”

**Students are also advised of the following provisions of New York State 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 University 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.

### **ARTICLE III - BIAS CRIMES**

A bias 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.

Bias 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 University Police, the Office of Residence Life, the Office of Student Affairs, or 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 College's Student Code of Conduct or as an act of free speech.

### **ARTICLE IV – CHANGE OF STATUS (REGIMENT TO CIVILIAN/CIVILIAN TO REGIMENT)**

If you wish to change your student status (Regiment to Civilian or Civilian to Regiment) you must file a "*Change of Status Form*" before you are authorized to switch programs with the Registrar's Office. A determination is made by the intended office (Dean of Students or Deputy Commandant) to approve or not approve the transfer. Until you receive approval from the intended program, do not assume that the status change has been approved.

Pending disciplinary cases will proceed through the normal process to their conclusion, with any disciplinary sanctions being carried out through the new program. (E.g., Extra Duty hours will be completed as Community Service hours under the purview of the Student Affairs office).

When a student changes status, other programs (e.g., degree requirements, scholarship, housing) may be subject to change. It is the student's responsibility to consult with their academic advisor, Director of Financial Aid and Housing to understand the impact, if any, on these programs.

### **ARTICLE V- CLASSROOM DISRUPTIONS**

Instructors have the responsibility to maintain an effective learning environment in their classrooms and to deal promptly with any disruptions that interfere with this environment. Faculty has the right to teach and students have the right to learn; no one student will be permitted to infringe on these rights. A faculty member, in reasonably

discharging this responsibility and acting in accordance with these guidelines on disruptive students in the classroom, shall receive College support and, whenever necessary, legal protection. An instructor has the responsibility, therefore, to remove, without physical force, a disruptive student from the classroom. Upon request of the instructor, the student must immediately leave. If the disruptive student refuses to leave on request or there is a concern for the safety of students, or self, the instructor has the option of either dismissing the class or calling University Police depending on the gravity of the situation.

Consistent with a philosophy of progressive discipline, when a student is ejected from a class for the first time, it shall be for that class period only. The instructor shall submit, promptly, a written report of the incident to the Dean of Students, with copies to the department chair, and the student's curriculum chair. In addition, if the situation is threatening enough to have called University Police, the instructor must notify the Dean of Students and/or Commandant of Cadets immediately. The instructor shall be prepared to provide any additional supporting information and to prepare charges against the student when appropriate. Any subsequent incident reported to the Dean of Students and/or Commandant of Cadets involving the same student in any class would result in appropriate administrative action by the Dean of Students and possible referral for disciplinary action by the College Judicial Board. The consequences of each action may include denying the student further access to the class or other disciplinary action, including dismissal from the College.

#### **ARTICLE VI – COMPLIANCE**

Failing to comply with the directions of an authorized College official, faculty or staff member acting in the performance of his or her duties, or any other person responsible for a facility or registered function acting in accordance with those responsibilities. It is the responsibility of the College official or person acting on behalf of the College to identify him or herself and to state the reasons for the direction that is given. Compliance with this regulation does not supersede the right not to incriminate oneself.

#### **ARTICLE VII – COMPUTERS/TECHNOLOGY**

Acceptable use of any computing, networking and communications resources provided by SUNY Maritime College is that use which strictly serves the mission of the College. Any other use is considered an unacceptable use of resources. SUNY Maritime College's computing, networking and communications resources are for the use of its students, faculty, staff and guests and are only provided for the academic, educational, business and approved research purposes of the College.

Unauthorized access or entry into a computer, computer system, network, software, or data is prohibited. Unauthorized alteration of computer equipment, software, network, or data is prohibited. Unauthorized downloading, illegal downloading of music, copying, or distribution of computer software or data prohibited or using any device or technology to copy or capture an image or the content of any SUNY Maritime College materials (such as tests or exams) without permission of a teacher or administrator, is prohibited.

### **ARTICLE VIII - 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.

### **ARTICLE IX – CYBER BULLYING**

Maritime College policy specifically prohibits any form of cyber bullying. Cyber bullying is defined as bullying that involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others. This communication includes but is not limited to: the Internet, Facebook, social networks, cell phones and/or other devices to send or post text or images intended to hurt or embarrass another person.

Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy is prohibited.

### **ARTICLE X- 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. "Drugs" are considered to be any mind-altering substances, regardless of legality, including but not limited to opiates, barbiturates, amphetamines, marijuana, hallucinogens, "designer drugs," and illegal steroids, except for legally authorized doses for medical purposes. Banned substances include but are not limited to, the following:

- Controlled substances requiring a prescription, but 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.).
- Narcotics, such as morphine, heroine, codeine, ketamine, and cocaine in any form.
- Chemical substances and organic manner, such as LSD (Acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, etc.
- Designer drugs, including but not limited to: synthetic marijuana (K2, Spice, herbal potpourri).

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.

Any student who is involved with drugs is encouraged to consult the Health Services for help. Information given to a College health care provider or Counselor is privileged and the provider cannot voluntarily disclose it to anyone and cannot be forced to testify to it in court or elsewhere. Other members of the staff or other students may also help with drug problems; however, students should realize they are not necessarily bound by confidentiality.

Action taken by the College in all cases of drug violation will be guided by a concern both for the emotional and physical welfare of the student involved and for the maintenance of a suitable educational environment for all members of Maritime College.

**Cadets only:**

Federal law requires periodic or random drug testing of students prior to training cruises, cadet shipping, or taking of a U.S. Coast Guard physical examination. All students who are enrolled in a curriculum leading to a U.S. Coast Guard license and/or are participating in the Regiment of Cadets are automatically subject to random drug testing without prior notice. Please refer to the **Organization, Operations and Regulations Manual for the Regiment of Cadets** for further information.

**ARTICLE XI – DUMPING AND LITTERING**

No student shall deposit, dump, litter or otherwise dispose of any refuse on College property, except in duty designated refuse depositories.

**ARTICLE XII - 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.

**ARTICLE XIII - GAMBLING**

Gambling, including, but not limited to, contests of chance, illegal lottery and policy for money or something of value, promoting or advancing gambling, gambling using College computing/network facilities, possessing gambling devices or gambling records is prohibited at the College and on board the training vessel at any time.

## **ARTICLE XIV – SEXUAL MISCONDUCT AND VIOLENCE REPORTING, POLICES AND RESPONSE**

### **DEFINITIONS**

#### **Affirmative Consent**

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

#### **Bystander Intervention**

A bystander's safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

#### **Dating Violence**

Dating violence is controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in straight or LGBT relationships. It can include verbal, emotional, physical, or sexual abuse, or any combination thereof.

#### **Harassment (General)**

In addition to harassment on the basis of legally protected status, SUNY Maritime College prohibits harassment of students on any basis, which the College defines to include, persistent, severe, pervasive, unwelcome, and inappropriate conduct that actually or potentially interferes with a student's ability to work or learn. The College reserves the right to take disciplinary action based on such conduct whether or not it meets with the legal standards of discrimination or harassment.

## **New York State Law Definitions Regarding Sexual Offenses**

Sexual offenses are defined in the New York State Penal Code, Sections 130.00 to 130.70. Sex offenses include Sexual Misconduct, Rape, Criminal Sexual Acts, Forcible Touching, Sexual Abuse, and, Aggravated Sexual Abuse.

### **A. Section 130.20 – Sexual Misconduct**

This offense includes sexual intercourse without consent and deviant sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

### **B. Sections 130.25, 130.30, and 130.35 – Rape**

This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

### **C. Sections 130.40, 130.45, and 130.50 – Criminal Sexual Act**

This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

### **D. Section 130.52 – Forcible Touching**

This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person's sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

### **E. Section 130.55, 130.60, and 130.65 – Sexual Abuse**

This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

### **F. Section 130.65(a), 130.66, 130.67, and 130.70 – Aggravated Sexual Abuse**

This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

## **Privileged or Confidential Resources**

Individuals that, with very few exceptions, are confidential resources to those wishing to disclose sexual violence. Such resources include licensed medical professionals, licensed mental health counselors, and clergy.

## **Retaliation**



Adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

### **Sexual Harassment**

Sexual harassment includes a wide range of sex-related behavior which affects tangible job and/or academic benefits, interferes with an individual's work and/or learning, or which creates an intimidating, hostile or otherwise offensive work and/or learning environment. Unwelcome sexual advances (either verbal or physical), requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of benefits or detriments to a person's academic or employment situation (including, for example, grades, recommendations, promotions, quality of assignments or compensation); or
2. The conduct has the purpose or effect of interfering with an individual's study and/or work performance, or creating an intimidating, hostile or offensive work and/or learning environment.
3. Although it is not possible to list all examples of conduct that constitutes sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the persistence and severity of the conduct and its pervasiveness:
  - a. Sexual advances — whether they involve physical touching or not
  - b. Sexual epithets, jokes, references to sexual activity, comments on an individual's body, or comments about an individual's sexual activity, deficiencies, or prowess
  - c. Displaying sexually suggestive objects, pictures, cartoons or other images
  - d. E-mail, instant messaging, voicemail messages or postings on social networking sites or blogs containing sexual content or references
  - e. Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments of a sexual nature
  - f. Inquiries into one's sexual experiences
  - g. Discussion of one's sexual activities

Sexual harassment may involve the behavior of a student, staff or faculty member of either gender against a student, staff or faculty member of the same or a different gender. It may occur among co-workers or peers as well as between supervisors and subordinates, and it may take place on campus property or in off-campus settings.

### **Stalking**

Stalking is the unwanted pursuit of another person. You are being stalked when a person repeatedly watches, follows or harasses you, making you feel afraid or unsafe. A stalker can be someone you know, a past partner or a stranger. Here are some examples of what stalkers may do:

Show up at your home or place of work unannounced or uninvited.

- Send you unwanted text messages, letters, emails and voicemails.
- Leave unwanted items, gifts or flowers.

- Constantly call you and hang up.
- Use social networking sites and technology to track you.

## **Title IX**

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

Title IX of the Education Amendments was passed by the U.S. Congress in June 1972, and signed into law on July 1, 1972. Though most notable for advancing equity in girls and women's sports, Title IX provides federal civil rights that prohibits sex discrimination in education programs and activities such as:

- Admissions or financial aid;
- Housing and facilities;
- Courses, academic research and other educational activities
- Career guidance, counseling or other educational support services;
- Athletics (scholastic, intercollegiate, club, or intramural);

## **Victim/survivor**

A person who suffers personal, physical, or psychological injury. The policies use “victim/survivor,” and campuses are encouraged to ask each individual disclosing or reporting sexual violence how that person wants to be identified--whether as victim, survivor, witness, or another term.

