



NORTHEAST MARITIME INSTITUTE

COLLEGE OF MARITIME SCIENCE

2022 ANNUAL CAMPUS SAFETY REPORT



*NORTHEAST MARITIME INSTITUTE
COLLEGE OF MARITIME SCIENCE
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Reporting Crimes and Emergencies

In the case of an emergency or to report a crime at the College, assistance can be requested by contacting the Dean of Students or Title IX Coordinator at 508-992-4025. When reporting an emergency, personnel will request your name, location, and the nature of the emergency. College personnel will assess the situation and request additional emergency responders as needed. Northeast Maritime Institute does not maintain campus law enforcement and students should contact the Fairhaven Police Department at 508-997-7421 or call 9-1-1 if they wish to speak with a law enforcement officer. Northeast Maritime Institute does not maintain specific training programs regarding the prevention of crimes.

All incidents will be included anonymously in the Annual Campus Safety Report's statistics. Victims or witnesses may report incidents on a voluntary basis but are encouraged to do so for their own safety and the safety of others.

Members of the community will be notified, as appropriate, regarding the occurrence of Clery Act crimes. Personal information will be kept confidential during the disclosure of Clery Act crimes, unless extraneous circumstances involving personal safety deem it otherwise. Definitions and a list of Clery Act crimes can be obtained online. Timely notifications to the campus community regarding Clery Act crimes will be sent via email and/or text messages with instruction by the Office of the President.

Important Phone Numbers and Contact Information

508-992-4025	To make a complaint or report an incident or emergency to the College Administration
9-1-1	Fairhaven Police Department; emergency response
508-997-7421	Fairhaven Police Department; non-emergency

Emergency Medical Services

In the event of a medical emergency, dial 9-1-1 immediately for emergency medical assistance. If a member of the community dials 9-1-1 for a medical emergency, Administrative staff must be notified as soon as possible. If Administrative staff are unreachable, contact the first staff or faculty member available.

Use your best judgement before dialing 9-1-1. If you are unsure or unwilling to call for emergency assistance, please contact the college immediately.

Message from the President

The Northeast Maritime Institute – College of Maritime Science is committed to a safe and secure environment for all its students, faculty, staff and community members. We seek to maintain and foster this safe environment through inclusivity and close interpersonal relationships. In creating a familiar atmosphere for all, we commit ourselves more to one another and to a positive environment that ensures safety, security and inclusion.

We strive with every opportunity to improve and enrich the lives of all members of the NMI community. We encourage all members of the community to read and understand the Annual Campus Safety Report and to know the contents of their respective student or employee handbooks. This benefits the community by giving everyone the same level of understanding and appreciation for what is expected of them as individuals.

In terms of emergency response, NMI maintains a very close relationship with the local Fairhaven Fire and Police Departments respectively, both of which are located just a few blocks from campus. NMI truly appreciates their hard work and quick response times. We are blessed to be in a small town where assistance is just a few minutes away. In addition, NMI faculty and staff are always willing to assist in situations not requiring emergency response at any time of day.

If there is one thing I hope to implore with this message and with this Annual Campus Safety Report, it is for all members of our community to do their best to stay informed, stay alert, make positive decisions, and familiarize yourself with the resources available to you should you need them.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Dawicki", written over a horizontal line.

Eric R. Dawicki, President
College of Maritime Science
Northeast Maritime Institute

Missing Person Notification Procedures

If a student or person is assumed to have been missing for 24-hours, a member of the faculty or staff must be notified immediately. It is the responsibility of a member of the staff or faculty to contact the Fairhaven Police Department no later than within a 24-hour period from which the person has been assumed missing. Administrative staff should be contacted as soon as possible.

- Do NOT disclose any missing person(s) information publicly. This includes with other students, faculty, or staff outside of the individual you first disclosed the information with. It may be for the missing person(s)' safety that information not be disclosed.
- Your personal information will be kept confidential when reporting the missing person(s).
- A report must be filed with the Office of the President as soon as possible.
- It is the responsibility of the Administrative staff, with consultation from local authorities, to determine whether information can be disclosed to other members of the community.

Using your best judgement, if you believe the missing person(s) to be in immediate or life-threatening danger, call 9-1-1 immediately before notifying a staff or faculty member. Otherwise, Administrative staff or a member of the faculty or staff will assume responsibility of filing a report with the Fairhaven Police Department.

Campus Sex Crimes Prevention Act

In accordance with the Federal Campus Sex Crime Prevention Act, current sex offender information for the college community can be obtained through the Town of Fairhaven Police Department, located at 1 Bryant Lane, Fairhaven, MA 0271. Additional information can be obtained from the Commonwealth of Massachusetts Sex Offender Registry Board website at www.mass.gov/orgs/sex-offender-registry-board.

Immediate Threat Notification Procedures

The Title IX Coordinator and Dean of Students will respond to and summon the necessary resources to mitigate, investigate, and document any such situation or emergency.

If it is determined that the situation poses a continued threat to the community, Northeast Maritime Institute will notify the campus community, or appropriate segments that may be affected by the situation, through a mass notification. The mass notification will include emails and/or text messages. The message will be delivered without delay and the College will consider the safety of the community when determining the content of the notification. In initiating this system, the College will also consider whether issuing the notification may compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Content of a mass notification as well as whether a mass notification will be sent will be determined by the Office of the President.

Evacuation Procedures

If it becomes necessary to evacuate a building, the fire alarm may be used to notify occupants. When the fire alarm sounds, persons should proceed quickly and calmly to the nearest exit. Each building has posted evacuation plans and predetermined areas of re-assembly. Northeast Maritime Institute prohibits re-entry into a building until instructed to do so by a police officer or fire fighter.

