

Annual Security and Fire Safety Report 2022-2023



Table of Contents

About the Merchant Marine Academy	4
The Academy Mission	4
Introduction	5
Campus Facilities and Building Security	5
Security of and Access to Barracks	6
Security Considerations in Maintenance of Campus Facilities	6
Reporting Safety Hazards.....	7
Department of Public Safety	7
Crime, Emergency Reporting and Response	8
Campus Security Authorities	9
Voluntary Confidential Reporting	9
Timely Warnings	10
Statement of Policy Under the Violence Against Women Act	10
Definitions.....	12
Education and Prevention Programs	13
Procedures to Follow After an Offense	15
Restricted and Unrestricted Reporting Procedures.....	16
Medical Attention	17
Academy Procedures for Investigating and Resolving a Complaint	18
Retaliation.....	20
Amnesty for Sexual Misconduct Complaints and Witnesses	20
Confidentiality.....	20
Assistance for Victims	21

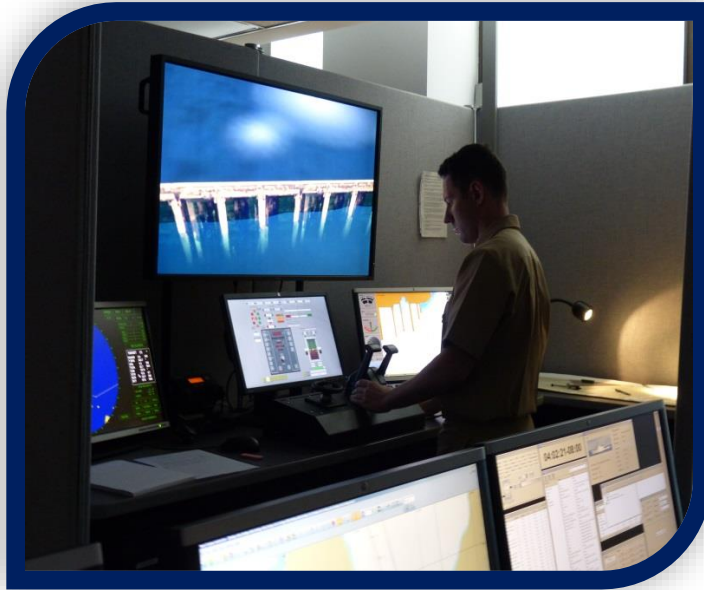
Resources for Victims of Sexual Assault, Sexual Harassment, Stalking, Relationship Violence	21
Campus Sex Crimes Prevention Act (Sex Offender Registration)	22
Missing Student	22
Emergency Preparedness	23
Community Notification.....	23
Critical Communication System Capabilities	23
DPS Role	24
Authorization to Activate Critical Communication System	24
Content Development and System Initiation	24
Critical Communication and Warning Process.....	24
Evacuation.....	26
Emergency Response and Evacuation Testing.....	26
Crime Prevention and Safety.....	26
Crime Log	26
Crime Prevention and Safety	26
Theft.....	27
Blue Light Emergency Call Boxes	27
Fire Safety Report	27
Overview	27
General Statement of Fire Protection in Academy Barracks	27
Specific Fire Prevention Related Policies	28
Guidance for Students and Employees in Case of Fire	28
Response and Evacuation	29
Extinguishing Fires	30
Fire Drills	30

Alcohol and Drug Policies	30
Alcohol/Drug Education.....	31
Counseling Assistance.....	31
Appendix A – Academy Crime Statistics (2020-2022).....	32
Appendix B – Village of Kings Point Crime Statistics (2020-2022)	35
Appendix C – Academy Hate Crime Statistics (2020-2022)	37
Appendix D – Fires in Academy Residential Facilities	39
Appendix E – Fire Safety Systems in Academy Residential Facilities.....	41



About the Merchant Marine Academy

Dedicated on September 30, 1943, the United States Merchant Marine Academy (USMMA or Academy) is a Federal institution of higher education operated by the United States Department of Transportation's (DOT) Maritime Administration (MARAD). The campus is located on the north shore of Long Island at Kings Point, New York, 20 miles east of New York City.



The Regiment of Midshipmen is composed of approximately 1000 male and female students from nearly every state and several foreign nations. Midshipmen pursue studies in marine transportation, engineering, mathematics and science, humanities, naval science and physical education. Upon graduation, Midshipmen receive Bachelor of Science degrees, Coast Guard Merchant Mariner licenses and Naval Reserve Commissions.