## **SUB SECTION A - ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES**

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Maritime College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Maritime College strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to Maritime College officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

## **SUB SECTION B - CONFIDENTIALLY DISCLOSING SEXUAL VIOLENCE OPTIONS**

The State University of New York and Maritime College want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to the University Police Department. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be

answered is far superior to keeping something to yourself. Confidentiality varies, and this policy is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

Nothing in these policies should be construed as in any way limiting students' rights to utilize College grievance procedures, or to file complaints with any governmental agency, including the New York State Division of Human Rights or the United States Department of Education or to take any legal action which the individual may deem advisable.

In this subsection, the following is covered:

- Privileged and Confidential Resources.
- Non-Professional Counselors and Advocates.
- Privacy versus Confidentiality.
- Requesting Confidentiality: How the College/University Will Weigh the Request and Respond.
- Public Awareness/Advocacy Events.
- Anonymous Disclosure.
- Institutional Crime Reporting.

### **Privileged and Confidential Resources:**

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At Maritime College, this includes the:

#### Mental Health Counselor

- Ms. Karen Shulman 718-409-3916
  - kshulman@sunymaritime.edu
  - Health Services/Riesenberg Hall

#### Director of Campus Ministries

- Fr. Mark Vaillancourt 917-601-3421
  - mvaillancourt@sunymaritime.edu

#### Physician's Assistant

- PA Danielle Camenzuli 718-409-5424
  - dcamenzuli@sunymaritime.edu
- Health Services/Riesenberg Hall

Maritime College confidential victim advocates:

Ms. Lu-Ann Plaisance 718-409-7302 – McMurray Hall, #209  
lplaisance@sunymaritime.edu

Police Chief Myron Pryjmak (718) 409-7305 - Front Gate  
mpryjmak@sunymaritime.edu

Associate Athletic Director Laura Mooney (718) 409-7798 - Riesenberg Hall, Second floor  
lmooney@sunymaritime.edu

Deputy Commandant of Cadets Capt. Catie Hanft (718) 409-7442 - C/D Building, #D1  
chanft@sunymaritime.edu

Assistant Dean Arianne Romeo (718) 409-2904 - Baylis Hall, Student Affairs Suite  
aromeo@sunymaritime.edu

Dean Irene R. Delgado (718) 409-5879 - Baylis Hall, Student Affairs Suite  
idelgado@sunymaritime.edu

Off-campus options to disclose sexual violence *confidentially* include ([note that these outside options do not provide any information to the campus](#)):

- Off-campus counselors and advocates (crisis service agencies)
  - Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency. Please refer to Section 7 – “Resources and General Information” for more information.
- Off-campus healthcare providers (hospitals/medical offices)
  - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. Please refer to Section 7 – “Resources and General Information” for more information.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### **Privacy versus Confidentiality:**

Even Maritime College offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Maritime College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Requesting Confidentiality: How Maritime College Will Weigh the Request and Respond:**

If you disclose an incident to a Maritime College employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures (Student Affairs, Baylis Hall, 718-409-7496). We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the Maritime College's failure to act may result in harm to you or other members of the Maritime College community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, Maritime College will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking, the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the victim/survivor is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

#### **Public Awareness/Advocacy Events:**

If you disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public event, Maritime College is not obligated to begin an investigation. Maritime College may use the information you provide to inform the need for additional education and prevention efforts.

#### **Anonymous Disclosure:**

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

#### **Institutional Crime Reporting**

Reports of certain crimes occurring in certain geographic locations will be included in the Maritime College Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime nor the identity of the victim/survivor.

Maritime College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially

compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning.

The Family Educational Rights and Privacy Act (FERPA) allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Maritime College will not share information about a report of sexual violence with parents without the permission of the victim/survivor.

Students who believe they may have been sexually or otherwise generally harassed or treated in a discriminatory fashion and would like to find out how to pursue their rights, including how to file a complaint, should contact the **SUNY Maritime College Title IX Coordinator, Ms. Lu-Ann Plaisance** at 718-409-7302, [lplaisance@sunymaritime.edu](mailto:lplaisance@sunymaritime.edu), 6 Pennyfield Avenue, McMurray Hall, #209, Throggs, Neck, NY 10465, or any of the following Deputy Title IX Coordinators:

**Police Chief Myron Pryjmak** (718) 409-7305 - Front Gate  
[mpryjmak@sunymaritime.edu](mailto:mpryjmak@sunymaritime.edu)

**Associate Athletic Director Laura Mooney** (718) 409-7798 - Riesenberg Hall, Second Floor  
[lmooney@sunymaritime.edu](mailto:lmooney@sunymaritime.edu)

**Deputy Commandant of Cadets Capt. Catie Hanft** (718) 409-7442 - C/D Building, #D1  
[chanft@sunymaritime.edu](mailto:chanft@sunymaritime.edu)

**Assistant Dean Arianne Romeo** (718) 409-2904 - Baylis Hall, Student Affairs Suite  
[aromeo@sunymaritime.edu](mailto:aromeo@sunymaritime.edu)

**Dean Irene R. Delgado** (718) 409-5879 - Baylis Hall, Student Affairs Suite  
[idelgado@sunymaritime.edu](mailto:idelgado@sunymaritime.edu)

### **SUB SECTION C - HARASSMENT/DISCRIMINATION**

Faculty, staff, and students have a right to study and work in an environment that does not involve or condone bias, prejudice, harassment or discrimination of any kind. SUNY Maritime College has adopted the following policy to foster responsible behavior and to ensure that the College's academic and working environment is free from discrimination or harassment. Conduct that the College deems to be discrimination or harassment may also be a violation of state or federal law. SUNY Maritime College will respond promptly to complaints of discrimination or sexual harassment by conducting an investigation pursuant to the Disciplinary Process set forth elsewhere in this Handbook, and, where it is determined that such inappropriate conduct has occurred, the College will act promptly to put a stop to the conduct and impose corrective action as appropriate and in accordance with its disciplinary procedures for students, faculty and staff. The prohibition against sexual harassment applies equally to male and female students, and includes harassment where the harasser and the victim are the same sex. Please see Section 3

– College Polices, Article XIV, Subsection E – Sexual Harassment Policy.

The prohibition against discrimination applies to all types of discrimination identified in Maritime College’s Non-Discrimination, Individual Rights and Equal Education Policy Statement, including discrimination on the basis of race, creed, religion, national origin, ethnicity, age, disability, gender, sex and sexual orientation. The College recognizes that sometimes in the conduct of college courses and events there may be controversial or uncomfortable material presented that is appropriate in the context of the course or the event. The College also reminds students that an isolated or stray remark or incident may be unwelcome but may not rise to the level of harassment or discrimination, although it is important to communicate that even stray remarks may be unwelcome and hurtful.

The College’s Harassment and Discrimination Policy applies to all SUNY Maritime College functions, including those that take place outside of our campus. The College encourages everyone to report incidents of harassment and discrimination promptly regardless of who is the harasser and regardless of whether the person making the report has merely observed the discrimination and harassment or has been the victim of the conduct.

#### **SUB SECTION D – REPORTING AND PREVENTION OF CHILD SEXUAL ABUSE**

Any employee or student or volunteer for the State University of New York who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on State University property or while off campus during official State University business or University-sponsored events shall have an affirmative obligation to report such conduct to the relevant University Police Department immediately. Such report should include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, the applicable University Police Department shall promptly notify the Commissioner of University Police at SUNY System Administration who shall report such incidents to the Chancellor for periodic reporting to the Board of Trustees. In addition, to aid in the prevention of crimes against children on property of the State University of New York and/or during official State University business at events sponsored by the State University of New York, relevant employees should be trained on the identification of such crimes and proper notification requirements. Vendors, licensees or others who are given permission to come onto campus or to use University facilities for events or activities that will include participation of children shall ensure that they have procedures in place for training, implementation of applicable pre-employment screening requirements and reporting of child sexual abuse. For purposes of this policy, the applicable definitions of child sexual abuse are those used in the NYS Penal Law in Articles 130 and 263 and Section 260.10 and “child” is defined as an individual under the age of 17.

#### **SUB SECTION E – SEXUAL HARASSMENT POLICY**

Maritime College seeks to create and maintain an educational environment in which all members of the College community are free to pursue their educational and career goals. Harassment on the basis of sex is in violation of the law (Sec. 703 of Title VII of the Civil Rights Act as amended, Title IX Education Amendments of 1972, and the

New York State Human Rights Law) and will not be tolerated in Maritime's campus community. It is the responsibility of every administrator, supervisor and faculty member to create and ensure an environment that is free of discrimination and allows full access and opportunity for participation to all members of the College community.

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. For the definition of "Sexual Harassment", please see Section 3 – College Polices, Article XIV).

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.

### **SUB SECTION F- SEXUAL MISCONDUCT/ASSAULT POLICY**

SUNY 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.

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.* Maritime College will not tolerate sexual abuse, rape or other sexual assaults against students, faculty, staff or visitors.

A student, visitor or faculty or staff member who is a victim of sexual assault or a sexual offense is encouraged to report the incident to the University Police Department (UPD) at 718-409-7311 and the local police at 911 and to seek immediate medical care. UPD generally cannot investigate an incident as a crime unless the victim files an actual report. Reporting a crime to UPD, or another campus office, does not necessarily obligate the victim to follow through with criminal prosecution. A victim can also initiate a complaint against a member of the College community who may have committed sexual assault, using the grievance process described in this handbook.

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.

### **SUB SECTION G - SEXUAL VIOLENCE RESPONSE POLICY**



## I – Reporting

In accordance with the Victim/Survivor Bill of Rights, (within this section, subsection H - Victim/Survivor Bill of Right, Sexual Violence)) victims/survivors shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

To report *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy (within this section, subsection B – Confidentiality/Disclosing Sexual Violence Options)

- Anonymously via an internet or telephone anonymous reporting system [link];
  - Maritime’s Mental Health Counselor
    - Ms. Karen Shulman 718-409-3916 - Health Services/Riesenberg Hall
    - kshulman@sunymaritime.edu

To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>.

To report the incident to one of the following college officials who can offer *privacy* and can assist in obtaining resources (note that an official who can offer privacy may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to):

Title IX Coordinator, Ms. Lu-Ann Plaisance (718) 409-7302 – McMurray Hall, #209  
lplaisance@sunymaritime.edu

Police Chief Myron Pryjmak (718) 409-7305 - Front Gate  
mpryjmak@sunymaritime.edu

Associate Athletic Director Laura Mooney (718) 409-7798 - Riesenberg Hall, Second floor  
lmooney@sunymaritime.edu

Deputy Commandant of Cadets Capt. Catie Hanft (718) 409-7442 - C/D Building, #D1  
chanft@sunymaritime.edu

Assistant Dean Arianne Romeo (718) 409-2904 - Baylis Hall, Student Affairs Suite  
aromeo@sunymaritime.edu

Dean Irene R. Delgado (718) 409-5879 - Baylis Hall, Student Affairs Suite  
idelgado@sunymaritime.edu

To file a criminal complaint with University Police and/or with local law enforcement:

Police Chief Myron Pryjmak (718) 409-7305 - Front Gate  
mpryjmak@sunymaritime.edu

and/or

Bronx 45<sup>th</sup> Precinct  
2877 Barkley Avenue, Bronx, NY 10465  
(718) 822-5411

To file a report of sexual assault, domestic violence, dating violence, and/or stalking, talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Maritime College policy. If a victim/survivor wishes to keep his/her identity private, he or she may call the Title IX Coordinator, Ms. Lu-Ann Plaisance (718) 409-7302 lplaisance@sunymaritime.edu

When the accused is an employee, a victim/survivor may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Employee Relations or Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Human Resources Director, Ms. Lu-Ann Plaisance (718)-409-7302, McMurray Hall, #209.  
lplaisance@sunymaritime.edu

You may withdraw your complaint or involvement from the Maritime College process at any time.