Respect for Others: Harassment, Bullying, Hazing and Fighting Policy

Hazing, bullying, physical or verbal abuse, including sexual harassment of any kind is a violation of these policies and the laws of the Commonwealth of Massachusetts. Any violations will not be tolerated. Every member of the NMI community has the right to work, to learn, and to grow in an environment of mutual respect, compassion, and support. This is especially true when considerations of socially significant identities are involved, such as those based on race, class, ethnic origin, religion, gender, disability, and sexual orientation. Our community must be free from verbal, physical, and psychological intimidation of any kind. Behavior that disregards the self-esteem of others and/or is uninvited and unwanted will not be tolerated. Harassment or bullying which takes place on or off campus, over the phone, through the mail, or via electronic means (e-mail, text messages, instant messaging, any social networking sites, such as Facebook, Twitter, Instagram, etc.), are considered serious offenses. Physical and verbal confrontations are a violation of NMI's policy. Slapping, hitting, and/or punching are strictly prohibited. Students are cautioned that physical play (rough housing) escalates quickly and may be subject to disciplinary action. The possession of any weapons, tools, or objects to threaten the well-being of others, including firearms, knives, etc., poses a severe threat to the safety of the entire community. The College's Administration reserves the right to summarily suspend or dismiss a student for an offense which endangers life, or health, or poses a particular threat to another. Toy or replica weapons are also not allowed.

Although bullying and harassment share similar characteristics, not all bullying is harassment and not all harassment is bullying. Importantly, harassment is defined by unwelcome conduct based on socially significant identities, race, class, ethnic origin, religion, gender, disability, and sexual orientation. Harassment is most often (but not always) severe, repeated and contributes to creating a hostile environment. Harassment and Sexual Harassment include but are not limited to the following conduct:

- Derogatory or discriminatory remarks or gestures;
- Displays of sexually explicit, offensive, or demeaning materials such as photographs, cartoons, or calendars;
- Slang names or labels that others find offensive;
- Obscene or suggestive gestures, remarks, innuendoes, or jokes;
- Inappropriate personal questions or remarks about a person's clothing, body, or sexuality;
- The electronic posting or publishing of demeaning materials as defined above, including remarks, innuendoes, or jokes as described above;
- Unwanted or suggestive touching;
- Unwelcome sexual advances or requests for sexual favors;
- Verbal or physical conduct of a sexual nature;
- Behaviors that would constitute dating violence such as threats or use of physical, sexual, verbal or emotional abuse also are violations of our rules.

Bullying means the use by one or more students of a written, verbal, or electronic expression or a physical act or gesture, or any combination thereof, directed at a student that:

- Causes physical or emotional harm to the student or damage to the student's property;
- Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- Infringes on the rights of students to participate in school activities;
- Materially and substantially disrupts the educational process or the orderly operation of school.

The expression, physical act, or gesture may include but is not limited to an incident or incidents that may be reasonably perceived as being motivated by socially significant identities or by any other distinguishing characteristics.

Bullying most often occurs as repeated behavior but also may occur as a single incident between the offender and victim.

In an electronic environment, harassing behavior or cyber-bullying includes but is not limited to any transfer of signs, signals, writing, images, and contributes to creating a hostile environment. Sounds, data, texting or intelligence of any nature transmitted in whole or in part by wire, radio, electromagnetic, photo electronic or photo optical system, including but not limited to electronic mail, internet communications, instant messages or facsimile communications may not be used to bully or harass.

Forms of electronic harassment or cyber-bullying may include but are not limited to:

- Creating and posting offensive documents, including videos and photographs;
- Creating offensive groups on social networking sites, giving files, folders or disks offensive names;
- Creating a web page or blog in which the creator assumes the identity of another person;
- The knowing impersonation of another person as the author of posted content or messages;
- In general, using any aspect of the technology in a way that hurts others.

A victim of harassment or bullying, anyone who witnesses an incident of harassment or bullying, or anyone who has credible information that an act of bullying or harassment has taken place should report the conduct to the Dean of Students (DOS). Targets of harassment or bullying are advised to follow the procedure outlined below (when possible), but bear in mind, serious consequences may result even when the target does not follow this procedure.

If you feel you have been harassed or bullied, you should:

- Let the offending person know that you want the behavior to stop. Say NO firmly. Give a clear message about how you feel. Do not apologize.
- If you do not feel comfortable confronting the person alone, take a friend along or write a letter. If you are still not comfortable, ask a trusted staff or faculty member for advice.

- Keep a record of when, where, and how you have been harassed or bullied. Include witnesses, direct quotations, actions, evidence, and any written or electronic communications.
- Promptly contact an Advisor or the Dean of Students. You will be listened to and supported.

If you have been accused of harassment or bullying, the DOS and at least one other faculty member will interview you. If, after a fair and thorough investigation by the DOS, it is determined that harassment or bullying has taken place, you will be subject to appropriate consequences. Targets of harassment or bullying are not required to confront their harassers or bullies. Depending on the severity of the offense, or the number of offenses, harassers and bullies may be subject to dismissal from the College. The possession of any weapons, tools, or objects to threaten the well-being of others, including firearms, knives, etc., poses a severe threat to the safety of the entire community. The College's Administration reserves the right to summarily suspend or dismiss a student for an offense which endangers life, or health, or poses a particular threat to another. Toy or replica weapons are also not allowed.

