

**2016**  
**Southern Maine Community College Annual Security Report and Annual Fire Safety Report**

In compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act Southern Maine Community College distributes an annual security report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff.

The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, and on public property within, or immediately adjacent to and accessible from the campus. The statistics include crimes reported directly to security, to local law enforcement agencies, and to “campus security authorities.” “Campus security authorities” are defined by the Clery Act as college officials who have “significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” Professional mental health and religious counselors are exempt from reporting requirements. The report also includes institutional procedures concerning campus safety and security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and others. These processes are reviewed annually to assess their effectiveness and compliance with applicable statutes.

You can obtain a hardcopy of this report by contacting Safety and Security at 741-5553 or by accessing the security report online at <http://ope.ed.gov/security/Index.aspx> or by scrolling to the bottom of the page.

### **Campus Alerts and Timely Warnings**

Southern Maine Community College (SMCC) is committed to promoting a safe and secure environment for all members of the College community. In compliance with the Clery Act of 1998, the College will provide a timely warning (Campus Alert) to the College community of any serious and continuing threat to the health or safety of students or employees occurring on campus.

SMCC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Campus Alerts will be promptly disseminated to the College community, and other entities deemed relevant, through the College’s website, electronic mail, posters and flyers, Blackboard and/or any other means that are available and appropriate by either the President, The Dean of Student Life, Dean of Enrollment and Student Success, or the Public Safety Director. Students or employees can sign up for Blackboard Connect® notifications on the SMCC website located on the portal.

SMCC South Portland Campus maintains five secure Safety and Security bulletin boards located strategically across the campus that display updated Campus Alert information should they be deemed necessary. They are located at:

1. Dining Hall
2. Campus Center
3. Safety and Security
4. Gym
5. Computer Center

SMCC Midcoast Campus Safety and Security bulletin boards are located in the following buildings:

1. Matec Building
2. Academic Building
3. Orion Hall

### **Reporting Crimes**

Victims or witnesses of a crime should contact SMCC Safety and Security and/or the respective police department having jurisdiction as soon as they are aware that a crime has been or is being committed on or near campus. At the student's request, officers or administrators will assist in the notification of local law enforcement.

A crime may be reported for the South Portland Campus:

- in person at the SMCC Safety and Security Office located in the Fort Building (92 Campus Center Drive) across from Preble Hall.
- by calling the SMCC Safety and Security Office at 207-741-5553
- by calling South Portland Police Department at 911 for emergencies or at 799-5511 for non-emergencies.

A crime may be reported for the Midcoast Campus:

- by calling the SMCC Safety and Security Office at 207-741-5553
- by calling the Brunswick Police Department at 911 for emergencies or at 207-725-5521 for non-emergencies.

### **Daily Crime Log**

The purpose of the daily crime log is to record all incidents and alleged criminal incidents that are reported to security. The daily crime log identifies when a crime was reported, the date and time a crime occurred, the nature and general location of the crime, and the disposition of the complaint. It is available to anyone requesting a copy in Security.

## **Reporting Suspicious Activity**

Students and employees are urged to contact SMCC Safety and Security and/or the respective police department having jurisdiction by phone if they notice unusual, suspicious or criminal activity. Suspicious individuals should be reported to Safety and Security, especially if they are seen:

- entering a neighbor's room, apartment or home;
- entering an office or lab without apparent purpose;
- loitering in a parking lot, near residences, offices or childcare facilities; in possession of two bicycles or bicycle parts;
- trying to force entry into a car, window or door;
- attempting to solicit funds;
- acting in a loud, disruptive or threatening manner

## **Voluntary and Confidential Crime Reporting**

SMCC encourages accurate and prompt reporting of all crimes to security or the respective law enforcement agency with jurisdiction when the victim of a crime elects to, or is unable to, make such a report. If you are the victim of a crime and do not want to pursue action within Southern Maine Community College or the Criminal Justice system, you may still consider making a confidential report. With your permission, any staff member in the Campus Safety and Security, Student Services, or Housing and Residence Life Departments (including Resident Director or Resident Assistant) can file an accurate timely report on the details of the incident without revealing your identity or the identity of others. The purpose of a confidential report is to allow the College to take steps to ensure the future safety of yourself and others. With this information, the College can keep accurate records of the number of crimes involving students on campus, determine if there is a pattern of crime and alert the Campus Community to potential danger. Reports of crimes filed in this manner are counted and disclosed with the College's annual crime statistics report.

Only crimes deemed "unfounded" by law enforcement officials may be removed or withheld from Clery Act crime statistic reports. The College must report each year to the Department of Education the number of crimes that were "unfounded" and disclose that number in its annual Security Report.