At any one time, almost 300 Midshipmen are on assignments at sea throughout the calendar year. Approximately 700 Midshipmen remain in residence at the Academy during the academic year and are housed in dormitory style facilities. Midshipmen are governed by dormitory safety and security regulations administered by the Commandant of Midshipmen through a staff of full-time Regimental Tactical Officers and a cadre of Midshipmen Officers.

The Academy Mission

"To educate and graduate leaders of exemplary character who are inspired to serve the national security, marine transportation, and economic needs of the United States as licensed Merchant Marine Officers and commissioned officers in the Armed Forces."

Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime, and security and safety policies. In addition, as required by the Higher Education Opportunity Act, the Academy includes a Fire Safety Report, which contains information about the Academy's fire prevention practices and systems, as well as fire-related statistics.

The Academy uses campus email to notify its community of the availability of the annual Report and the web address www.usmma.edu/leadership/deputy-superintendent/crime-awareness-campus-security-report-2022-23 at which the report can be read. Paper copies of the report are also available from the Office of the Superintendent upon request. The Academy will provide a copy of the annual report to any applicant for enrollment or employment upon request. Additionally, a copy of the report will be made available, upon request, to the Secretary of Education.

This Report was prepared by the Department of Public Safety (DPS) with input from the Commandant's Office, Safety Officer, Sexual Assault Response Coordinator (SARC), and Department of Public Works (DPW). Crime statistics were provided by DPS and the Village of Kings Point Police Department.

Campus Facilities and Building Security

With the exception of Regimental leave periods and Plebe Indoctrination training, the Academy grounds are usually open to the general public from 6:00 a.m. to 6:00 p.m. daily. Vehicle access to the grounds is controlled at all hours at the main gate, and those vehicles authorized entry are issued time-restricted permits. Faculty, staff and students must register their personal vehicles with DPS to receive an Academy parking permit.

Many athletic, Regimental and campus events are open to the public. The Navy Federal Credit Union and the Seafarer Inn (cafeteria) are also open to the public. Academic and administrative facilities generally are open only to students, faculty, staff and their visitors. Administrative buildings are usually open from 6:00 a.m. to 11:00 p.m. on weekdays and, upon request to DPS, on weekends. Academic buildings are usually open from 6:00 a.m. until 11:00 p.m. on weekdays and as needed on weekends. The Academy plans to install access card systems on all academic and administrative buildings in the future.

Several strategically located Academy building exteriors are outfitted with Point, Tilt, and Zoom (PTZ) cameras. Camera feed is monitored by DPS and provides a playback capability that permits DPS to conduct forensic screening. The Academy is consistently adding surveillance cameras to provide coverage for areas where the campus is vulnerable to intrusion, theft or damage.

The Academy campus is equipped with Blue Light Emergency Call Boxes in some of the Academy's more remote locations, providing students with quick access to help when they are outside the central campus area. At the press of a button, the call boxes initiate a video/audio call to the Command and Control Center. The Command and Control Center is operated 24 hours a day, seven days a week. The Academy has expanded the capability of emergency

reporting by adding call boxes to all facility elevators, to both pools, the cardio and weight rooms in O'Hara Hall, and on the zero deck of Rodgers Hall.

Security of and Access to Barracks

Guests are not allowed in the barracks unless specifically authorized by the Commandant. Midshipmen are responsible for making their visitors and guests aware of Academy policies. Midshipmen are required to monitor or control the behavior of their guests and are held responsible for the conduct of their visitors and guests. Access to the barracks is limited to Midshipmen, their authorized guests, maintenance workers, DPS and Commandant personnel. Maintenance workers who access Midshipmen rooms during the day will leave door hanger notices informing residents of the maintenance call. Faculty and staff desiring access to the barracks must first be approved by the Deputy Superintendent. Contractors with business in the barracks must check in with DPS to obtain a temporary barracks access card. There is a 24-hour Midshipman watch posted in each barracks and a Command Duty Officer who makes frequent rounds during the night.

An intrusion detection system provides protection against unauthorized access to the barracks. The system is monitored 24 hours a day by DPS, and is active 24 hours a day. On certain special occasions the card access system is deactivated during the day so that family and friends can visit with their Plebe or Midshipman.

Surveillance cameras are installed in the hallways on each floor of the barracks buildings and monitored in the Command Center by DPS; the cameras have a playback capability enabling DPS to conduct forensic screening.