Offenses

1. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
2. **Arson:** Any willful or malicious burnings or attempts to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
3. **Attempted Sexual Misconduct:** It is a violation of this policy to attempt to commit an offense of nonconsensual intercourse, non-consensual sexual contact, or sexual exploitation.
4. **Burglary:** The unlawful entry of a structure to commit a felony or a theft. This includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; and safecracking.
5. **Consent:** In Massachusetts, it is illegal to have sex with someone who is incapable of giving consent because they are intoxicated, unconscious, mentally incompetent, or underage. The consent must also be without coercion, threat, or force.
6. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (ii) for the purposes of this definition - (A) dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) dating violence does not include acts covered under the definition of domestic violence. *
7. **Domestic Violence:** A felony or misdemeanor crime of violence committed by any of the following: (A) by a current or former spouse or intimate partner of the victim; (B) by a person with whom the victim shares a child in common; (C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) by a person similarly situated to a spouse of the victim under

the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.*

*Dating violence and domestic violence can occur between current or former intimate partners, who have dated or lived together. Domestic violence can occur between current or former intimate partners who are married, have been married, or have a child together. Both dating and domestic violence can occur in opposite-sex and same-sex relationships.

8. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

9. **Hate Crime:** A crime reported to local police agencies or to the College that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this definition, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

10. **Illegal Weapons Possession:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. This also includes the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; illegal aliens possessing deadly weapons; and attempts to commit any of the above.

11. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

12. **Intimidation:** Intimidation by definition involves the creation of fear in a victim, and the very nature of a threat is the creation of fear of negative consequences for the purpose of influencing behavior.

13. **Larceny/Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

14. **Manslaughter by Negligence:** The killing of another person through gross negligence.

15. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

16. **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. This includes death or injuries received in a fight, argument, quarrel, assault or commission of a crime.

17. **Non-Consensual Sexual Contact:** The elements of the offense of non-consensual sexual contact are any intentional sexual touching; and that is without consent.

18. **Non-Consensual Sexual Intercourse:** The elements of the offense of non-consensual sexual Intercourse are any type of penetration by any body part or object; using force or threat of force; and c. against the will of the victim.

19. **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

20. **Retaliation:** It is a violation of this policy to retaliate against anyone who reports (or may report) an incident of sexual misconduct, or who pursues (or may pursue) a complaint of sexual misconduct, or is (or may be) a witness to an incident of sexual misconduct, or otherwise is (or may) otherwise participate in any sexual misconduct investigation and/or disciplinary proceeding.

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

22. **Sexual Assault/Sex Offenses:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes attempted sexual assaults and does not include offenses outside the four types chosen by the Department of Education.

23. **Sexual Exploitation:** The elements of sexual exploitation are whoever willfully photographs, videotapes or electronically surveils another person who is either nude or partially nude; without that individual's knowledge or consent; in a place where said individual would have a reasonable expectation of privacy or is the non-consensual, unjust, or abusive sexual advantage of another for the benefit of anyone other than the person being exploited.

**Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy, prostitution of self or another, videotaping without knowledge and consent of all parties, peeping tommery, intentional transmission of HIV or STD, exposure of one's genitals in non-consensual circumstances, engaging in voyeurism, sexually based stalking or bullying, or inducing incapacitation with the intent to rape or sexually assault, regardless of whether sexual activity actually takes place.

24. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

25. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual Misconduct Policy

Statement of Intent

Northeast Maritime Institute is committed to providing a learning environment free of gender-based discrimination, including sexual harassment. Sexual misconduct is a form of sexual harassment prohibited by this policy. This policy is intended to guide students on the College's general response policy to incidents of sexual misconduct, the resources available to victims of sexual misconduct, and the sexual misconduct prevention initiatives of the College.

Title IX Compliance Notice

The College does not discriminate on the basis of sex in its educational programs and activities and Title IX requires that it not discriminate in such a manner. Sexual misconduct is a form of gender-based

discrimination prohibited by both this policy, Title IX, and other federal and state laws. Inquiries concerning the application of Title IX may be made to the College's Title IX Compliance Coordinator and/or Investigator.

Definitions

For the purposes of the College's Code of Conduct, the following terms are defined accordingly:

"Consent" shall mean mutually understandable words or actions indicating a willingness to do the same thing, at the same time, in the same way with each other. Consent may be withdrawn at any time. Mutually understandable consent is almost always viewed under an objective, reasonable person standard. The only context in which mutually understandable consent would be viewed under a subjective standard is in the instance of a long-standing relationship where a couple has established patterns of communicating consent, but even then there must still be evidence of free and knowing participation to establish consent. Effective consent is informed consent which is freely and actively given. Consent which is obtained through the use of fraud, force (actual or implied), threats, intimidation, or coercion is ineffective consent. Consent may never be given by a minor (in Massachusetts, those not yet 18 years of age). Mentally disabled persons cannot give effective consent to sexual activity. Physically incapacitated persons cannot give consent. One who is impaired as a result of alcohol or other drug consumption (voluntary or involuntary) or who is unconscious, unaware, or otherwise physically helpless is incapable of giving consent.

"Force" shall mean the use of physical violence and/ or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, implied threats, and coercion. There is no requirement that an individual resist the sexual advance or request, but the presence of resistance is a clear demonstration of non-consent.

"Intercourse" shall mean vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

"Sexual Contact" shall mean intentional contact with the breasts, buttocks, groin, or genitals; or touching another with any of these body parts; or making another touch you or themselves with or on any of these body parts; and intentional bodily contact in a sexual manner even if not involving contact with, of, or by breasts, buttocks, groin, genitals, mouth, or other orifice.

"Proceeding" includes but is not limited to any hearing conducted by the Office of the Dean of Students promulgating this policy.

"Result" refers to a final conclusion of a proceeding in which a student will be found either responsible or not responsible. The term "result" also includes any sanctions referenced in this policy as well as any other orders issued by the Office of the Dean of Students.

Offenses and Jurisdiction

Non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, attempted offenses, child abuse and neglect, and retaliation shall be offenses prohibited by this policy. The elements of each such offense are:

Jurisdiction

The College's disciplinary jurisdiction is limited to conduct which occurs on campus and certain off campus conduct.