## **II- Protection and Accommodations:**

Below is a list of protective measures and accommodations that can be authorized during and after the investigative proceedings. This list is not exhaustive.

When the accused is a student, to have the college issue a “No Contact Order,” meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.

When the victim and the accused live in the same residence hall, an immediate hearing with the Dean of Students (or authorized designee) 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.

To have assistance from Maritime College's University Police Department or other college officials in obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

To have an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

To have assistance from Maritime College's University Police Department in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Maritime College's University Police Department.

When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process.

When the accused is not a member of the college community, to have assistance from Maritime College's University Police Department or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.

To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodations through any of the offices referenced in this policy, the following office can serve as a point of contact to assist with these measures:

- Dean of Students/Office of Student Affairs – 914-409-7496 - Baylis Hall

Retaliation against anyone who has filed a discrimination or sexual harassment complaint, or who has participated in the investigation, is prohibited, may constitute illegal conduct, and will be considered an additional violation of College policy and result in disciplinary action. Intimidation, coercion, threats, reprisals or discrimination against any student or employee for complaining about harassment or discrimination or participating in an investigation of alleged harassment or discrimination constitute prohibited retaliatory conduct.

Students who believe that they have been unjustly charged with sexual harassment will have every opportunity to present information in their defense. Such information will be treated as confidential to the extent feasible with an investigation and will be considered in making a final determination.

### III- Student Conduct Process:

To file student conduct charges against the accused, conduct proceedings are governed by the procedures set forth in the Student Handbook/Code of Conduct as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

In responding to complaints of harassment and discrimination, it is important that complaints be brought to the College's attention as soon as possible. The College will handle these matters in a confidential manner as appropriate, consistent with the ability for a full fact-finding investigation and the College's obligation to protect the safety and well-being of the other members of the College community. Everyone involved in the process is required to cooperate with the fact finding and disciplinary process and to respect the confidential nature of the process. The College reserves the right to proceed with investigation and fact-finding, to the extent feasible, where it learns of an incident even if no complaint has been formally filed.

Throughout conduct proceedings, the accused and the victim/survivor will have:

- The same opportunity to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process and is not conducted by individuals with a conflict of interest.
- The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to review available evidence in the case file.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history or past mental health history from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).

- The right to know the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding and the reason for the actual sanction imposed. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

## **SUB SECTION H - VICTIM/SURVIVOR BILL OF RIGHTS SEXUAL VIOLENCE**

The State University of New York and Maritime College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad, the right to:

- Have disclosures of sexual violence treated seriously.
- Make a decision about whether or not to disclose a crime or incident and participate in the conduct or criminal justice process free from outside pressures from college officials.
- Be treated with dignity and to receive from college officials courteous, fair, and respectful health care and counseling services.
- Be free from any suggestion that the victim/survivor is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such a crime.
- Describe the incident to as few individuals as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the College, the accused, and/or their friends, family and acquaintances.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.
- Victims have the right to be notified of options for changing academic or living situations.
- Like the accused, the victim also has the right to information regarding the status of his/her legal case or disciplinary proceeding including the institution's final determination and any sanction against the accused.

### **Options in Brief:**

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (within this section, subsection B – Confidentiality/Disclosing Sexual Violence Options).
- Make a report to an employee with the authority to address complaints, including the Title IX Coordinator, Student Conduct employee, Human Resources employee, University Police Officer, 45<sup>th</sup> Bronx Precinct, Family Court or Civil Court.

## **ARTICLE XV - 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:

- Forced or required participation in physical activities such as calisthenics, exercises or games.
- Any form of tattooing or branding.
- Forced, coerced or required consumption of alcohol or other drugs.
- Any form of physical brutality, including paddling, striking with fists, open hands or objects.
- Participation in illegal activities.
- Intentional or reckless engagement in conduct that creates a substantial risk of physical injury to another person.
- Forced, coerced or required consumption of any food or other substance.
- Creation of excessive fatigue or sleep deprivation.
- Any act that causes psychological harm, embarrassment, ridicule or emotional distress to any individual.
- Forced or required inappropriate dress, full or partial nudity in any situation for any reason.

It should be noted that students found responsible for hazing and other violations of the Student Code of Conduct which lead to the death or serious injury of another person will receive, as part of their sanctions a Permanent Transcript Notation (PTN) in addition to whatever other sanctions are placed upon the student. Further information on the College's stance on Hazing can be found in the *Organization, Operation, and Regulations Manual for the Regiment of Cadets*.

#### **ARTICLE XVI - KEYS**

The College is interested in protecting the property, privacy, and safety of the College and individuals within the College community. Office keys are issued selectively. Students are held financially and legally responsible for misuse or loss of office keys and re-coring of locks as necessary.

#### **ARTICLE XVI – MEDIA CONTACT**

Students are expressly prohibited from speaking on behalf of, or for, Maritime College with any media organization or publication, or from inviting the same to any College-owned or operated property, facility, or event without the express written permission of the Office of Public Relations.

#### **ARTICLE XVIII – MENTAL HEALTH LEAVE OF ABSENCE**

On occasion, a student upon preliminary investigation may be required to leave the College and its premises until the student procures a psychological/medical evaluation, a clearance to return to school, and a recommendation letter from a board certified psychiatrist/psychologist.

The information below has been prepared to outline the necessary steps needed to return to SUNY Maritime College after a mental health leave of absence which will be shared with the Dean of Students and/or Commandant of Cadets and the Mental Health Counselor.

You must provide the Dean of Students and Maritime Mental Health Counselor a full summary of any treatment received while you are on leave. This summary must be submitted at least 30 days prior to the start of the desired semester of return. The Mental Health Counselor can best advise the Commandant of Cadets and/or the Dean of Students as to your readiness to return to academia only if in receipt of this information. The medical information you provide is confidential and will not be shared with your professors, department chair, or parents, unless you have authorized this in writing. The summary should be a letter from the therapist and/or physician who has been caring for you. The summary must contain the following:

- a) your diagnosis;
- b) any medications, dosage, length of time on this medication, and how long you have been stable on that dosage;
- c) progress you have made that leads your therapist/physician to recommend your return and professional assessment of your ability to complete academic programs while under stress;
- d) documentation of any classes taken or job held while you were on leave, if applicable.

If you have received care from **both** a psychiatrist and a mental health professional providing therapy, please have **both** professionals forward their letters to:

SUNY Maritime College  
 Attn: Dean of Students – Baylis Hall  
 6 Pennyfield Avenue  
 Throggs Neck, New York 10465

1. Once the requested documentation is received, your health care provider may be contacted in order to further discuss your readiness to return. In order to discuss your care with your provider(s), the appropriate release of information form should be completed and returned to the Health Services office.
2. After the phone consultation with your health care provider(s), a phone appointment will be scheduled with you (or in person, if you are/will be in the New York area) to meet with the Maritime Mental Health Counselor.
3. Complete and submit your “Student Mental Health Readmission Questionnaire” (visit Health Service for a copy).
4. Based on the recommendation from the Mental Health Counselor, and your completed questionnaire, the Commandant of Cadets and/ or Dean of Students will determine if you should be reinstated and notify you in writing or by telephone of their decision.

Please contact the Director of Mental Health Counseling at 718-409-7477 with any further questions regarding this process.

#### **ARTICLE XIX- MISSING STUDENT POLICY**

Most missing-person reports in the college environment result from students changing their routines without informing roommates and friends of the change. For purposes of this policy, a student will be considered missing if a roommate, classmate, faculty member, friend, family member, or other campus person has not seen or heard from the person in 24 hours or more, with no reasonable explanation for his/her absence. Consideration is given to the time

of day and information available regarding the missing person's daily schedule, habits, and reliability. Individuals will also be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concern for their safety.

If a member of the College community has reason to believe that a student is missing, that person should immediately notify one or all of the following individuals:

- Commandant of Cadets: 718-409-7350
- Dean of Students: 718-409-5879
- Director of Residential Life: 718-409-7488
- University Police Department (UPD): 718-409-7311

All efforts will be made immediately (no waiting period) to locate the student to determine his or her state of health and well-being. If after investigation a student is determined missing for at least 24 hours, the appropriate law enforcement agencies and the student's emergency contact will be notified immediately. If a student is under age 18 and not an emancipated individual, or has failed to designate an emergency contact, UPD is required to notify a parent or guardian. If a student is over age 18, UPD is required to notify the emergency contact the student identified to the College.

#### **ARTICLE XX - OBSTRUCTION OR DISRUPTION**

Obstructing or disrupting College activities, including but not limited to, teaching, research, administration, disciplinary procedures, or other authorized activities including public service functions. It can include participation in campus demonstrations which disrupt the normal operations of the College and infringes on the rights of other members of the College community by leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

#### **ARTICLE XXI- OFF CAMPUS MISCONDUCT POLICY**

The College expects students to conduct themselves in accordance with the law. Student behavior off the premises of the campus that may have violated any local, state, or federal law, or yields a complaint from others alleging law violations or student misconduct, will be reviewed by either the Dean of Students and/or Deputy Commandant of Cadets. Upon receipt of a complaint alleging off-campus student misconduct, the Dean of Students and/or Deputy Commandant of Cadets, or designee, will review the allegations to determine the appropriate course of action by the College.

In cases in which criminal or civil action is involved, such action and the College's conduct process will occur simultaneously. The College may elect to defer action until the proceedings of the criminal or civil action have been completed.



## **ARTICLE XXII - ORDER OF PROTECTION AND STALKING**

If a student has obtained an Order of Protection and/or believes that he or she is being or may be stalked while on SUNY Maritime College's campus, the student should advise the University Police Department (UPD) and the Dean of Students. If possible, in addition to any Order of Protection, the student should provide UPD, the Dean of Students and/or Commandant of Cadets with a photo, description, and the vehicle information of the person(s) whose conduct is at issue. The student will be given the phone number of the UPD Office and Dean of Students to be utilized if the student feels threatened while on campus. Additional measures may be utilized to assist with safety for the student in such instances, as deemed feasible by UPD and the Dean of Students. The College will advise local police and cooperate with them if the person named in an Order of Protection or identified as a stalker, appears on campus.