A Campus "Professional Counselor", when acting as such, is not considered to be a campus security authority and is not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

## **Building Security and Access**

Most campus buildings and facilities are accessible to the campus community, guests and visitors during normal business hours, Monday through Friday 8am to 5pm. Exterior doors on campus buildings are locked and secured after normal operating hours. Security officers routinely check campus buildings. Buildings are also opened on weekends and holidays on an as-needed basis.

Residence halls require a Southern Maine Community College identification card at all times for entrance. Only Southern Maine Community College students living in the residence hall may gain access beyond the interior checkpoint into the living area.

Residents are responsible for the behavior of their visitors and overnight guests while they are on campus and can be held responsible for any violations of the Student Code of Conduct or Residence Hall Agreement committed by them.

Any problems with the residence hall access control system should be reported to the respective Resident Assistant, Resident Director, or the Spring Point Hall Front Desk at 741-5990 or 741-5553 for Orion Hall at the Midcoast Campus during the academic year. SMCC Safety and Security Department is open 24 hours a day and can be reached at 741-5553. The South Portland office is located in the Fort Building (92 Campus Center Drive) across from Preble Hall. The Security office at Midcoast Campus is located on the first floor of Orion Hall (29 Sewall Drive).

SMCC is committed to maintaining a safe environment for students, faculty, and staff that extends to maintenance issues such as campus landscaping, lighting, and door locks. Both Safety and Security Officers and facilities maintenance staff routinely check the campuses for maintenance, safety, and security issues. All members of the campus community are encouraged to report any issues to Facilities Management by calling 741-5636, or the Safety and Security Department any time by calling 741-5553.

### **Campus Safety and Security**

Southern Maine Community College's Safety and Security Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at SMCC. Campus Security has the authority to issue parking tickets which are billed to the financial accounts of students. Campus Security is not authorized to arrest. Criminal incidents are referred to the respective police departments who have jurisdiction at each SMCC location, and to the Office of the Dean of Student Life for possible disciplinary action. SMCC has a Memorandum of Understanding (MOU) with the South Portland Police Department and maintains a highly professional working relationship between campus security and police departments. All crime victims and witnesses are strongly encouraged to immediately report any crime to Campus Safety and Security and/or the respective police departments. Prompt reporting will assure Campus Crime Alerts for the campus community and the accurate disclosure of Clery Act crime statistics.

When a Southern Maine Community College student is involved in an off-campus offense, Campus Safety and Security may assist with the investigation in cooperation with local police departments. South Portland Police Department routinely works and communicates with SMCC Safety and Security on incidents occurring on-campus, in the immediate neighborhood and business areas surrounding our campus. SMCC Safety and Security can and do respond to student-related incidents that occur in close proximity to campus. The Midcoast campus in Brunswick is patrolled by a professional security company in the evenings.

## Emergency Response

Emergency situations at SMCC campuses are responded to as follows:

- South Portland Campus by the South Portland Police Department and/or the South Portland Fire Department;
- Brunswick Midcoast Campus by the Brunswick Police Department and/or Fire Department

Depending upon the situation, other emergency services may be provided by the community in which the campus is located as well as county, state, and federal emergency response services. Emergency procedures and notification methods are reviewed and tested annually through scheduled fire drills, monthly Security training, and testing of the Blackboard Connect® notification systems twice a year.

## Emergency Lockdown Procedures

When directed in an emergency, please follow the below procedures:

- Remain calm. Encourage others to remain calm.
- Lock or barricade all doors if possible. Use furniture or desks as cover.
- If possible, cover any windows or openings that have a direct line of sight into a hallway.
- Shut the blinds, or pull the shades down. Turn off the lights, and try to give the impression that the room is empty.
- Stay low, away from windows and doors.
- Sit on the floor, or crouch under or behind desks and bookshelves to be as invisible as possible.
- Put all cell phones into vibrate or silent mode.
- Calls Security only if new or specific information becomes available regarding the location or conduct of the intruder or if the status of the emergency changes.
- Be as quiet as possible.
- **DO NOT** respond to anyone at the door until an "all clear" text message, email, phone message or school owned computer screen signals "all clear."
- If police enter your secured area and direct you to leave, assist others in moving as quietly and quickly as possible.
- Do not sound the fire alarm in the building unless there is a fire. People may be placed in harm's way when they are attempting to evacuate the building. If a fire alarm does go off during a lockdown, **do not evacuate** unless you smell smoke or see fire in your area.
- If you are outside a building when a lockdown is announced, if it is safe to do so, run into the nearest building and follow the above lockdown instructions. If it is not safe to run into a building, hide behind a large heavy object (i.e. vehicle, tree). Notify Security of your location when it is safe to do so.
- Be aware of alternate exits in case it becomes necessary to flee.
- Individuals should not attempt to leave a building until told to do so by police or an "all clear" emergency alert is issued by the College

## **Evacuation Procedures**

The decision to immediately evacuate buildings or the campus will be made by the senior executive staff present usually the President, in coordination with the Emergency Coordinator and/or Alternate Emergency Coordinator (the ECs) and Campus Security upon confirmation. However, in the case of a fire, building evacuation *will begin immediately* upon sounding of the alarm without waiting for the order from campus staff. SMCC has various systems in place for communicating information quickly that may include audible and visual alarms in each building, telephones, e-mail, the SMCC website, and/or verbal directives that will be used for notification to evacuate. On all campuses, this may include the use of the Blackboard Connect® emergency notification system.