Discrimination Harassment and Sexual Misconduct Board (DHSM) Board Hearing Panel Findings

The Board's responsibility is to determine if a preponderance of evidence standard has been met; i.e. it is "more likely than not" the policy was violated. The Board will finalize their decision within two (2) days and shall inform both parties of their decision in writing.

Procedures and Roles

It is important to preserve evidence when reporting sexual misconduct. If possible, students should not shower or wash their clothing following sexual misconduct as that may aid in the investigation. There is no time limit when reporting sexual misconduct to the Title IX Compliance Coordinator or Fairhaven Police Department. Victims may be assisted by campus authorities in contacting law enforcement authorities and also have a right to decline to notify such authorities.

A. Role of the Title IX Compliance Coordinator/Investigator and Police Department

1. Fairhaven Police Department

The Fairhaven Police Department, located less than 1 mile from campus, is the College's first responder arm to reports of crime on campus and may provide immediate assistance to a person reporting (complainant) an act of sexual misconduct.

Services available through the Fairhaven Police Department include:

- Emergency response
- Incident documentation
- Complainant support
- Referral to on- and off-campus resources and services

2. Title IX Compliance Coordinator/Investigator

The role of the Title IX Compliance Coordinator/Investigator includes:

- Promoting Title IX compliance policies, procedures and notifications
- Overseeing implementation of compliance (grievance) procedures
- Identifying and addressing any patterns or systematic problems revealed by reports and complaints

- Referral to on- and off-campus resources and services
- Complainant support
- Conducting investigations of sexual misconduct complaints
- Evaluating a student's request for confidentiality in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students
- Providing guidance on Title IX compliance and College's related policies/ procedures
- Serving as a liaison to the state and federal agencies that enforce Title IX
- Promoting employee training and education on Title IX compliance
- Monitoring all other aspects of the College's Title IX compliance

When an act of sexual misconduct is reported the Title IX Compliance Coordinator/Investigator will contact the complainant to explain in writing their options, services, and resources available to them on and off campus. Further, as discussed in more detail below, the Title IX Compliance Coordinator/Investigator will assist the complainant with filing a Title IX Sexual Misconduct Complaint.

B. Reporting Sexual Misconduct

This policy on reporting is designed to assist the College's Title IX Compliance Coordinator/ Investigator, in providing a comprehensive response to reports of sexual misconduct. It seeks to promote student and campus safety, and a prompt and equitable resolution to incidents of sexual misconduct. In general, any employee who has reasonable cause to believe sexual misconduct has occurred must comply with the College's Sexual Misconduct Policy, regardless of the age of the victim.

1. Reporting by College Employees

When the complainant is under 18: In instances where a College employee is made aware of child abuse or neglect as defined by Massachusetts General Law Title XVII, Chapter 19, Section 51A, the first question the employee must ask herself/himself is whether she/he is a mandated reporter of child abuse or neglect as defined by Massachusetts General Law Title XVII, Chapter 19, Section 21. If the employee is a mandated reporter, she/ he must comply with Massachusetts's mandated reporting laws. If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section.

A mandated reporter shall, in addition to filing a report to the Department of Children and Families (DCF), contact local law enforcement authorities or the child advocate about the suspected abuse or neglect. The hotline for DCF is 1-800-792-5200.

All other Northeast Maritime Institute employees (i.e. those who are not mandated reporters) are strongly encouraged to report suspected child abuse or neglect to the DCF hotline listed above, and are protected under Massachusetts law for good- faith reporting of such suspected child abuse or neglect, even if later investigation fails to substantiate abuse or neglect. Employees who are mandated reporters must still report instances of child abuse or neglect to the Fairhaven Police Department (9-1-1).

When the complainant is 18 or older: Any employee, except those who are empowered by law to maintain confidentiality, who witnesses or receives a report of sexual misconduct of a complainant 18 or

older, must report the incident as soon as possible to the Title IX Compliance Coordinator/Investigator and the Fairhaven Police Department.

When providing this report, a Northeast Maritime Institute employee may initially be able to exclude personal identifiable information (e. g., the name of the victim, the name of the accused individual, and/or other identifying details about witnesses, etc.). In an initial report, the reporting individual should disclose at a minimum the nature of the behavior reported, along with date, time and/or location if known. The Title IX Compliance Coordinator and/or the Title IX Compliance Investigator will guide employees with regard to how much detail is needed in an initial report. Subsequent to an initial report (or at the time of the initial report if there is an emergency or an immediate risk of harm) campus officials may need additional information in order to fulfill the College's obligations under law, including specifically, Title IX. Further, while College employees must report information they receive, it is not their responsibility to investigate or confirm what is reported to the College officials within the appropriate offices will determine the next steps, including ensuring that victims have been made aware of available on- and off campus resources.

While a Northeast Maritime Institute employee may advise the complainant of sexual misconduct that any conversation they have with the complainant will be private (will not be shared unnecessarily with others), they may not tell a complainant that the conversation will be confidential unless that employee is subject to privilege by law to maintain confidentiality of an adult victim.

2. Self-Reporting

Interpersonal violence or sexual assault is more likely to occur by someone known to the student. If a student thinks they have experienced non-consensual sexual misconduct by force, coercion or inability to give consent, they should know that it is not their fault and there are many resources available, including filing a complaint. Students may feel pressure not to file a report by mutual friends or fear of getting in trouble but the College process is student centered, offering many remedies (no-contact orders, safe housing, and class changes) to prevent retaliation and reoccurrence. To encourage victims to come forward with reports about sexual misconduct, students will not be sanctioned for revealing a violation in good faith, such as underage drinking, in the process of reporting a sexual violence claim. Victims of sexual misconduct can file a standard, formal incident report with the Title IX Compliance Officer at any time.