## **ARTICLE XXIII - PARKING AND MOTOR VEHICLE VIOLATIONS**

Violating College policies and regulations governing the possession or use of motor vehicles on campus. Violations of this policy include but are not limited to: a) purchasing a parking decal for a car that is registered in the Department of Motor Vehicles to a resident freshman or sophomore, or registered to a parent or family member of a resident freshman or sophomore or anyone else who lives at the same address as the resident freshman or sophomore; b) purchasing a decal for the vehicle of another student or the vehicle of a family member of another student unless they have the same permanent address; c) duplicating, altering or reproduction of any parking decal, temporary parking hang tag, visitor pass, or any other documents relating to obtaining parking privileges in any manner (*is a violation of section 170.05 of the Penal Law (forgery 3<sup>rd</sup>) and possession of such a forged instrument is a violation of Section 170.20 of the Penal Law (Criminal Possession of a Forged Instrument) and may subject the violator to arrest, prosecution and/or College disciplinary action*).

The University Police Department shall fine and withdraw vehicle parking privileges in accordance with SUNY Maritime College Parking Policies and Procedures:

<http://www.sunymaritime.edu/Campus%20Life/University%20Police/index.aspx>.

## **ARTICLE XXIV - PETS**

Pets are not allowed in Maritime buildings, except those authorized for individuals with documented disabilities who may need such assistance, or as authorized to fulfill a class assignment, or as necessary to participate in a College-sponsored program or activity. No resident shall have or harbor unauthorized pets or other wild or domestic animals in the residence halls, caged or otherwise. Fish are authorized, excepting piranha, in a tank no larger than 10 gallons. Pets are not barred from Maritime grounds, provided they are leashed (or caged as appropriate) and the owner removes any waste matter.

## **ARTICLE XXV – POSTING POLICY**

All posting must be approved by the Office of Student Affairs (located in Baylis Hall)

Where you may post flyers:

- All general use bulletin boards located in Academic and Residential buildings
- All Roto-Cubes - Roto-Cubes are located in the following areas: Vander Clute Hall, McMurray Hall, Reisenberg Hall & Baylis Hall.

Where you may NOT post flyers:

- Locked bulletin boards - Locked bulletin boards are for Regimental use only. Postings can NOT be taped to the outside of locked bulletin boards.
- Painted surfaces (walls)
- Glass surfaces (windows, mirrors)
- Sidewalks
- Restrooms
- Vehicles
- Lamp poles
- Faculty office bulletin boards
- Bulletin boards labeled for specific postings (Regimental Watch Boards)
- Trash Cans
- Stairwells

All postings that are not in an approved location will be removed. All posted material must be consistent with the mission of the College and not be in violation of College Policy or Federal and/or State Law.

### **ARTICLE XXVI –SMOKING**

The College is primarily smoke free. Smoke free zones include all College buildings, interior of St. Mary's pentagon, Fort Schuyler inner gorge, the pier area, within 25 feet of any building entrance, windows, or any other ventilation point. This smoke free zone includes the Mess deck, Heritage Hall and the Quad, dormitory rooms, corridors, study areas, stairwells and recreational areas.

Smoking (cigarettes, electronic cigarettes, cigars, hookas and pipes) in the residential area is only permitted in the gazebos provided for that purpose. The residential area encompasses the western end of Riesenberg Hall (gymnasium) to Reeder Street behind the residences, the street running between Baylis and the seawall to and including the TIV.

### **ARTICLE XXVII - SOCIAL MEDIA**

As social media and technology have become an integral part of everyday communication, it is essential that cadets and students consider the ramifications of the inappropriate use of social media and associated technology. Social media does not alleviate the responsibility of students to adhere to the student handbook (especially regarding the Student Code of Conduct) and any/all regular applicable student / cadet policies, standards of conduct, and applicable law.

While there is freedom of expression, with the use of social media, students are not free to engage in activities referred to as “bias incidents” as defined by Article III in the Student Code of Conduct or cyber bullying as defined by article VIII. Additionally, students have a right to privacy and should not be filmed by other students unknowingly. Privacy laws should not be violated. Remember potential employers are often viewing social media / websites or You Tube for indications of suitability for employment.

Other policies for the use of social media are as follows:

- Confidentiality: Do not post confidential information about Maritime, our students, alumni, or employees.
- Copyright: Consider intellectual property and copyright before you post. Maritime College disclaims any liability arising from a user’s posting or submission of content on the internet.
- Maritime College logos: Do not use Maritime College logos or other institutional representations on personal social media sites.

Recognized Student Affairs organizations may establish a social media presence with the approval of the Dean of Students. When posting on behalf of student organizations:

- Be professional: We expect users to respect the rights of others. The College monitors messages posted on official pages and will remove posts if deemed offensive. All posts are representative of the opinions of the user and do not necessarily reflect the opinions of Maritime College. If you see a post that you consider objectionable, please e-mail: [idelgado@sunymaritime.edu](mailto:idelgado@sunymaritime.edu)
- Be responsive: When you use social media, you are engaging in a conversation. If questions are posed, respond in a timely manner.
- Be thoughtful: Think before you post. Consider the privacy of others as posts can be copied, forwarded and may be searchable. While colloquial language is appropriate for social media platforms, it is important to retain a professional and respectful tone.
- Be truthful: Strive for accuracy in all of your posts, and thoroughly identify yourself and your role at the College. You must also make it clear that your views do not necessarily reflect those of the College, including referring to yourself as “I” rather than “we,” which would suggest that your views represent that of the College.

### **Cadet Rules and Regulations Policy Regarding Social Media**

In addition to the policies prescribed the Student Handbook and Student Code of Conduct, Cadets are cautioned that they are not to be involved in the making of or distribution of materials that may reflect poorly on the Regiment. When wearing the Maritime Cadet uniform such things as the use of profanity, incorrectly wearing of uniforms, or using the dormitories, College property, or the ship for staging in any way that brings discredit will be considered a serious offense and at a minimum will be viewed as conduct unbecoming and prejudicial to good order and discipline.

### **ARTICLE XXVIII – TAILGATING**

Maritime defines tailgating as parking in a designated location/or area and/or setting up tents and tables to consume food and non-alcoholic beverages prior to an officially sanctioned College event to which the public is invited and

the event has been approved for tailgating. Maritime does not sanction the violation of federal, state, or local laws, including the consumption/possession of alcoholic beverages by underage persons. Individuals participating in tailgating activities at Maritime College are expected to conduct themselves in a manner respectful of the nature and character of the College. Please refer to Section 3 – College Policies, Article II – Alcohol, for information regarding the alcohol policy.

Propane and charcoal grills are allowed when used solely for food preparation purposes. Open flame fires, including fire pits, are prohibited.

#### **ARTICLE XXIX - 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 College 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, vehicles (locked or unlocked), staff/faculty residences and library. Violations of unauthorized entry will result in disciplinary action.

#### **ARTICLE XXX - 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.

#### **ARTICLE XXXI - WEAPONS**

The possession, storing, carrying, or use of any weapon, ammunition, explosive or item potentially hazardous by any person is prohibited on all SUNY and College property except by authorized law enforcement officers and other persons specifically authorized by the President of the College.

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, brass knuckles, sling shots, kung fu type weapons, fireworks, firecrackers, CO2 type firearms, spring powered firearms, chemical or pepper aerosol spray, and bows/arrows. Any pocket knife not issued, or specifically approved by the College is prohibited. Paintball guns and paintball markers are generally prohibited. They may only be used on the property of the College in connection with authorized College activities and only at approved locations. This policy applies to the campus, College vessels, College vehicles and at any College sponsored off-campus event. Violators will be subject to criminal prosecution and/or disciplinary action from the College. Students who are aware of an unauthorized weapon on-campus are strongly encouraged to notify

the University Police and Dean of Students immediately.

## **ARTICLE XXXII - PROHIBITED CONDUCT**

This section defines acts that are deemed violations of the Student Code of Conduct. All violations are ranked by a raw number (Level I, II or III) assigned by the corresponding disciplinary sanction (Article IV).

### **A. Conduct Which Impacts on the Common Good of the Community**

#### **1. Keys (Level II, III)**

- 1.1 Unauthorized possession, duplication, or use of keys (including key cards) to any College premises or vehicles.

#### **2. Unauthorized Entry/Misuse of College Property (Level II, III)**

- 2.1 Unauthorized entry to or use of a College or private room, building, structure, vehicle, facility, or roof top.
- 2.2 Organizing or carrying out unlawful or unapproved activity on College property.

#### **3. Disorderly Conduct (Level I, II)**

- 3.1 Conduct which is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community.

#### **4. Dangerous Objects (Level I, II)**

- 4.1 Possession of any firearms, explosives, ammunition, fireworks, other weapons (as defined in Article XXXIV – Weapons), or dangerous chemicals, whether in proper working condition or not.

#### **5. Safety Regulations (Level II, III)**

- 5.1 Falsely reporting a bomb, fire, or any other emergency by means of activating a fire alarm or by any other means.
- 5.2 Unauthorized possession, use, or alteration of any College emergency or safety equipment.
- 5.3 Failure to evacuate a building or other structure during an emergency, or during emergency drills.
- 5.4 Actions that create a substantial risk such that the safety of an individual(s) is compromised.

#### **6. Arson (Level I, II)**

- 6.1 Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.

#### **7. Disruption (Level I, II, III) - Including but not limited to:**

- 7.1 Disruption or obstruction of teaching, research, administration, or other College activities, including its public-service functions on or off campus, or other authorized non-College activities.
- 7.2 Leading or inciting others to disrupt activities associated with the operations of the College.
- 7.3 Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

#### **8. Threats and Intimidation (Level I, II)**

- 8.1 Action(s) which recklessly and/or intentionally endanger(s) the mental or physical health of any individual and/or results in a cessation of normal activities and operations of the College.

**9. Failure to Abide by Federal, State, and/or Local Laws (Level I, II)**

9.1 Violation of federal, state, and/or local laws.

**10. College Policies (Level I, II, III)**

10.1 Violation of published College policies, rules, and regulations (i.e. Code of Conduct, Academic Policies, etc...)

**B. Conduct Associated With Personal Responsibility and Integrity**

**1. Academic and Non-Academic Integrity (Level I, II, III)** - Including but not limited to:

- 1.1 Providing false information to any College official, faculty member or office.
- 1.2 Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- 1.3 Tampering with the election of an officer of any College-recognized student organization.
- 1.4 Aiding, abetting, or procuring another person to violate a College policy.
- 1.5 Academic Dishonesty (i.e. cheating, plagiarism, obtaining unfair advantage, falsification of official signature, falsification of college documents).
- 1.6 Sabotage of Academic Activity (interfering with, or sabotaging an academic activity. Sabotage includes, but is not limited to: removing, concealing, damaging, destroying, or stealing materials or resources that are necessary to complete or to perform the academic activity; tampering with another student's work).