Evacuation of the college will generally fall into two categories:

- Limited evacuation of a building or designated area.
- General evacuation of the entire campus.

In general, you should plan ahead for possible evacuations. Know evacuation routes from your office or classroom and the campus.

### **Buildings**

- If the fire alarm is activated, leave the building immediately. Do not assume it is a false alarm.
- Assist people with disabilities and special needs in exiting the building!
- Do not return for personal items, except for identification if safe to do so.
- Do not go into the restrooms.
- Do not use the elevators.
- Direct visitors or anyone needing assistance to stairwells and exits.
- When you are outside, check in with your supervisor, department personnel or instructor so everyone can be accounted for.
- If faculty, assure that all students in attendance in class that day have evacuated.
- If a department head, make sure that all staff present that day are accounted for and visiting students have been evacuated.
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### **Campus Evacuation**

If the campus is evacuated:

- All persons (students and staff) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds or off campus as directed.
- Students and staff will be informed by Blackboard Connect® Emergency Notification System, email, campus administrator, security staff, or other forms of communication as required by the college.

## **Evacuation of Persons with Special Needs**

All persons at Southern Maine Community College, including those with special needs, must [prepare for emergencies](#) ahead of time. SMCC recommends that each person with disabilities or other special needs ask a co-worker, friend or fellow student to provide assistance if an emergency develops. This "evacuation assistant" should be informed about what disabilities you have and how he or she can best help you.

### **If you are unable to leave the building due to a physical disability:**

- Go to the nearest area where there are no hazards.
- Contact Campus Safety and Security by telephone (ext. 5553 or 741-5553) or call 911.
- Be sure to give them the building and room number so they can send help to you.
- If possible, signal out the window to on-site emergency responders.
- Try to establish a "buddy" system to have someone ready to assist you.

### **To assist visually impaired persons:**

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell the person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.

### **To alert people with hearing limitations:**

- Turn lights on/off to gain the person's attention, or
- Indicate directions with gestures, or
- Write a note with evacuation directions.

### **To evacuate people using crutches, canes, or walkers:**

- Assist and accompany to evacuation site if possible, or
- Use a sturdy chair (or one with wheels) to move the person, or
- Help carry individual.

### **To evacuate people using wheelchairs:**

- Non-ambulatory persons' needs and preferences vary.
- Individuals at ground floor locations may exit without help.
- Others have minimal ability to move—lifting may be dangerous.
- Some non-ambulatory persons have respiratory complications.
- Remove them from smoke and vapors immediately.
- Wheelchair users with electrical respirators get priority assistance.
- Most wheelchairs are too heavy to take down stairs.
- If needed, contact Safety and Security at ext. 5553 or 741-5553, or dial 911. Give building and room number.
- Consult with the person to determine best carry options only as a last resort, otherwise wheelchair users should shelter in place and await professional assistance.
- Reunite the person with the chair as soon as it is safe to do so.

## **Questions**

Questions pertaining to emergency procedures should be referred to Safety and Security at ext. 5553 (741-5553), or to the Public Safety Director at ext. 5598 (741-5598). Specific questions

about disabilities should be referred to the Director of Disability and Counseling Services at ext. 5923 (741-5923).

## **Crime Prevention and Safety Programs**

Crime prevention at Southern Maine Community College is based on minimizing or eliminating criminal opportunities and encouraging students and employees to be responsible for their own safety/security and the safety/security of others. The Safety and Security Department conducts crime prevention programs upon request to educate the SMCC community on measures the community can take to reduce the chances of becoming a victim of crime. Crime prevention programs for resident students are arranged on an as-needed basis by Resident Assistants, Resident Directors and by the Safety and Security Department. These programs include crime prevention do's and don'ts in the Residence Life Guide as well as various fire and life safety programs throughout the academic year. In addition, a Campus Safety Tips brochure is provided during residence hall opening and consists of proven crime prevention and personal safety tips. The Resident Directors of each hall are responsible for student safety programming, safety related room inspections, and trains staff on proper emergency procedures.

Ongoing educational programs addressed sexual assault, domestic violence, dating violence, and stalking with a week of activities, lectures and presentations in October for SMCC's *Sexual Health Week*. Activities and presentations will be expanded for 2016 to address a wide range of topics by a varied group of presenters that include the following organizations; Planned Parenthood, Family Crisis, Sexual Assault Response Services of Southern Maine, Nomia, Frannie Peabody, Family Crisis Services and the Young Adult Abuse Prevention Program (YAAPP).