An incident report will include, among other things, the name of the complainant and the name of the accused, if known. Upon the filing of an Incident Report, the Title IX Coordinator will act as first responder as detailed in this policy. The Title IX Coordinator will also determine whether law enforcement or other authorities should be notified.

Direct reporting can be important for the safety of the entire College community. Complainants have the right to report sexual misconduct to the Title IX Coordinator without further participation in the investigatory process. A complainant can choose to initiate a criminal complaint through law enforcement and/or initiate a Title IX Sexual Misconduct Complaint with a Title IX Compliance Coordinator/Investigator. Complainants should understand, however, that by choosing to not participate in the College's disciplinary process, the College's response to the incident may be limited.

3. Peer Reporting

Peers of victims of sexual misconduct can file an incident report or anonymous report with the Title IX Compliance Coordinator/Investigator on someone's behalf. If your peer has experienced sexual violence, students have many options:

- provide support by encouraging them to seek help with the available resources on and off campus;
- reinforce that it is not their fault. Validate their feelings and do not investigate their story;
- students should let them know they are there for them and are receptive to what they are saying; and
- The peer may experience secondary trauma and there are many resources available for them through outside services.

4. Anonymous Reporting

Reports of sexual misconduct can also be made anonymously with the Title IX Compliance Coordinator/Investigator, meaning that the report does not contain the name of the complainant or the accused. An Anonymous Report will be kept in the file of the Title IX Compliance Coordinator/Investigator and recorded for purposes of the Jeanne Clery reporting disclosure requirements. Anonymous Reports allow the College to track reported incidents of sexual misconduct and to provide the complainant with information about options and resources available to her/ him. An Anonymous Report does not constitute a formal Incident Report, a Police report, or a Title IX Sexual Misconduct Complaint. Accommodations and protective measures for victims of sexual misconduct will be kept confidential, to the extent that maintaining such confidentiality will not impair the ability of the College to provide the accommodations or protective measures.

Victims of sexual misconduct are also encouraged to contact the Fairhaven Police Department directly by calling 9-1-1. Filing a criminal report with the Fairhaven Police Department is different than filing an Incident Report with the College. If a student files a criminal report with the Fairhaven Police Department, the police will determine if a criminal investigation will occur and if the case will be referred for prosecution.

Title IX Sexual Misconduct Complaint, Investigations, and Disciplinary Proceedings

a. Title IX Sexual Misconduct Complaint

A Title IX Sexual Misconduct Complaint is in effect a request by a complainant or the College to investigate an alleged incident of sexual misconduct and to take disciplinary action against the accused. A Title IX Sexual Misconduct Complaint may be filed with a Title IX Compliance Coordinator/Investigator. A Title IX Compliance Coordinator/Investigator will assist a complainant procedurally in filing a complaint and will let them know their options as well as the services and recourse available to them on and off campus.

A Title IX Sexual Misconduct Complaint is independent of an Incident Report filed with the Title IX Coordinator. A Title IX Sexual Misconduct Complaint is an invocation of the student's right to have the incident handled through Institute disciplinary proceedings, while an Incident Report alerts the Title IX Coordinator of alleged sexual misconduct and to provide first responder assistance to a

complainant of sexual misconduct. A Title IX Sexual Misconduct Complaint can be filed with a Dean of Students at any time. While it is the victim's choice whether or not to file a Title IX Sexual Misconduct Complaint, victims are encouraged to do so. A complainant may also file a complaint with law enforcement. When requested, the Title IX Coordinator will accompany a complainant to the police and will assist in filing a report with the police.

b. Title IX Investigations

A Title IX Compliance Coordinator/Investigator, who receives annual training in investigations and the issues relating to dating violence, domestic violence, sexual assault and stalking, will conduct a prompt, thorough, and impartial investigation into all incidents of sexual misconduct they are made aware of. The investigation conducted by a Title IX Compliance Coordinator/Investigator is independent from any investigation by law enforcement; however, a Title IX Compliance Coordinator/ Investigator will look to coordinate with law enforcement to access their investigative findings to supplement their fact gathering efforts.

The specific investigatory steps taken by a Title IX Compliance Coordinator/Investigator will vary depending upon the nature of the allegations of sexual misconduct among other factors. A typical Title IX Sexual Misconduct investigation may include:

- Interviewing and taking statements from the victim, the accused, and any witnesses
- Compiling and verifying statements
- Gathering/obtaining documentation
- Reviewing any physical evidence
- Conducting appropriate research
- Drafting reports
- Taking statements from the complainant and the accused

A Title IX Compliance Coordinator/Investigator will inform the complainant if he or she receives a report of sexual misconduct from a third party (e.g., College employee) and seeks to obtain the complainant's consent to investigate the incident before commencing the investigation.

If a complainant of sexual misconduct makes a request for confidentiality or a request not to investigate, a Title IX Compliance Coordinator/Investigator will take all reasonable steps to investigate and process the matter consistent with the complainant's request. In all cases in which a complainant requests that their name and other identifiable information not be disclosed to the alleged perpetrator, the College will evaluate the request in context of its obligation to provide a safe non-discriminatory environment for all students. In weighing the complainant's request, the College will consider such factors as the seriousness of the alleged sexual misconduct, the complainant's age, whether there have been other complaints against the accused, and the accused's right to receive information about allegations against him or her. The College retains the discretion to disclose, among other things, a complainant's name and other identifiable information, as may be necessary to conduct their investigation. In such cases, a Title IX Compliance Coordinator/Investigator will inform the complainant if he/she cannot maintain confidentiality.