**2. Student Identification (Level III)**

- 2.1 Failure to show proper student identification or other identification to any faculty, staff, or student to staff in the performance of her/his official duties.
- 2.2 All students are required to carry their identification with them at all times.

**3. Failure to Comply (Level I, II, III)**

- 3.1 Failure to comply with reasonable and lawful requests or directives of College officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student-staff acting in the performance of their official duties.
- 3.2 Attempting to, or successfully evading, avoiding, or delaying questioning by a school employee.

**4. Damage to Property (Level I, II, III)**

- 4.1 Any action that causes damage or which would tend to cause damage to the property of the College or property of a member of the College community or other personal or public property.

**5. Theft (Level I, II)** - Including but not limited to:

- 5.1 Attempted or actual theft of College property or services or property belonging to any member of the College community.
- 5.2 The unauthorized possession of College property or property belonging to any member of the College community.
- 5.3 Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data.
- 5.4 Obtaining or attempting to obtain telephone service by any devious means, including but not limited to: unauthorized charging of another person for service, utilizing fraudulent mechanical means to gain service, and/or tampering with connections, facilities, or documents.

**6. Alcohol (Level I, II, III)**

- 6.1 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 to or in custody of the College.
- 6.2 Events at which 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.

- 6.3 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."
- 6.4 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.
- 6.5 It should be noted that the presence of unopened or empty alcoholic beverage containers in or about the College grounds is prima facie evidence of use, consumption, and/or transportation.
- 6.6 The first alcohol violation may result in a Level II offense and the student shall submit themselves to mandatory alcohol treatment with the College counselor. A second alcohol violation is an automatic Level I offense and the student may be physically and academically removed from the College for no less than one (1) year. The student may apply for reinstatement to the College by making a formal application to either the Dean of Students or the Deputy Commandant of Cadets. Under no circumstances shall a student be readmitted to the College without supplying proof of alcohol intervention from a health care provider.
- 6.7 Any act of harassment, violence of any kind, vandalism, harassment, hate/bias crimes which may be the result of alcohol use becomes a Level I offense.

#### **7. *Drugs (Level I, II)***

- 7.1 Possession, sale, consumption, distribution or being knowingly in the presence of narcotics or other controlled substances is prohibited except as expressly permitted by law.
- 7.2 Further, any items that can be utilized for or are designed for the use of drugs (i.e. bowls, bongs, etc.) are not allowed on campus property.
- 7.3 Any student found guilty of possession and/or use of illegal drugs shall be physically and academically removed from the College for no less than one (1) year. Cadets must surrender their USCG documents, and the USCG will be notified. The student may apply for reinstatement to the College by making a formal application to either the Dean of Students or the Commandant of Cadets. Under no circumstances shall a student be readmitted to the College without supplying proof of drug treatment from a health care provider.

#### **8. *Smoking (Level I, II, III)***

- 8.1 Maritime College has adopted a smoke-free policy in the residence area.
- 8.2 Smoking is not permitted in the residential area which encompasses the area from the Western end of Reisenberg Hall (gymnasium) to Reeder Street behind the residences, the street running between Baylis and the seawall to and including the TIV (McMurray Hall).
- 8.3 Smoke free zones also include all College buildings, the interior of St. Mary's Pentagon, Fort Schuyler inner gorge, the pier area, within 25 feet of any building entrance, window or any other ventilation point on a building.
- 8.4 The sale of cigarettes and other tobacco products is prohibited anywhere on College property.

#### **9. *Gambling (Level I, II, III)***

- 9.1 Gambling on College property or at College-sponsored or supervised functions for money or stakes is prohibited.

#### **10. *Abuse of the Judicial System (Level I, II)*** - Including but not limited to:

- 10.1 Failure to obey the summons of a judicial body or College official.
- 10.2 Falsification, distortion, or misrepresentation of information or testimony before a College official, staff member, and/or judicial body.

- 10.3 Disruption or interference with the orderly conduct of a judicial proceeding.
- 10.4 Institution of a judicial proceeding knowingly without cause by filing a false report or statement.
- 10.5 Attempting to discourage an individual's proper participation in, or use of, the judicial system through intimidation or any other means.
- 10.6 Attempting to influence the impartiality of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- 10.7 Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- 10.8 Influencing or attempting to influence another person to commit an abuse of the judicial system.

### ***11. Electronic Use Policy (Level I, II, III)***

- 11.1 Misuse or abuse of the College computer system, voice mail or telephone services as defined by the College. This includes but is not limited to:
- 11.2 Unauthorized use or abuse of your computer account (i.e Digital Millennium Copyright Act).
- 11.3 Sending abusive or threatening messages to students, faculty, or staff.
- 11.4 Repeatedly sending messages with no appropriate intent (i.e. spam, etc...)
- 11.5 Accessing a student or staff account without authorization.
- 11.6 Using a College office computer account without authorization.
- 11.7 Failure to comply with College policies on computer, voice mail and telephone service.

## **C. Conduct Which Violates the Dignity and/or Safety of an Individual**

### ***1. Harassment/Sexual Harassment/Stalking (Level I, II)***

- 1.1 Actions which are intended to annoy, intimidate and/or alarm another. These include but are not limited to:
  - 1.1.1 Attempting or threatening to subject another person to unwanted physical contact.
  - 1.1.2 Repeatedly following another person in or about a public place or places, **sending unwanted text messages, letters, email and/or voicemails, persistent pursuit of another person.**
  - 1.1.3 Initiating or attempting contact by any means with no purpose of legitimate conversation.
  - 1.1.4 Directing obscene language or gestures at another person or group of people.
  - 1.1.5 Directing verbal abuse at another person because the individual is carrying out duties and responsibilities associated with her/his role as faculty, staff, or student-staff at the College.
  - 1.1.6 Using information and communication technologies to support deliberate, repeated, and hostile behaviors by an individual or group that is intended to harm, hurt or embarrass another person.
  - 1.1.7 Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy is prohibited.
  - 1.1.8 Stalking,

### ***2. Hazing (Level I, II)***

- 2.1 Any action which endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization or team whose members are or include students at the State University of New York College at Maritime College (NOTE: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur).

### ***3. Physical Assault (Level I, II) - Including but not limited to:***

- 3.1 Inflicting bodily harm upon any person.



- 3.2 Taking any action for the purpose of inflicting harm upon any person.
- 3.3 Threatened use of force upon any person.
- 3.4 Subjecting another person to unwanted physical contact.

**4. *Reckless Endangerment (Level I, II)***

- 4.1 Taking any action that creates a substantial risk such that bodily harm could result to any person. These include but are not limited to:
  - 4.1.1. Objects or people on window ledges.
  - 4.1.2. Use of weapons of any kind for any purpose.
  - 4.1.3. Throwing objects.
  - 4.1.4. Use of fireworks.
  - 4.1.5. Jeopardizing the physical or emotional safety of oneself or another.
  - 4.1.6. Fire Regulations – tampering with equipment.
  - 4.1.7. Setting fires.
  - 4.1.8. Initiating or reporting false alarms.
  - 4.1.9. Discharging fire extinguishers.
  - 4.1.10. Tampering with safety or fire-fighting equipment.
  - 4.1.11. Hampering fire evacuation procedures.

**5. *Rape (Level I)***

- 5.1 The act of sexual intercourse without consent. See Section 3, Article XIV for a complete definition.

**6. *Sexual Assault (Level I, II) - Including but not limited to:***

- 6.1 Any intentional and uninvited sexually explicit touching, or attempt or threat of such touching.
- 6.2 Any engagement in sexual activity with another person without his/her consent.

**7. *Hate Crime/ Bias Incidents (Level I, II)***

- 7.1 An act in which criminal offence is committed against persons, property, or community that is motivated in whole or in part, by the offender’s bias against group or individual’s race, religion, ethnic/national origin, gender, age, political beliefs, disability, or sexual orientation.
- 7.2 Hate incidents are those actions by an individual or group that is motivated by bias but does not rise to the level of a criminal offense.

## **SECTION 4 - JUDICIAL SYSTEM**

SUNY Maritime College Campus Safety Report is available at the college website:

<http://www.sunymaritime.edu/About%20Maritime/Standard%20Operating%20Procedures/index.aspx>

### **ARTICLE I – JUDICIAL PROCEEDINGS**

Judicial proceedings at the College are administrative proceedings held to deal with disciplinary cases.

#### **Standard of Proof**

It is important to remember that Maritime College is not a court of law. Unlike the criminal justice system, Maritime does not have to determine responsibility for a policy violation “beyond a reasonable doubt.” Instead, the administration utilizes what is called “preponderance of evidence” (meaning more likely than not) when adjudicating a possible violation of College policy. This means that Dean of Students/Deputy Commandant of

Cadets or Judicial Board will consider all of the evidence available regarding a reported incident and decide what the most probable course of events were, based on this information.

## **ARTICLE II - COLLEGE JUDICIAL BOARD**

The College Judicial Board hears cases involving alleged violations of the Student Code of Conduct and violations of the Residence Hall Code. This Board hears cases involving students who either commute or reside on campus. Once a charge is issued, the Judicial Officer convenes a hearing. The Judicial Board that will ultimately hear the case is comprised of a non-voting chair and three voting members: one student, one faculty member, one College administrator and the Judicial Officer.

### **Composition of the College Judicial Panel:**

- The College Judicial Panel shall consist of 10 members from which Judicial Boards are chosen. Each of the 10 members shall serve yearly terms. The two (2) faculty and two (2) administrators are appointed by the President, and two (2) non-regimental students, two (2) regimental students and two (2) graduate students are selected.
- The Board members one (1) faculty, one (1) administrator and one (1) student shall be selected from this pool of administrators, faculty and students 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 Judicial Officer 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 if a violation of the Student Code of Conduct has occurred except in the case of a tie, in which the chair will vote to break the tie.
- All voting members of the Board must be present to constitute a valid hearing. The three members are selected by the Judicial Officer from a standing panel of representatives.

All panelists available to serve on the College Judicial Board are appointed based on criteria and for terms established by the College President. In the event the appropriate numbers of panelists have not been assigned to the panel or in those cases where multiple members of the panel are unable to serve during a particular case due to extenuating circumstances, the College President shall have the right to identify other students, administration and/or faculty, in the appropriate ratio, to hear the case.