The SMCC Safety and Security Department (741-5553) offers student, faculty, and staff escort services to and from class upon request at the South Portland campus as well as providing assistance through regular ongoing patrols.

## **Drugs and Alcohol**

The Maine Community College System Student Code of Conduct prohibits the use, possession, sale or distribution of alcoholic beverages or illegal drugs on College property or at College related events, as well as being under the influence or knowingly in the presence of drugs or alcohol while on College property or at College related events. In addition, resident students are prohibited from having any alcoholic beverage containers in the residence halls. Violations of the Code or of the Residence Hall Agreement may result in sanctions up to and including dismissal from the College. All State of Maine and federal laws are enforced at SMCC and can result in referral to law enforcement and/or charges under the Student Code of Conduct.

For more information on the Maine Community College System policy on alcohol and other Drugs and the College's drug and alcohol abuse prevention program, you may consult the Consumer Information page on the College's web site:  
<https://www.smccme.edu/about/consumer-info/>.

In addition to the "Alcohol and Drugs" brochure located on the Consumer Information page on the College's web site, the SMCC counseling office offers brochures in the waiting room and



gives them to students when needed. The brochures are put out by Maine Community College System, by the NIMH (National Institute of Mental Health) and the NIAAA (National Institute on Alcohol Abuse and Alcoholism). The counseling office disseminates community information and provides referrals to support intervention and recovery for both drugs and alcohol.

Southern Maine Community College does not offer formal substance/alcohol abuse counseling. Students who have alcohol or other substance abuse issues are strongly encouraged to contact their medical provider, a certified substance abuse counselor, or, if in crisis, the Maine Statewide Crisis Hotline at 1-888-568-1112.

Southern Maine Community College offers an alcohol and drug abuse education program that focuses on risk reduction. A variety of programming opportunities are made available to students annually based on incident trends and the needs of current students. The efficacy of the programmatic effort is assessed on a biannual basis and informs future programming.

### **Southern Maine Community College Procedure on Domestic Violence, Dating Violence, and, Sexual Assault and Stalking**

Any behavior that constitutes domestic violence, dating violence, sexual assault or stalking under this policy are prohibited and will subject the offender to disciplinary action, up to and including dismissal, whether or not criminal charges are filed and without regard to whether the conduct occurred on or off campus. In addition, domestic violence, stalking, sexual assault, rape and other sexual offenses are illegal under Maine criminal statutes and may be separately prosecuted in a court of law.

***Domestic violence*** means a *felony or misdemeanor crime of violence* by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred, or any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

***Dating violence*** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and the existence of a social relationship of a romantic or intimate nature with the victim is determined based on:

- a. The reporting party's statement;
- b. The length of the relationship;
- c. The type of relationship; and
- d. The frequency of interaction between the persons involved in the relationship.

The term dating violence *excludes* acts covered under the definition of domestic violence.

***Stalking*** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

The College can refer Victims of the above mentioned offenses to counseling support and police assistance, if desired. Care and consideration of the victim's wishes will be taken into account throughout the intervention process. Individuals who feel that they are victims or witnesses and bystanders of any sexual offense, domestic violence, dating violence, or stalking are urged to file a complaint with the respective police departments and/or the College's Safety and Security Department or the Office of the Dean of Student Life. Reports made to the Safety and Security Department are shared with the Office of the Dean of Student Life for disciplinary review or action.

The College strongly recommends that all victims seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection. Additionally, the College strongly recommends that all victims seek counseling and emotional assistance. A full range of support services can be initiated through Sexual Assault Response Services of Southern Maine by calling [1-800-313-9900](tel:1-800-313-9900) or domestic violence resources by calling [1-866-834-4357](tel:1-866-834-4357).

SMCC's standards of conduct and the student disciplinary process are outlined in the Student Code of Conduct, which is available in the student handbook, the [SMCC Compass](#). The College's procedures for disciplinary action in cases that involve sexual offenses, domestic violence, dating violence and stalking comply with the Higher Education Amendment (HEA) of 1992. In those cases required by the HEA: the accuser and the accused are entitled to the same opportunity, if any, to have others present during the investigative interview and/or during a Stage Two hearing and attendant proceedings. For further information about the disciplinary system, contact the Dean of Student Life at 741-5610.

## **Student Sexual Misconduct and Assault**

### **A. Introduction**

Certain sexual activities can produce emotional and physical distress and constitute violations of criminal law. Other sexual activities can produce significant regrets or misunderstandings. The purposes of this procedure are to notify students of their responsibilities when engaging in sexual activities, and to protect students from those who do not meet these responsibilities. This procedure supplements the MCCS Student Code of Conduct ("Code") by defining the nonconsensual sexual activities that constitute violations of the Code; explaining the procedures that will apply to the handling of such alleged violations; the standard of evidence used; and providing important additional information to all students. The intention is to inform students in detail of their responsibilities under the Code, and to assist the Colleges in investigating and resolving cases alleging such violations.