Typically, the fact-finding portion of the investigation will be concluded within 60 days of the filing of a Title IX Sexual Misconduct Complaint and/or receipt of notice of an incident of sexual misconduct.

However, the timeframe may vary depending upon the complexity of the investigation, unavoidable delays, and/or the severity and extent of the sexual misconduct.

At the conclusion of a fact-finding portion of the investigation, the Title IX Compliance Coordinator/ Investigator will share their findings with the Office of the Dean of Students. Based on the findings of the investigation, the Office of the Dean of Students will decide whether to pursue charges under the Student Code of Conduct.

c. Disciplinary Process and Proceedings

Northeast Maritime Institute will initiate disciplinary proceedings under the Code of Conduct set forth in this Student Handbook. Upon the conclusion of the fact-finding portion of the investigation and recommendation of the Office of the Dean of Students to pursue charges. The disciplinary procedures will be conducted in a manner consistent with Title IX requirements and protections. College procedures are designed to provide a prompt, impartial response for resolution of Title IX Sexual Misconduct Complaints, as well as to provide reasonable remedial measures if it is determined that the sexual misconduct policy has been violated. The College reserves the right to pursue disciplinary proceedings against an accused even if a complainant does not file a Title IX Sexual Misconduct Complaint. Further, reasonable interim (pre-disciplinary hearing) corrective actions for the benefit of the complainant and accused will be made available as well.

Remedial corrective actions include, but are not limited to:

- no-contact orders;
- on-campus housing changes, escorts;
- ensuring the complainant and accused do not attend the same classes;
- ensuring the complainant and accused do not attend the same extra-curricular activities;
- counseling services, medical services;
- academic support services, academic accommodations, and/or changes in a victim's transportation or working situation, etc.

When providing a complainant and/or accused with remedial corrective options, a Title IX Compliance Coordinator/Investigator will seek to minimize the burden as much as is reasonably possible. In most circumstances where sexual misconduct is alleged, both the complainant and the accused will meet separately with a Title IX Compliance Coordinator/Investigator and will be provided with a written statement setting forth the rights both parties have when going through the disciplinary process. After reviewing the written statement, both the complainant and the accused can ask questions of the Office of the Dean of Students and have the hearing process explained in greater detail. Both the complainant and the accused are entitled to opportunities to present relevant statements and witnesses during a formal conduct proceeding. When the hearing is held, all appropriate steps will be taken to ensure both a full and fair examination of the evidence, as well as the protection of the rights and safety of the victim. The standard of proof for these cases is more likely than not (also known as a preponderance of the evidence standard), and the definitions as well as the description of consent as used herein shall apply.

The hearing process typically is concluded within 30 days from the date the Office of the Dean of Students makes a recommendation to initiate disciplinary proceedings. A notice of outcome will be sent to both the complainant and the accused within two business days of the conclusion of the disciplinary

hearing. When a determination of responsibility is made, the complainant will be notified of the decision as well as sanctions assigned. In cases of sexual misconduct, the typical sanction is dismissal or expulsion, as well as no-contact orders. Students may appeal a decision by the Dean of Students by written application to the Chief Academic Officer. If the Chief Academic Officer denies an appeal, then the student may appeal to the College President and their decision shall be final.

d. Education and Other Preventative Initiatives

The College is committed to the prevention of sexual misconduct through education and awareness. Prevention programs stress the added risks involved when the use of alcohol and/or illegal drugs is present. Flyers about sexual violence are posted in the Student Services Office.

Under the Jeanne Clery Act, the college issues warnings to the campus community regarding crimes that pose a serious ongoing threat to students and employees in a manner that is timely and will aid in the prevention of similar occurrences. The Title IX Compliance Coordinator/Investigator is responsible for evaluating reported crimes to determine if a timely warning is appropriate. Reported cases of sexual violence may require such a warning if the circumstances of the incident suggest that there is a serious or continuing threat to the safety of the campus community.

Whether to issue such an alert is considered on a case by case basis and depends upon a number of factors including the continuing danger to the campus community, whether the perpetrator was apprehended and the possible risk of compromising law enforcement efforts. Timely warnings never include the name of the victim, and the issuance of the timely warning will be explained to the complainant by the Title IX Compliance Coordinator/Investigator.

Complainants of sexual misconduct may also be eligible to obtain a protective order or apply for a temporary restraining order or seek enforcement of an existing protective order issued by a court of competent jurisdiction. Northeast Maritime Institute will honor any lawful protective or temporary restraining order.

Additionally, the Dean of Students may utilize any of the following:

Letter of Caution: In certain cases, the CAO will write a cautionary letter of warning to a student and their advisor. Letters of caution do not constitute reportable discipline.

Restricted Status: A student who is placed on Restricted Status may have their academic privileges restricted for a limited time. They may serve their restricted status either on or off campus. Restricted Status does not constitute a form of reportable discipline.

Disciplinary Probation: A student who is placed on Disciplinary Probation will be notified by letter of the terms of probation. At the end of the probationary period, the student's advisor and the CAO will review the record of the student's behavior. Failure to abide by the terms of probation may result in dismissal from the College.

Suspension: A student who is suspended from school is not permitted to attend any academic or extracurricular functions for the duration of the suspension. A suspended student is not to visit the campus or an off-campus school event for the duration of the suspension.

Dismissal: As a last resort the College may decide that NMI is not the appropriate place for a student. Dismissal action is taken with great care and consideration for both the student and the school community.

Drug and Alcohol Use or Possession

The health risks associated with the use of alcohol and illegal substances are significant. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse also can be immediate and unpredictable, such as cardiac arrest, or subtler and long term, such as liver deterioration.