## **ARTICLE III - DUE PROCESS**

Maritime College guarantees the right of a fair and impartial hearing to any student charged with a violation. No student shall be subjected arbitrarily to any disciplinary action for any offense without being given a fair hearing. The only exception to this practice may occur in the case of an Involuntary Leave which may be imposed only to ensure the safety and well-being of student's own physical safety or emotional well-being and/or members of the College community. All students accused of violating the Student Code of Conduct shall be granted the following due process rights:

- A. A student has the right to a hearing by an unbiased judicial body.
- B. All charges, including amended charges, shall be presented to the accused student in writing. The accused student shall be deemed to have been “notified” of the charges, amended charges, notice of the hearing date and any changes in the hearing date, by any of the following methods:
  - 1) hand-delivered notice by campus staff; or
  - 2) delivery by regular mail of a copy of the notice to the student’s campus mail box, and delivery of the notice with return receipt requested, via certified or registered mail to the home address which the student provided the College registrar in the student’s registration documents; or
  - 3) if receipt for the certified or registered letter, return receipt requested letter is not returned with a signature within three weeks, then the accused student may be notified by proof of the mailing of a certified, non-registered letter to the student’s campus and home address; and the hearing date shall be set not less than five nor more than twenty calendar days after the last date that the postal service attempted to deliver the certified, non-registered letter; or
  - 4) emailed to student’s SUNY Maritime email account.
- C. A student has the right to receive copies of written reports pertinent to the case.
- D. A student has the right to have anyone on the Judicial Board replaced if the student can show a source of bias.
- E. A student has the right to present information in his/her behalf, including the testimony of witnesses, and shall not be compelled to offer testimony against himself/herself.
- F. A student has the right to have an advisor present at the hearing. Said advisor may attend the hearing and advise the student during the hearing but may not address the hearing Board directly.
- G. A student has the right to written notification of the results of a hearing no later than ten (10) calendar days after the hearing. Proper written notification shall be defined as delivery by mail to a student’s on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student’s local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt.
- H. A student has the right to appeal the outcome of a hearing.

#### **ARTICLE IV - DISCIPLINARY SANCTIONS**

Any student of Maritime College found to be in violation of the provisions of the Student Code of Conduct will be subject to disciplinary sanctions. Sanctioning is considered to be both educational and constructive although it does not preclude punitive action. Sanctions shall be imposed that are clearly appropriate under the circumstances. Disciplinary sanctions are sometimes not the same in all cases. Each case is evaluated on its own information and circumstance.

Disciplinary sanctions correspond to the level/classification of the violation (Level I, II, III). Factors considered in determining which sanction(s) to impose include the level/classification of violation, the individual’s prior disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the

violation, or any other factors deemed appropriate under the circumstances.

Repeated violations of the Student Code of Conduct may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances. College officials who have the authority to suspend or expel a student from the College include the President and the President's Student Affairs designee (Dean of Students and/or Commandant of Cadets). Notices of expulsion or suspension from the College are reported to the Registrar, University Police, Chief Financial Officer, Provost, and other appropriate officials of the College.

Disciplinary sanctions can be imposed upon any student and will fall under one of the following levels/classifications:

A. **Level III offense:** Student's conduct may be reviewed by Judicial Officer, Residential Director, and/or Resident Assistant, and/or Dean of Students/Deputy Commandant of Cadets and can be sanctioned by said official who can assign disciplinary action.

1. **Level III Sanctions may include but are not limited to:**

*1.1 Reprimand*

An oral statement by an appropriate College official to the student that he/she has violated the Student Code of Conduct. This statement should include the nature of the violation and the consequences of repeated infractions of College rules.

*1.2 Official Censure*

A written statement by an appropriate College official to the student indicating that he/she has violated the Student Code of Conduct. This statement should include the nature of the violation and the consequences of repeated infractions of College rules.

*1.3 On-Campus Community Service*

On-Campus Community Service is a specific number of hours of direct work on the campus that is constructive in nature. The work is assigned and supervised by the Judicial Officer. All levels of adjudication may assign on-campus community service maybe assigned to all levels of adjudication. Record of on-campus community service will be signed by the Dean of Students and/or Deputy Commandant of Cadets and/or designee and maintained in students file.

*1.4 Apology Letter*

Requires a student to complete an apology letter with specific recipients, content, length, submission requirements and a completion deadline.

*1.5 Behavioral Contract*

Requires a student to complete and abide by a behavioral contract with specific behavioral restrictions, requirements and a completion deadline.

*1.6 Campus Probation*

A student placed on Campus Probation, has jeopardized their privilege of living in the residence hall system.

*1.7 No Contact Order (with another person[s])*

A student, who has been issued a no contact order, is not to have any contact with a specified student or students for any reason.

*1.8 Restitution*

Students are responsible for damage/destruction caused by themselves and/or their guests anywhere on College property and will be billed accordingly. Students are also responsible for any misappropriation of funds.

**B. Level II offense:** Student conduct will be reviewed and sanction(s) determined by the Dean of Students/Deputy Commandant of Cadets and/or designee.

**1. Level II Sanctions may include but are not limited to:**

*1.1 Restitution*

Students are responsible for damage/destruction caused by themselves and/or their guests anywhere on College property and will be billed accordingly. Students are also responsible for any misappropriation of funds.

*1.2 Denial or Restriction of the Use of College Facilities*

An official notification by the Dean of Students/Deputy Commandant of Cadets for denial or restriction of the use of specific College facilities.

*1.3 Disciplinary Probation*

A trial period during which a student who has been found guilty of a violation has the opportunity to demonstrate that he/she can act as a responsible and effective member of the College community. Restrictions may be placed on the student's activities and/or specific requirements may be imposed upon the student during the period of probation.

*1.4 Counseling Consultation*

Requires a student to attend one consultation with the College counselor to determine if counseling is appropriate. Students assigned this sanction will be required to make the appointment and attend the consultation by a specified deadline. The Counseling office is permitted to notify the College Judicial Officer when the mandated consultation has been completed, but will maintain confidentiality regarding the substance of all consultations.

**C. Level I offense:** Student conduct will be reviewed and sanction(s) determined by the Judicial Board.

**1. Level I Sanctions may include but are not limited to:**

*1.1 Fixed Term Suspension from the College*

The student will be required to sever connections with the College for a given period, including departure

from the residence halls. The student must leave the campus immediately upon receipt of official notice of suspension. The suspended student may not visit the campus unless prior permission by an appropriate College official has been granted and all the proper authorities notified. Any student in violation of these restrictions may be subject to arrest for trespassing. University Police will be notified of the suspension. Student will not be eligible for refund for any part of the semester for which the student has been suspended.

#### *1.2 Expulsion from the College*

The student will be required to sever, completely and permanently, all connections with the College. The student must leave the campus immediately upon receipt of official notice of expulsion. The expelled student may not visit the campus unless prior permission by an appropriate College official has been granted and all the proper authorities notified. Any student in violation of these restrictions may be subject to arrest for trespassing. Student will not be eligible for refund.

#### *1.3 Fixed Term Suspension from the Residence Halls*

The student may be suspended from the residence halls for a specific period of time. Arrangements to vacate will be made by the proper College authorities. During this time, the student is restricted from the residence halls and may also be restricted from the Mess Deck, Gymnasium, and all social activities. The student may apply for readmission to the residence halls via the established process following the period of suspension. Any student in violation of these restrictions may be subject to arrest for trespassing. Student will not be eligible for refund.

#### *1.4 Expulsion from the Residence Halls*

The student will be required to vacate the residence halls completely and permanently. Arrangements to vacate will be made by the proper College authorities. The student is restricted from the residence halls and may be restricted from the Mess Deck, Gymnasium, and all social activities. The student may not apply for readmission to the residence halls. Any student in violation of these restrictions may be subject to arrest for trespassing. Student will not be eligible for refund.

### **ARTICLE V - JUDICIAL PROCEDURES**

- A. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Students and/or Deputy Commandant of Cadets, as appropriate, who is in turn responsible for the administration of the student judicial system.
- B. The Dean of Students and/or Deputy Commandant of Cadets may conduct an investigation to determine if charges have merit. Said investigation may include a disciplinary conference (either in person or via telephone) whereby the accused is informed of the charge made against him/her, his/her rights under the campus judicial process, and potential sanctions.
- C. The Dean of Students and/or Deputy Commandant of Cadets issue a charge of student misconduct if the investigation discloses merit.
- D. The Dean of Students and/or Deputy Commandant of Cadets (or the Dean of Students/Deputy Commandant of Cadets' designee) shall determine the level of the alleged offense (i.e., Level I, II or III) for the purposes of

disposition.

- E. The accused shall receive written notification of all charges, as described in Section 6.b of the Student Code of Conduct.
- F. In cases where the accused student acknowledges guilt and agrees to an administrative issuance of sanction, the Dean of Students and/or Deputy Commandant of Cadets can issue such sanction(s) in a “Guilty Plea Proceedings.”

### **Guilty Plea Proceedings**

#### *1. Guilty Plea*

The Guilty Plea is a modified judicial proceeding designed for students who admit to misconduct and the allegation(s) referred against them. The Dean of Students and/or Deputy Commandant of Cadets hears only from the accused student and general character witnesses. The Guilty Plea proceeding will convene with the Dean of Students and/or Deputy Commandant of Cadets or his/her designee within one week following notification of the student under investigation or sooner.

#### *2. Guilty Plea Procedures*

The Dean of Students and/or Deputy Commandant of Cadets will read the admission of the violation(s) and review all evidence relevant in the case. During the Guilty Plea, the accused student may have general character witnesses testify. The Dean of Students and/or Deputy Commandant of Cadets will also question the accused student. By admitting to the violation(s), the accused student will be required to sign a Guilty Plea Agreement which concisely summarizes the charges, guilt and assigned sanctions. This agreement is considered executed upon the signature of the student, Dean of Students/Provost and/or Deputy Commandant of Cadets. **No further review or appeal will be granted after execution of the Guilty Plea Agreement.** Guilty Plea Agreements are forwarded to all other relevant departments (i.e., Regimental office, Housing, Registrar, Student Activities, etc., etc.).

- G. In cases where the accused denies guilt and/or requests a hearing before the College Judicial Board, the Judicial Officer will convene a hearing of the Board.
- H. Hearings shall be conducted by the College Judicial Board according to the following guidelines:
  - 1. Persons other than those directly involved in the case are permitted to be present at the hearing as observers, provided they have prior approval from the Judicial Officer.
  - 2. In violations involving more than one accused student, the Judicial Officer, in his/her discretion may permit the hearing concerning each student to be conducted separately.
  - 3. All hearings are recorded using audio recording equipment.
  - 4. The non-voting Chair of the College Judicial Board is responsible for maintaining an orderly hearing process. Only those recognized by the Chair may speak at the hearing. The Chair may also exclude persons from the hearing if they are disruptive. Further, the Chair may postpone a hearing because of disruptive behavior among the participants and/or observers. Disruptive behavior by participants or observers may form the basis of separate or

additional charges.