### **B. Personal Responsibilities**

In addition to the responsibilities students have under the Code of Conduct and this procedure, students are strongly advised to heed numerous other personal responsibilities. In order to avoid the problems identified above, as well as problems related to unwanted pregnancies, sexually transmitted diseases and other personal difficulties, all students are advised to:

1. Pursue or permit sexual activities of any kind only with a person with whom there is an established relationship;
2. Pursue or permit sexual activities of any kind only while not under the influence of drugs or alcohol; and
3. Communicate expressly, at the time of possible sexual activities, their respective

desire, comfort and clear agreement to engage in any sexual activities at such time, and communicate the specific activities to which they consent.

### **C. Definitions**

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

1. **“Reliable Consent”** means a person’s:

- a. Voluntary agreement;
- b. Communicated by words;
- c. At the time of the sexual activity;
- d. To engage in each of the sexual activities at issue in a given case.

Such agreement must be expressly requested and, if given, expressly stated.

Current agreement must not be assumed or inferred from previous instances when reliable consent was given by the Complainant. Agreement from a person who is visibly intoxicated or otherwise impaired shall not be regarded as reliable consent. Agreement to engage in one sexual activity (such as a touching) is not agreement to engage in a different sexual activity (such as an act). Agreement can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop.

2. **“Acquiescence”** means a person’s submission to engaging in one or more sexual activities without communicating either an express verbal agreement or an express physical or verbal objection.

3. **“Sexual misconduct”** means the following where there is no reliable consent:

- a. **“Sexual touching,”** which means any intentional touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, and for the purpose of arousing or gratifying sexual desire; or
- b. **“Sexual contact,”** which means any intentional touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact; or
- c. **“Sexual act,”** which means any intentional act done for the purpose of arousing or gratifying sexual desire when that act involves direct physical contact between the:
  - 1) Genitals of one and the mouth or anus of another; or
  - 2) Genitals of one and the genitals of another; or
  - 3) Genitals or anus of one and an instrument or device manipulated by another person.

4. **“Sexual assault”** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:

- a. Expressly communicated by words or physical act(s) a timely objection; or
- b. Was visibly intoxicated or otherwise visibly impaired; or
- c. Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
- d. Was placed in reasonable fear of physical injury or other harm because of the Respondent’s use or threatened use of physical force or other harm.

5. **“Complainant”** means a person who believes he or she experienced sexual misconduct or assault by student.

6. **“Respondent”** means a student accused of sexual misconduct or assault.

7. **“Retaliation”** means pressuring a person to drop or support a complaint or to provide false or misleading information; pressuring a person to participate or refrain from participating as a witness in a proceeding; or engaging in conduct

that may reasonably be perceived to affect adversely that person's educational, living, or work environment for making a good-faith report or participating in good faith in an investigation.

8. **“Preponderance of the Evidence”** describes the standard of evidence used during any institutional disciplinary proceeding arising from an allegation.

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

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

#### **E. Reports to a College**

1. **When to Report.** Students are advised to report allegations of sexual misconduct or sexual assault immediately or as soon as possible.

2. **Where to Report.** To ensure the most prompt response, reports should be given to the Dean of Students Affairs. Any other employee who receives such a report shall immediately share the report with the Dean of Student Affairs.

3. **What to Report.** A complaint may be made orally or in writing, and should be as specific as possible. A report should disclose the identity of the person(s) alleged to have engaged in the sexual misconduct or sexual assault, and the location(s), date(s) and description of the alleged acts. A College cannot take complaints “off the record.” Once a College receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the Complainant does not want the College to do either. Unless the Complainant signs a written statement specifying withdrawal of the complaint, the Complainant may not be deemed to have withdrawn her or his complaint.

4. **False Reports.** It is a violation of the Code for any student to intentionally file a report of any kind with a College official when the student knows that such report, by fabrication or material embellishment, is false.

#### **F. Information Provided to a Complainant at the Time of a Report**

At the time of a report to the Dean of Student Affairs, the College shall provide to the Complainant a copy, or hypertext links to copies, of the Code, this Procedure and the Appendices to this Procedure. Students are hereby advised of the following:

1. **Preserving Evidence.** It is important to preserve physical evidence in order to help prove a criminal sexual assault, stalking, domestic violence, other acts of violence occurring within a dating relationship, or to help obtain a protective order;

2. **Confidentiality.** The College uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. A College will be required to disclose the Complainant’s name, statements and allegations to the Respondent. A College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision

reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected;

3. **Counseling, Health and Mental Health Services.** Counseling, health and mental health support services are available either on campus or in the area. A list of such services is attached in the *Appendix* to this procedure;

4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, the police. A list of such authorities is attached in the *Appendix*. The police can advise and assist with the Complainant's option to request from a court that a temporary or permanent restraining order, or other protection or nocontact order be issued against an alleged offender; and

5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available. A list of such services is attached in the *Appendix*.