All students must abide by NMI's Drug and Alcohol Use and Possession Policy set forth in the Student Handbook. NMI has a zero-tolerance policy for drug and alcohol use on College grounds. A student who possesses, uses, distributes, or is under the influence of alcohol or drugs or misuses prescription medication while on NMI property, at a school function, or is in any way under the College's jurisdiction, has committed a most serious offense and is subject to dismissal. Students are considered to be "in possession" if they have alcoholic beverages, illegal substances, or drug paraphernalia on their person, in their book bag, or automobile. Students may not give any form of medication to another student and may only take prescription medication at school if they can produce the prescription bottle that bears their name and the name of the medication they are taking.

Any student discovered in or suspected of violation of federal or Massachusetts law in reference to alcohol or drug use, by law enforcement or other party, may be subject to disciplinary action. As a reference for alcohol and drug related infractions, the College follows the United States Coast Guard guidelines. The U.S. Coast Guard level for intoxication is BAC of 0.04 or greater. The drugs that are tested for the standards established in 46 CFR 40.29 for licenses issued by the U.S. Coast Guard include the following: Marijuana, Cocaine, Opiates, Phencyclidine (PCP) and Amphetamines.

Any application for U.S. Coast Guard license(s) may be denied if information from the National Driver Register check leads the Coast Guard to determine that the applicant cannot be entrusted with the duties and responsibilities of the endorsement for which the application is made. If an application is denied, the U.S. Coast Guard will notify the applicant in writing for the reason(s) for denial and advise the applicant that procedures may be followed. No examination will be given pending decision on appeal. Students should check CFR (Code of Federal Regulations) 46 10.211-10.213 regarding drugs, alcohol and criminal activity as it pertains to licensing. The following are additional resources for information pertaining to this topic.

Code of Federal Regulations Drug, Alcohol and National Driver Registry Guidelines:
<http://www.gpo.gov/fdsys/pkg/CFR-2014-title46-vol1/pdf/CFR-2014-title46-vol1-chapl.pdf> (Sections 10.211 – 10.213)

Student Chemical Testing Policy

It is the policy of NMI to establish and maintain an environment free from the adverse effects of alcohol and substance abuse. The College will annually notify and inform all students of its drug and alcohol program and full program details. NMI's Code of Conduct requires all students to refrain from using illegal drugs and abusing alcohol and/or prescription drugs. To combat the misuse and abuse of alcohol

and other chemical substances, all students must abide by this policy. The College will conduct drug and alcohol testing in compliance with applicable State and Federal laws. The College will conduct mandatory drug testing as required under the auspices of the U.S. Department of Transportation for cadets and crewmembers: "Students with a confirmed positive tests results shall be subject to automatic dismissal from their academic program and may also be required to participate in a chemical user evaluation or rehabilitation program at his or her expense. If a student contests the positive test result and has requested a split sample testing, the student may remain in his or her academic program, subject to removal of safety sensitive duties, until the results of the split sample testing has been received."

NOTE: The names of five students will be drawn at random several times per semester, and NMI is required to submit any positive results to the USCG.

Standard Sanctions for Drug-related Infractions

Although the use of marijuana is legal in some states, our students will be holding U.S.C.G. licenses which adhere to federal regulations and policies; therefore, use of marijuana and /or any illegal substance is prohibited at NMI. NMI follows the USCG CFRs.

Prescription Drugs

The misuse of prescription drugs is a serious problem on college campuses. For this reason, it is a violation of College conduct rules for a student to be in possession of another person's prescription medication or for a student to give or share his prescription medications with others. Sanctions will be assessed based on the behavior in question and can include a fine, disciplinary probation, drug education, and/or referral for evaluation, counseling, or mentoring.

Alcohol Policy

Consumption of alcoholic beverages on the grounds of the campus or campus related facilities is prohibited. Individuals who appear intoxicated, i.e., needing assistance to walk, speaking incoherently, emitting a strong odor of alcohol, or vomiting, will not be admitted to campus events. Moreover, individuals demonstrating such behavior while attending any registered social function will be promptly removed.

Intoxicated Student Policy

If an NMI staff member finds an NMI student who appears to be under the influence of drugs or alcohol, i.e., slurred speech, loss of balance, etc., on campus, then the student may be transported, possibly by ambulance to the hospital for evaluation. The student may be required to remain at the local hospital for observation. If the student is under the age of 21 or exhibits behavior in violation of the Student Conduct Code, the student's conduct will be documented, and the student will be subject to disciplinary action. It shall be the policy and procedure of College staff to err on the side of caution when determining if a student should be transported to the hospital for evaluation. In addition, students should not hesitate to contact College staff for assistance with an intoxicated or incapacitated student.

Sanctions for Drug and Alcohol Policy Violations

Violations of the College Drug and Alcohol policies will result in disciplinary actions in accordance with the guidelines contained in the Student Handbook.

Policy for Preparing Annual Collection and Disclosure of Statistics

The Office of the President is the chief reporting authority for Northeast Maritime Institute and statistical information is compiled from student disciplinary records and the Fairhaven Police Department and submitted annually, as required to the Massachusetts Department of Higher Education.

Northeast Maritime Institute does not recognize any off-campus student organizations and does not collect statistical data for private off campus student activities.

Northeast Maritime Institute reports crimes using the definitions as described in the Clery Act and Federal Bureau of Investigation's Uniform Crime Reporting program. Northeast Maritime Institute also reviews all crimes for manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, national origin, ethnicity, or disability. Statistics for these reportable crimes are additionally reported as Hate Crimes.