5. The accused student and the Judicial Officer shall have the right to present witnesses. All witnesses are subject to questioning by the accused student, the Judicial Officer, and the members of the College Judicial Board.
6. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by the College Judicial Board at the discretion of the non-voting Chair.
7. All procedural questions are subject to the final decision of the non-voting Chair.
8. After the hearing, the College Judicial Board will move to a closed session to determine, by majority vote, whether the accused has violated the Student Code of Conduct.
9. The Judicial Board's deliberation shall consider only the weight and credibility of the statements and evidence presented.
10. If the Board finds the accused student(s) guilty of violating the Student Code of Conduct, it will consider information on the following before rendering a recommended sanction:
  - 10.1 Prior disciplinary record of the accused (Information on precedent will be presented to the Board by the Judicial Officer only after judgment against the accused is made)
  - 10.2 Disciplinary precedent (Information on precedent will be presented to the Board by the Judicial Officer only after judgment against the accused is made)
  - 10.3 Following deliberation by the members of the Board, its finding regarding the guilt or not guilty of the accused, and any sanction recommended in those cases where the accused is found in violation, is to be presented by the non-voting chair to the Judicial Officer.
  - 10.4 Within 10 calendar days of notification, the Judicial Officer then notifies the accused of the finding and any recommended sanction. Proper written notification shall be defined as delivery by mail to a student's on-campus mailbox, hand-delivery by campus staff, email, or two calendar days after such notification is mailed via trackable overnight delivery to a student's local, off-campus address via the U.S. Post Office, UPS or Federal Express. Students shall be held responsible for the contents of mail for which they have refused receipt. The finding and recommended sanction shall stand if no appeal is filed within three days of notification. All appeals must be in writing.
11. If a student accused of violating the Student Code of Conduct fails to attend a scheduled hearing, the hearing will be held in the student's absence, and the student will be assumed to have entered a claim of "Not In Violation" to each allegation but forfeited his/her ability to present information on her/his behalf. Findings and recommended sanctions will be based on the evidence and not upon the accused student's failure to appear. If the Judicial Officer learns, or is informed beforehand, that the student's failure to appear is for good cause, the Judicial Officer may grant a new hearing. Otherwise, the finding and any recommended sanction of the College Judicial Board shall stand if no appeal is filed within three days of notification.



## **ARTICLE VI - APPEALS**

A finding and/or sanction recommended by the College Judicial Board is reported by the Dean of Students/Deputy Commandant of Cadets to both the accused student and the Judicial Officer in 10 calendar days of his/her decision. The Dean of Students/Deputy Commandant of Cadets may, after reviewing all available information, elect to:

1. Agree with the finding and recommended sanction.
2. Agree with the finding and either reduce or increase the sanction.
3. Disagree with the finding and revise or impose a sanction.
4. Remand the case to the College Judicial Board for a new hearing.
5. Dismiss the case.

Proper written notification shall be defined as either delivery by mail to a student's on-campus mailbox, Maritime email address, hand-delivery by campus staff, or two days after such notification is mailed to a student's local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt.

### **Should the Student Wish to Appeal:**

The finding and/or recommended sanction decision as determined by the Judicial Board may be appealed by the accused student to the Provost/Commandant of Cadets within three (3) calendar days of initial written notification of the result of the initial hearing. Such appeals shall be in writing and shall be hand delivered to the Provost/Commandant of Cadets. Electronic submission of an appeal will not be accepted. If an appeal cannot be filed in accordance with the 3-day filing deadline, the individual must contact the Dean of Students and/or Deputy Commandant of Cadets before said deadline expires and request an extension. Further, in making an appeal, the appellant may request a suspension of sanction pending the outcome of the appeal.

An appeal of a disciplinary finding and/or recommended sanction must be made based on one or more of the following:

#### **A. Procedural Error**

To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with the prescribed procedures in Article V (Judicial Procedures) of the Student Code of Conduct. Deprivation of due process shall be considered Procedural Error.

#### **B. Disproportionate Sanction**

To determine whether the sanction(s) recommended were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.

#### **C. New Evidence**

To consider new evidence, sufficient to alter a finding or other relevant facts not brought out at the original

hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

The Provost/Commandant of Cadets will respond to the appeal within ten (10) days of receipt of the appeal and notify the student, Dean of Students/Deputy Commandant of Cadets and Judicial officer of his/her decision. **If an appeal is denied no further review will occur concerning the Judicial Board's findings.**

## **ARTICLE VII - CHANGED VENUE**

Venue of student misconduct proceedings may be changed from any SUNY Maritime Department, hereafter called "transferring department," to the Office of Student Affairs. Said proceeding will then be adjudicated under the Student Code of Conduct or the transferred department's policies and procedures.

The Office of Student Affairs/Regimental Staff shall have subject matter jurisdiction over all cases involving student misconduct alleged by any transferring department.

Upon Petition from the transferring department, venue may be changed subject to acceptance by Judicial Officer. Once the transferring department has granted and the Judicial Officer has accepted the change of venue, the transferring department shall forward copies of all relevant evidence and files to the Judicial Officer. Upon the change of venue, the transferring department shall advise interested Parties of the change of venue and notice that future inquiries shall be made to the Judicial Officer.

## **SECTION 5 - JUDICIAL REPORTING**

### **ARTICLE I - DISCIPLINARY RECORDS**

All disciplinary records are maintained under the supervision of the Dean of Students/Commandant of Cadets as confidential; may not be incorporated into the official college record, and will be released by the College only through consent of the student, emergencies involving threats to health or safety, valid subpoena or court order. The confidentiality of records embraces all information concerning the incident except in cases where a Permanent Transcript Notation (PTN) appears on the student's transcript.

### **ARTICLE II - TRANSCRIPT NOTATION**

Students that are found responsible for Student Conduct Code violations and suspended or expelled from the College for Level I violations of the Student Code of Conduct will receive a permanent notation on her/his academic transcript. Additionally, students found responsible for these violations resulting in their suspension or expulsion from the College shall not receive credit for the semester in which they are suspended or expelled. ALL STUDENTS FOUND RESPONSIBLE RESULTING IN THEIR SUSPENSION OR EXPULSION FROM THE COLLEGE ARE NOT ENTITLED TO ANY FINANCIAL REFUNDS. Thus, the suspended student and/or expelled student are LIABLE for all tuition and fees for that semester in which they were suspended or expelled

from the College.

Students who are suspended from the College for a period of time less than a semester MAY still have a permanent transcript notation on hers/his academic transcript depending upon the circumstances surrounding the violation, the egregious nature of the violation, or the need for the notation in the judgment of the President of the College or his/her designee.

### **ARTICLE III – CAMPUS SAFETY REPORT**

In compliance with federal law, Title 11 “Campus Crime Awareness and Campus Security Act”, Maritime College, State University of New York provides reports and statistics about campus safety and security programs, incidents of crime on campus, and information regarding registered sex offenders. The SUNY/Maritime College Campus Safety Report is available at the college

website: <http://www.sunymaritime.edu/About%20Maritime/Standard%20Operating%20Procedures/index.asp>

## **SECTION 6 - POWER & AUTHORITY**

### **ARTICLE I - INVOLUNTARY LEAVE**

Purpose: In the legitimate interest of the College in protecting the safety and welfare of specific individuals or the general public, or in protecting College property, the College President, Dean of Students/Commandant of Cadets, or their Designee(s) may temporarily suspend an individual pending a decision by a Hearing Board for Code of Conduct Violations, or as part of the investigation for Medical/Psychological/Safety Reasons, any student who:

- Engages, or threatens to engage, in behavior which poses imminent danger of causing substantial harm to self and/or others or,
- Engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impeded the lawful activities of others shall be subject to involuntary withdrawal.

#### **A. Code of Conduct Violations**

Hearings for students placed on involuntary leave for Code of Conduct Violations must be held within ten (10) calendar days of the leave. An involuntary leave results in the accused student’s immediate exclusion from classes and/or the residence halls and all other College privileges or activities, pending a hearing. At the time of his/her involuntary leave, the student shall be scheduled, under normal circumstances, for a prompt initial hearing. Involuntary leave will only be imposed to insure the safety and well-being of members of the College community or College property or to insure the student’s own physical or emotional safety and well-being. If a student seeks an appeal following his/her initial hearing, the period of Involuntary Leave may be extended by the Dean of Students/Deputy Commandants of Cadets and/or Judicial Officer until the student has exhausted all avenues of appeal.

### **B. Medical/Psychological/Safety Reasons**

The student will, upon preliminary investigation, be required to leave the College and its premises. In that time, it may be mandated that the student will seek a psychological/medical evaluation which will be shared with the Dean of Students and/or Deputy Commandant of Cadets and the College Mental Health Counselor. In order to return to school the student must also be evaluated and recommended for continued attendance at the College by the College Mental Health Counselor, to the Dean of Students and/or Commandant of Cadets who will make the final decision in writing to the student. If cleared to return to the College, a contract will be developed which prescribes responsibilities and terms of return to the student. This contract will be administered by the Dean of Students and/or Deputy Commandant of Cadets in conjunction with the College Counselor. Failure to comply with this contract would result in immediate suspension or dismissal from the College.

## **ARTICLE II - JUDICIAL AUTHORITY**

Overall disciplinary authority is vested with the Dean of Students and/or Deputy Commandant of Cadets, as the appointed designee of the College President. The Dean of Students may designate a person or office to administer the Student Code of Conduct, who would then be known as the Judicial Officer. The Dean of Students has the ultimate responsibility for the judicial process for the students not in the Regiment and the Deputy Commandant of Cadets oversees the Regimental students; however, both the Dean of Students and Deputy Commandant of Cadets can assign one another, or another official designee, to act on their behalf in their absence. His/her actions may include any or all of the following:

- Enacting, or authorizing another member of the College staff to enact, Memoranda of Understanding in those instances where the well-being of students, faculty, staff and/or property is deemed at immediate risk.
- Placing students on interim suspension pending a hearing.
- Hearing appeals concerning recommendations made during the campus judicial process.
- The Judicial Officer has administrative responsibility for the judicial process. His/her actions may include any or all of the following:
  - Conducting an investigation(s) into allegation(s) of student misconduct. Said investigation may include a disciplinary conference (either in person or via telephone) whereby the accused is informed of the charge made against him/her, his/her rights under the campus judicial process, and potential sanctions.
  - Issuing a charge of student misconduct if the investigation merits it.
  - Issuing disciplinary sanctions in those cases where the accused acknowledges guilt in writing and agrees to an administrative issuance of sanction (hereinafter referred to as an Administrative Hearing).
  - Assigning the case to the College Judicial Board.

## **ARTICLE III - INTERPRETATION AND REVISION**

A question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students and, in the case of a regimental student, the Deputy Commandant of Cadets, or her/his designee for final determination. The Student Code of Conduct shall be reviewed every year under the direction of the Dean of Students and the Commandant of Cadets.

SUNY Maritime College reserves the right to modify the Code of Conduct at any time. Modifications and revisions to the Student Code of Conduct will be posted on the SUNY Maritime College website at [www.sunymaritime.edu](http://www.sunymaritime.edu). Faculty, staff and students will be notified via email of changes. In addition, faculty, staff and students will be provided with an electronic or hard copy of the most current version of the Student Code of Conduct annually at the beginning of the fall semester.