## **G. Investigations**

The College shall use the Code of Conduct in conducting an investigation of reports or allegations of sexual misconduct or sexual assault.

## **H. Interim Steps While an Investigation is Conducted**

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

## **I. Participation during Proceedings**

Consistent with the Code, both the Complainant and the Respondent shall have the same opportunity to have others present during internal disciplinary proceedings, including the opportunity to be accompanied to related meetings by an advisor of their choice.

## **J. Outcomes**

At the time that the College makes its final findings, the College shall in writing notify simultaneously the Complainant and Respondent of:

1. Whether the Respondent was found to violate the Code and, if so, the provisions violated and discipline imposed; and
2. The Respondent's and Complainant's rights under the Code to appeal the findings and any discipline.

## **K. Discipline**

A violation of this procedure shall result in discipline under the Code. Because of the wide range that can exist between cases of violent misconduct and cases of poor communication, the following guidelines shall assist Colleges in determining the appropriate discipline for each case.

1. **Sexual Assault vs. Sexual Misconduct.** Findings of sexual assault shall be regarded as more severe than findings of sexual misconduct.
2. **Types of Sexual Misconduct.** Findings of a sexual act shall be regarded as a more severe form of sexual misconduct than findings of sexual contact, and findings of sexual contact shall be regarded as a more severe form of sexual misconduct than findings of sexual touching.
3. **Cases of Acquiescence.** Findings that a student did not obtain express verbal agreement and instead relied upon mere acquiescence shall be regarded as important but less severe than cases involving sexual assault.
4. **Repeat Violators.** Findings that a student was previously found responsible for sexual misconduct or sexual assault shall be regarded as more severe than a firstoffender.

## **L. Retaliation**

The College will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under this procedure will not be subjected to retaliation by the Respondent or others. Anyone who has experienced retaliation is strongly encouraged to report that concern using the procedures in *Section C* above.

## **M. Protective Orders**

Complainants have the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not College security, have the authority to enforce such an order by arresting a person who violates the order. The Complainant should, therefore, promptly inform the Dean of Student and/or Enrollment Services if such an order is obtained so that the College may be better prepared to more promptly contact the police if necessary.

## **N. Primary Authority and Annual Training**

The Dean of Student and/or Enrollment Services at each college shall have primary responsibility for overseeing the application of this procedure. The Deans shall ensure that Disciplinary Officers, Resident Directors, Resident Assistants, Disciplinary Committee Members and other pertinent employees are annually informed about this procedure. The Deans shall further consult with the MCCS General or Assistant Counsel on questions arising under, or recommendations to improve, this procedure.

## **O. Other**

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

### **Important phone numbers for victims of sexual assault:**

Sexual Assault Response Services of Southern Maine: 1-800-313-9900

South Portland Police Department: Emergency – 911; Non-emergency -- 799-5511

Brunswick Police Department: Emergency – 911; Non-emergency – 725-5521

SMCC Safety and Security Department: 741-5553

Office of Housing and Residence Life: 741-5990 (To reach the RA and/or RD on call)

SMCC Counseling Office: 741-5629

### ***The College strongly recommends that victims of sexual assault:***

1. Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection.
2. Report such acts to the College's Safety and Security Department, Office of Housing and Residence Life (for resident students), and/or the respective police department having jurisdiction. Filing a report with the police provides the opportunity for collection of evidence helpful in prosecution that cannot be obtained later. Ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam and sexual crimes investigation kit administered by trained hospital personnel.
3. At the victim's request, security officers or college administrators will assist in the notification of local law enforcement. The College's disciplinary system may proceed against any alleged violator of SMCC policy, whether or not state or federal criminal proceedings exist or are pending.

4. Seek counseling and/or emotional assistance and support. Speaking with a trained counselor can be critical to the emotional or mental well-being of the victim following a trauma.

The College will consider requests for changes in academic accommodations and work with victims to reach a reasonable solution. The College will consider requests for changes in on-campus living accommodations on a space available basis. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Registered Sex Offenders**

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the Southern Maine Community College may contact the Maine Sex Offender Registry at their website <http://sor.informe.org/sor/> for information concerning registered sex offenders.

### **Missing Person Procedure**

The purpose of this procedure is to establish protocols for Southern Maine Community College's (SMCC) response to reports of missing students, as required by the Higher Education Opportunity Act of 2008.

This procedure applies to students who reside in SMCC campus residence halls.