Under the 2-021 Campus Sexual Assault Law, the Institute will prepare and submit to the DHE a report that includes: (i) the total number of reports of sexual misconduct reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution; (ii) the number of reports made by a student or employee of the institution against another student or employee of the institution investigated by a local or state law enforcement agency, if known; (iii) the number of students and employees found responsible for violating an institution's policies prohibiting sexual misconduct; (iv) the number of students and employees found not responsible for violating an institution's policies prohibiting sexual misconduct; and (v) the number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct.

Security and Access Considerations Used in the Maintenance of Campus Facilities

Northeast Maritime Institute maintains its campus with an objective of minimizing safety and security risks. The college maintains appropriate access control to buildings as well as ensures all areas are well lit. All staff and faculty are responsible for reporting safety and security concerns to the Office of the President.

Access to Campus Facilities

Administrative and academic facilities are open and accessible to college students during normal business hours. After-hours access to facilities is restricted and generally closed to the college community without supervision of a faculty or staff member.

Crime Reporting Statistics, Offenses Reported – 2022

Offense	Year	On Campus	Non-Campus	Total
Murder and Non-negligent Manslaughter	2022	0	N/A	N/A
Manslaughter by Negligence	2022	0	N/A	N/A
Rape	2022	0	N/A	N/A
Fondling	2022	0	N/A	N/A
Incest	2022	0	N/A	N/A
Statutory Rape	2022	0	N/A	N/A
Robbery	2022	0	N/A	N/A
Assault	2022	0	N/A	N/A
Burglary	2022	0	N/A	N/A
Motor Vehicle Theft	2022	0	N/A	N/A
Arson	2022	0	N/A	N/A
Theft	2022	0	N/A	N/A
Destruction/Damage/Vandalism	2022	0	N/A	N/A
VAWA Offenses	Year	On Campus	Non-Campus	Total
Domestic Violence	2022	0	N/A	N/A
Dating Violence	2022	0	N/A	N/A
Stalking	2022	0	N/A	N/A
Arrests and Referrals for Disciplinary Action	Year	On Campus	Non-Campus	Total
Weapons: Carrying, Possession, Exc.	2022	0	N/A	N/A
Drug Policy Violations	2022	0	N/A	N/A
Liquor Law Violations	2022	0	N/A	N/A

Crime Reporting Statistics, Offenses Reported – 2021

Offense	Year	On Campus	Non-Campus	Total
Murder and Non-negligent Manslaughter	2021	0	N/A	N/A
Manslaughter by Negligence	2021	0	N/A	N/A
Rape	2021	0	N/A	N/A
Fondling	2021	0	N/A	N/A
Incest	2021	0	N/A	N/A
Statutory Rape	2021	0	N/A	N/A
Robbery	2021	0	N/A	N/A
Assault	2021	0	N/A	N/A
Burglary	2021	0	N/A	N/A
Motor Vehicle Theft	2021	0	N/A	N/A
Arson	2021	0	N/A	N/A
Theft	2021	0	N/A	N/A
Destruction/Damage/Vandalism	2021	0	N/A	N/A
VAWA Offenses	Year	On Campus	Non-Campus	Total
Domestic Violence	2021	0	N/A	N/A
Dating Violence	2021	0	N/A	N/A
Stalking	2021	0	N/A	N/A
Arrests and Referrals for Disciplinary Action	Year	On Campus	Non-Campus	Total
Weapons: Carrying, Possession, Exc.	2021	0	N/A	N/A
Drug Policy Violations	2021	0	N/A	n/a
Liquor Law Violations	2021	0	N/A	N/A

Crime Reporting Statistics, Offenses Reported – 2020

Offense	Year	On Campus	Non-Campus	Total
Murder and Non-negligent Manslaughter	2020	0	N/A	N/A
Manslaughter by Negligence	2020	0	N/A	N/A
Rape	2020	0	N/A	N/A
Fondling	2020	0	N/A	N/A
Incest	2020	0	N/A	N/A
Statutory Rape	2020	0	N/A	N/A
Robbery	2020	0	N/A	N/A
Assault	2020	1	N/A	1
Burglary	2020	0	N/A	N/A
Motor Vehicle Theft	2020	0	N/A	N/A
Arson	2020	0	N/A	N/A
Theft	2020	0	N/A	N/A
Destruction/Damage/Vandalism	2020	0	N/A	N/A
VAWA Offenses	Year	On Campus	Non-Campus	Total
Domestic Violence	2020	0	N/A	N/A
Dating Violence	2020	0	N/A	N/A
Stalking	2020	0	N/A	N/A
Arrests and Referrals for Disciplinary Action	Year	On Campus	Non-Campus	Total
Weapons: Carrying, Possession, Exc.	2020	0	N/A	N/A
Drug Policy Violations	2020	1	N/A	1
Liquor Law Violations	2020	0	N/A	N/A

Crime Reporting Statistics, Offenses Reported – 2019

Offense	Year	On Campus	Non-Campus	Total
Murder and Non-negligent Manslaughter	2019	0	0	0
Manslaughter by Negligence	2019	0	0	0
Rape	2019	0	11	11
Fondling	2019	0	0	0
Incest	2019	0	0	0
Statutory Rape	2019	0	0	0
Robbery	2019	0	2	2
Assault	2019	0	38	38
Burglary	2019	0	29	29
Motor Vehicle Theft	2019	0	7	7
Arson	2019	0	0	0
Theft	2019	0	178	178
Destruction/Damage/Vandalism	2019	0	0	0
VAWA Offenses	Year	On Campus	Non-Campus	Total
Domestic Violence	2019	0	0	0
Dating Violence	2019	0	0	0
Stalking	2019	0	0	0
Arrests and Referrals for Disciplinary Action	Year	On Campus	Non-Campus	Total
Weapons: Carrying, Possession, Exc.	2019	0	0	0
Drug Policy Violations	2019	1	0	1
Liquor Law Violations	2019	0	0	0