## **SECTION 7 – RESOURCES AND GENERAL INFORMATION**

### **Counseling Resources (Sexual Misconduct/Assault)**

Listed below are independent programs and services that students can contact for further assistance. Students are also encouraged to contact the SUNY/Maritime Mental Health Counselor at (718) 409-7477. Her/his office is located in Riensenberg Hall/Health Services. Sessions are free and confidential.

***Bronx District Attorneys Crime Victims Assistance Unit***

(718) 590-2115

Website: <http://www.bronxda.net/frames.html>

***Counseling & Psychotherapy of Throggs Neck***

(718) 792-4178

***Crime Victims Support Services of the North Bronx***

(718) 823-4925

***Jacobi Hospital - Psychiatric Emergency***

(718)-918-4850

***New York State Coalition Against Sexual Assault***

<http://nyscasa.org/>

***North Central Bronx Hospital Sexual Assault Treatment Program***

(718) 519-3100

Website: <http://www.ci.nyc.ny.us/html/hhc/html/facilities/northcentralbronx.shtml>

### **Dating Basics**

Relationships exist on a spectrum, from healthy to unhealthy to abusive -- and everywhere in between. It can be hard to determine where your relationship falls, especially if you haven't dated a lot.

In a healthy relationship:

- Your partner respects you and your individuality.
- You are both open and honest.
- Your partner supports you and your choices even when they disagree with you.
- Both of you have equal say and respect boundaries.
- Your partner understands that you need to study or spend time with friends or family.
- You can communicate your feelings without being afraid of negative consequences.

A good partner is not excessively jealous and does not make you feel guilty when you spend time with family and friends. A good partner also compliments you, encourages you to achieve your goals and does not resent your accomplishments.

Abusive behavior can take many forms. Be concerned if your partner:

- Is jealous and possessive
- Tries to control everything you do
- Tries to isolate you from family and friends
- Has a quick temper or unpredictable reactions to ordinary things
- Often exhibits violent behavior toward animals, children, or other people
- Pressures you for sex

Why do people stay in abusive relationships?

- **Intimate Partner** – Includes spouse, ex-spouse, and those in an intimate relationship (including dating or formerly dating relationships, whether or not the intimate partners had ever lived together).
- **Other Family** – Includes sibling, child, grandparent, grandchild, in-law, stepparent, stepsibling, and other blood and in-law relationships.
- **Believing Abuse is Normal:** They do not know what a healthy relationship looks like.
- **Cultural:** Traditional gender roles can make it difficult for young women to admit to being sexually active and for young men to admit to being abused.
- **Embarrassment:** It's probably hard for them to admit that they've been abused.
- **Fear:** They may be afraid of what will happen if they decide to leave the relationship.
- **Fear of Being Outed:** If they are in a same-sex relationship and have not yet come out to everyone, their partner may threaten to reveal this secret.
- **Lack of Money:** They may have become financially dependent on their abusive partner.
- **Low Self-esteem:** Their partner constantly puts them down and blames them for the abuse, it can be easy for them to believe those statements and think that the abuse is their fault.
- **Love:** They may stay in an abusive relationship hoping that their abuser will change.
- **Nowhere to Go:** Even if they could leave, they may think that they have nowhere to go or no one to turn to once they have ended the relationship.
- **Social/Peer Pressure:** If the abuser is popular, it can be hard for a person to tell their friends for fear that no one will believe them or that everyone will take the abuser's side.

### General Resources (Victim of a Crime)

If you are a victim of a crime, the Office for Victims of Crime site has resources to help you find a program, contact a helpline, find your compensation program and learn about additional resources.

#### *Office for Victims of Crime*

<http://www.ovc.gov/help/>

#### *New York State Office of Victim Services - The Rights of Crime Victims in NYS Booklet*

<http://albanycountyda.com/Files/OVS%20Rights%20of%20CV%20booklet%20-%202011.pdf>

1-800-247-8035

## Hotlines for Crisis Intervention, Resources and Referrals

Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:

- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>
- NYSCASA: <http://nyscasa.org/responding>
- NYSCADV: <http://www.nyscadv.org/>
- Pandora’s Project: <http://www.pandys.org/lgbtsurvivors.html>
- GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
- RAINN: <https://www.rainn.org/get-help>
- Safe Horizons: <http://www.safehorizon.org/>

Please note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

## If You Have Been Assaulted (advice)

Sexual assault victims are encouraged to seek medical attention as soon as possible. Evidence can be collected several hours after an attack, but its value in a subsequent criminal action diminishes with time. The victim should not wash, change clothing, or otherwise clean up. The victim should bring a full change of clothing to the hospital because the clothes worn at the time of the attack may be kept as evidence. Follow-up medical care is crucially important. The victim may need to be tested for sexually transmitted diseases or pregnancy.

Men and women can be victims of sexual assault. When an assailant’s objective is power over another person, sexual desire is a less important factor — or may not be a factor at all. However, men may hesitate to report a sexual assault for fear of not being believed, and/or being falsely implicated in homosexual activity. Male sexual assault victims can be assured of support from the College’s staff.

### Save evidence

- Do not bathe, wash your hands, brush your teeth, eat, or smoke.
- If you are still in the location at which the crime occurred, do not clean or straighten up or remove anything.
- Write down all the details you can recall about the attack and the perpetrator.

### Seek immediate medical treatment

- Seek medical care from an Emergency Room where professionals are certified to do a rape kit. Evidence can be kept at the ER up to 30 days and you can decide what to do with the kit. A forensic rape exam is

done to collect evidence.

- Receiving medical care does not require you or the medical staff to file a police report.
- Most injuries are not obvious.
- Seek medical care even if you decide not to do a rape kit.
- If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.

### To help a friend

- **Be a supportive listener.** Do not judge. Don't question actions. The victim is not to blame! A victim's behavior does not cause sexual assault. No one asks to be sexually assaulted.
- **Encourage the victim to seek help.** She/he may need medical attention or additional support services.
- **Listen and allow the victim to speak at her/his own pace.** Sexual assault is a crime about power and control, not sex. It is important to return the control that was taken away from the victim by allowing her/him to reveal information and make decisions when she/he feels comfortable.
- **Don't ignore your own need to discuss your feelings.** Ask others for information and gain support so you can help the person you care about.

### If You Have Been Harassed (advice)

- **Speak up at the time**

If the harassment is blatant: say NO. Say it firmly and without smiling. You want the harasser to know you are serious. State clearly that you don't like what was said or done and you want that behavior to stop. Another way to confront the harasser is to write him or her a letter. The letter should detail what the person did, how it made you feel and how it affects your schooling. The letter should specifically ask him/her to stop the behavior. In some cases, harassers don't realize that their behavior is offensive or unwelcome. The letter is an excellent way of clarifying your objection. A verbal or written objection is helpful but not essential if you decide to file a grievance at a later date.

- **Tell someone about it**

Even if you are not sure you will report the incident, tell someone what happened. Discuss it openly with others. Find out if others have been harassed by the same person.

- **Keep records**

Keep a diary or log of what is happening to you. Include dates, places, direct quotes, and names of other people that were present. Save any letters, cards, or notes sent to you. Let someone read your records. Keep everything in a safe place.

- **Get a witness**

Ask someone to watch you when the harasser is around. Most advances are made when the harasser thinks no one is watching.

- **Seek advice or counseling**

Students often feel powerless, angry, guilty or fearful when they are subjected to harassment. There are often concerns about personal safety, loss of privacy and the threat of possible retaliation if the situation is reported. Harassment undermines the self-confidence, well-being and peace of mind of the individual who is offended, and it damages the spirit of trust and collegiality that is central to our College community. No



matter when or where the harassment occurred, support and referral resources are available at the following College offices: Student Affairs, Health Services, Office of Student Housing and Residential Life, Regimental Offices and University Police. These offices can also put victims in contact with other agencies that are trained to provide support to the victims of harassment. In addition, students can request a meeting with the appropriate supervisory or administrative personnel and be prepared to describe clearly and in detail the nature of the harassment and request that the harassment stop.

### **Medical Resources (General/Sexual Assault)**

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at:

***Urgent Care** - Walk-ins welcome, no appointment necessary.*

3594 East Tremont Avenue, Bronx, NY 10465  
(718) 684-3939

#### ***Jacobi Hospital***

1400 Pelham Parkway South, Bronx, NY 10461  
(718) 918-5000

#### ***Montefiore Hospital***

2475 Saint Raymonds Avenue, Bronx, NY 10461  
(718) 430-7300

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.

The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: [http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf), or by calling 1-800-247-8035.

Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

### **Reducing the Risk of Being Assaulted**

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- **Be aware of your surroundings.** Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have taxi money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones/earbuds in both ears** so that you can be more aware of your sur-

roundings, especially if you are walking alone.

- **Lock doors**, including car doors and when in the vicinity of your car have your key ready in your hand.
- **When you go out have a plan including transportation home.** Go with others, arrive together, check in with each other and leave together.
- **Drink Responsibly.** Try not to leave any beverages unattended or accept drinks from someone you don't know or trust. If you're drinking alcohol, know your limits and how much you can consume without losing control or awareness of what's going on around you.
- **Have a buddy system.** Don't be afraid to let a friend know if something is making you uncomfortable or if you are worried about you or your friend's safety.
- **If someone you don't know or trust asks** you to go somewhere together, let him or her know that you would rather stay with the group.
- **Previous consent doesn't imply current consent** - No means no.
- **Be familiar with the campus "Blue Lights"** which are located throughout the campus. You may find it necessary to contact University Police Department to report an emergency, crime in progress, or a suspicious person or incident. Each emergency phone box is attached to a light pole or building.
- **Don't let strangers in through locked outside doors.**
- **Don't prop outside or suite doors open.** Lock your room door at all times.
- **Report lost I.D. cards immediately** to your Residence Advisor (RA) and University Police.
- **Don't open the door if you don't know the person.** Report any suspicious persons or activities to the RA or University Police immediately.
- **Practice self-defense.** Knowing in advance how you would respond to a physical threat greatly increases your chances of escape.
- **Do not hitchhike.** By doing so you forfeit the ability to change direction and control of your movement.
- **Think twice about what you put on Facebook.** When you use social media to share where you are or where you're going, friends can find you but others may be able to track you as well. Use common sense and ask yourself -- would you give this information to a stranger? If not, then don't share it online.
- **Your safety takes priority over someone else's hurt feelings.** You're with someone or you're in a situation that makes you feel unsafe. There's nothing wrong with lying to extricate yourself from what's going on. Make up an excuse as to why you have to leave and get yourself to a safer place. It's easier to patch up someone's hurt feelings (if you've misinterpreted the situation) later on than deal with the aftermath of rape or sexual assault.
- **Get yourself to a safe place.** Call 911 or local Police. University Police (718) 409-7311.