For purposes of this procedure, a student may be considered to be a "*missing person*" if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances may include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

### **Procedures for designation of emergency contact information**

1. Students age 18 and above and emancipated minors

Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.

2. Students under the age of 18

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian no

more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

### **Official notification procedures for missing persons**

1. Any individual on campus who has information that a residential student may be a missing person must notify Safety and Security (741-5553) as soon as possible.
2. The Safety and Security Department will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
3. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), Safety and Security will contact the respective police department to report the student as a missing person and that department will take charge of the investigation.
4. No later than 24 hours after determining that a residential student is missing, the Dean of Student Life will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

### **Campus communications about missing students**

In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the college's Dean of Student Life. All inquiries to the college regarding missing students, or information provided to any individual at the college about a missing student, shall be referred to the Dean of Student Life, who shall refer such inquiries and information to law enforcement authorities.

Prior to providing the SMCC community with any information about a missing student, the Dean of Student Life shall consult with the respective police department in charge of the investigation to ensure that communications do not hinder the investigation.

## **Southern Maine Community College Annual Fire Safety Report for Residence Halls**

### **In the Event of a Fire**

1. Sound the alarm from the nearest fire alarm box, remove yourself to safety.



2. Immediately call 911 (9-911 from South Portland campus phones) providing your name, the location of the fire by building name, number, and address or the nearest building if not a structure fire, and the nature of the fire. ***Do not hang up unless instructed to do so!***

Residence Halls	Total # of Fires	Fire Related Deaths	Fire Related Injuries	Fire Drills Conducted	Damage to Property	Fire Detection System	Sprinkler System	Fire Extinguisher	Fire Route
Spring Point Hall	1	0	0	1	NA	Siemens	Yes	Yes	Yes
Surfsite	0	0	0	1	NA	Notifier Series 500	Yes	Yes	Yes
Orion Hall	0	0	0	1	NA	Simplex 4010	Yes	Yes	Yes

All members of the SMCC community are encouraged to report any known residence hall fire circumstances to Safety and Security (Ext.5553), any Resident Director or Resident Assistant, The Dean of Student Life, the Director of Residence Life and Student Involvement, or The South Portland and Brunswick Fire Departments.

### **Supervised Fire Drills**

Supervised unannounced fire drills are conducted for each residence hall by SMCC staff, the South Portland and Brunswick Fire Departments when available. Additionally, each time new residents occupy a building during the summer, the SMCC staff person coordinating the group's stay ensures that the temporary residents are familiar with evacuation routes and procedures.

### **Fire Safety Education**

All Resident Directors (RDs) and Resident Assistants (RA) receive fire safety and emergency action plan training and are responsible for covering these policies and procedures with residents during the opening community meetings. In August, all residence hall rooms are equipped with evacuation maps posted on the back of the door which indicate the safest and most direct exit routes from the room in the case of an emergency; these are updated annually

### **Fire Safety Violations and Prohibitions (including rules on portable electrical appliances, smoking and open flames)**

The Student Code of Conduct prohibits “creation of a fire hazard or other dangerous condition” and forbids “unauthorized use or possession of weapons, explosive components or chemicals, including fireworks, firearms, explosives, gas or compressed air.” The fire code prohibits certain activities and devices from residence halls. For community safety, residents are expected to comply with the following:

- No cooking of any kind is permitted within the residence hall rooms. Toasters, toaster ovens, mini grills, rice cookers, electric skillets and hot pots are not allowed. There are no publicly available kitchen facilities in either residence hall.

- No appliances other than those specified in the appliances section of the Residence Life Guide are permitted in the residence hall rooms.
- No candles or incense are allowed.
- No microwave ovens, other than the one included in the microfridge unit that is provided in each room, are allowed.
- Gasoline and flammables like paint thinner or stripper may not be stored in the residence halls.
- Light fixtures may not be tampered with, especially using items that may serve as electrical conductors. No lights of any kind on strings/cords are allowed.
- Multiple plug outlets are not allowed unless they contain a surge protector. Surge protectors usually contain lights and an on/off switch. They should be stored flat on the floor and should not be daisy-chained (one surge protector cannot be plugged into another surge protector).
- No excessive use of paper on doors and walls is permitted.
- No posters, articles of clothing or other items should be taped or hanging near the door of your room where they might obstruct your route of egress from the room.
- No tape of any kind should be placed on electric cords and electric cords should not run under carpeting.
- No extension cords are allowed. (Surge protectors can be purchased at the hardware store with cords up to 12 ft.)
- Appliances such as irons, hair flat irons or curlers should be turned off and not plugged in when not in use.
- No items should be touching, hung from or stored within 18 inches of any sprinkler head.
- No items should be hung from pipes.

All residents are given a copy of the Residence Life Guide at move-in that includes rules related to permitted small appliances and fire safety in general.

All residence halls are smoke free environments. For health and safety reasons the Housing and Residence Life Office does not allow smoking in any room, or on any porch or balcony, or in any residential common area. As of August 1, 2015 SMCC is a tobacco free campus per Maine Community College System policy. No future fire safety improvements are planned for the campus.

The Midcoast Campus located in Brunswick, Maine had one reportable Clery offense for 2015. A drug violation resulting in a disciplinary action that occurred in Orion Hall dormitory.

The following Clery Statistics are for the South Portland campus:

**Clery Crime Statistics – VAWA Offenses On Campus –Residence Halls**

Violation	Total Incidents in Residence Halls		
	2013	2014	2015

a. <u>Domestic Violence</u>	1	0	1
b. <u>Dating Violence</u>	0	1	2
c. <u>Stalking</u>	0	0	0

**Caveat:**

### Clery Crime Statistics – VAWA Offenses On Campus

Violation	Total incidents on Campus		
	2013	2014	2015
a. <u>Domestic Violence</u>	0	0	1
b. <u>Dating Violence</u>	0	1	2
c. <u>Stalking</u>	0	0	2

**Caveat:**

### Clery Crime Statistics – VAWA Offenses Public Property

Violation	Total Incidents on Public Property		
	2013	2014	2015
a. <u>Domestic Violence</u>	2	0	0
b. <u>Dating Violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

**Caveat:**

### Clery Crime Statistics – VAWA Offenses Noncampus

Violation	Total Incidents on Noncampus		
	2013	2014	2015
a. <u>Domestic Violence</u>	0	0	0
b. <u>Dating Violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0
<b>Caveat:</b>			

### Criminal Offenses - On campus

Criminal offense	Total criminal offenses on campus		
	2013	2014	2015
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Manslaughter by negligence</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	3	0	
d. <u>Rape</u>		1	3
e. <u>Fondling</u>		1	2
f. <u>Sex offenses - Non-forcible</u>	0	0	0
g. <u>Incest</u>			0
h. <u>Statutory Rape</u>			0
i. <u>Robbery</u>	0	1	0
j. <u>Aggravated assault</u>	0	1	0
k. <u>Burglary</u>	3	0	0
l. <u>Motor vehicle theft</u>	0	0	0
m. <u>Arson</u>	0	1	1
<b>Caveat:</b>			

### Criminal Offenses - On campus - Residence Halls

Criminal offense	Total criminal offenses on campus in residence halls		
	2013	2014	2015
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Manslaughter by negligence</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	2		
d. <u>Rape</u>		1	3







<b>Criminal Offense</b>	<b>Category of Bias for crimes reported in 2014</b>						
	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity National Origin</b>
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0
l. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**Criminal Offense**

	<b>Category of Bias for crimes reported in 2013</b>						
	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity/National origin</b>
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0





**Category of Bias for crimes reported in 2014**

Criminal Offense	Category of Bias			Sexual orientation	Gender	Disability	Ethnicity	National Origin
	Total	Race	Religion					
d. Robbery	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0
l. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0

**Category of Bias for crimes reported in 2013**

Criminal Offense	Category of Bias			Sexual orientation	Gender	Disability	Ethnicity/National origin
	Total	Race	Religion				
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0
l. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**Arrests - On campus**

Law Violation	Total arrests on campus		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	2	9	4
c. <u>Liquor law violations</u>	0	8	2

**Caveat:**

### Arrests - On campus - Residence Halls

Law Violation	Total arrests on campus in residence halls		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	1	7	0
c. <u>Liquor law violations</u>	4	8	2

**Caveat:**

### Disciplinary Actions - On campus

Law Violation	Number of persons referred for disciplinary action on campus		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	3
b. <u>Drug law violations</u>	72	60	47
c. <u>Liquor law violations</u>	54	70	78

**Caveat:**

### Arrests Noncampus

Law Violation	Total arrests on noncampus		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

**Caveat:**

### Disciplinary Actions - Noncampus

Law Violation	Number of persons referred for disciplinary action on noncampus		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

**Caveat:**

### Arrests - Public Property

Do NOT include drunkenness or driving under the influence in Liquor law violations.

Crime	Total arrests on public property		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	2	0	4
c. <u>Liquor law violations</u>	1	3	0

**Caveat:**

### Disciplinary Actions - Public Property

Law Violation	Number of persons referred for disciplinary action on public property		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

**Caveat:**

### Disciplinary Actions – Residence Halls

Law Violation	Number of persons referred for disciplinary action in residence halls		
	2013	2014	2015
a. <u>Illegal weapons possession</u>	0	0	3
b. <u>Drug law violations</u>	38	29	42
c. <u>Liquor law violations</u>	40	54	77

**Caveat:**

**Unfounded Crimes**

	Number of unfounded crimes		
Law Violation	2013	2014	2015
a. <u>Total Unfounded Crimes</u>	N/A	0	0