Security Considerations in Maintenance of Campus Facilities

The Academy is committed to campus safety and security. Building security, exterior lighting and landscape control are critical elements of that commitment. All building mechanical rooms have a unique lock cylinder core to prevent tampering with environmental systems. DPW maintains campus buildings and grounds in serviceable condition, including perimeter fencing, lighting, sidewalks, roadways and landscaping. DPW conducts routine checks of lighting on campus and ensures that trees are trimmed so as not to obstruct security cameras. Maintenance personnel are equipped with radios and are in constant communication with the DPW building and Vickery Gate security guard. DPS security officers regularly patrol the campus and will report malfunctioning lighting and unsafe physical conditions to DPW for correction. Academy community members are encouraged to report any deficiency in lighting (such as dim, obstructed or non-operational lights) or other unsafe facility conditions to DPW at (516) 726-5909.

The Academy's Elmridge Road access is equipped with a vehicle gate and a pedestrian gate to control un-vetted traffic from entering the Academy from the north.

In 2023-24, the Academy will continue with projects to upgrade campus lighting, and renovate the main Academy access control point.

Reporting Safety Hazards

To report any safety or security hazard you may encounter, contact the Public Safety Officer at 516-726-5846. For safety or security hazard concerns after hours, contact the Security Guard Command Center at 516-726-5847; the guard will contact the duty DPW representative by radio and dispatch them to the scene of the hazard. The Command Duty Officer (CDO) carries a phone and can be contacted at 516-497-0010; the CDO can also resolve or mitigate any safety or security hazard.

Department of Public Safety

DPS consists of a government department head, three government security administrative assistants, one environmental safety specialist, one safety and occupational health specialist, and a contract security guard force. DPS offices are located in Furuseth Hall, first floor, on Steamboat Road and Madison Road. A Command and Control Center was established in June 2013 to provide the Academy with the ability to monitor access control, Blue Light Call Box alerts, fire alarms and surveillance cameras. The Command and Control Center is also used for command and control during emergencies.

The Academy contracted with Acadia Security in December 2019 to provide armed Agency Protection Security Officers (APSOs) for the campus. Acadia Security is licensed by the state of New York. They provide, manage and maintain a uniformed protective security force 24 hours a day, seven days a week, for the physical protection of the USMMA campus and adjoining grounds. The APSOs do not have arrest authority; they do have detention authority for individuals of interest pending the arrival of law enforcement. Each shift is composed of fixed guard posts, roving patrols and a supervisor. The guard force provides a daily deterrent against unauthorized, illegal or potentially life-threatening activities directed towards USMMA students, employees, visitors, information, programs, resources, and property. The guard force is responsible for access control, crime prevention, parking control, security and policing of special events. All security personnel are equipped with portable two-way communications radios.

Acadia Security must ensure that, prior to working at the Academy, each of its supervisors and APSOs have received a favorable background check from the Department of Transportation, passed a medical examination, completed required training (contractor, government and agency), passed the required examination(s) and completed (signed and dated) a Lautenberg Amendment Statement/Domestic Violence certification. APSOs are required to carry firearms and are licensed and certified to the DHS/Federal Protective Service (FPS) A-9 standard. All Acadia security employees must complete semi-annual range qualification requirements monitored by an Academy representative.

The Occupational Safety and Health Administration (OSHA) considers APSOs as first responders. APSOs monitor and operate the campus fire alarm system, environmental and intrusion detection systems, closed circuit television systems, automated access control systems, and other protection devices. When an alarm sounds, the APSO immediately reports and records the incident. Security Officers are dispatched and arrive at alarm sites within three (3) minutes of the alarm sounding. The Officers secure the area and are responsible for detaining any person or persons attempting to gain unauthorized access to the facility. Officers communicate via radio to the Command Center so that appropriate authorities (Kings Point Police Department, Nassau County Police Department, etc.) may be contacted if required. Similarly, officers respond to fire or other building alarm systems, arriving within three (3) minutes of the

alarm sounding. Officers take necessary and appropriate action in the event of fire or other emergency, such as evacuating personnel, extinguishing a fire, and assisting with other tasks as needed.

APSOs and uniformed supervisors are required to qualify in First Aid and carry valid and current First Aid certification cards from the American Red Cross (ARC) or the American Heart Association (AHA). They must also qualify in Cardio-Pulmonary Resuscitation (CPR) and in use of an Automated External Defibrillator (AED), and must carry CPR and AED certification cards. Acadia Security is responsible for ensuring its employees are continuously certified in the First Aid, CPR and AED full-course curriculum in accordance with either ARC or AHA certification cycles. USMMA administratively tracks First Aid training and certification on a three (3)-year cycle and CPR and AED training and certification on a one (1)-year cycle from initial certification date to determine compliance with contract requirements.

Acadia Security provides its guards with annual training specific to security at USMMA. This training includes six (6) hours of active shooter training, two (2) hours of disability awareness, two (2) hours of note taking and report writing, two (2) hours of physical security and access control, two (2) hours of urban terrorism awareness and two (2) hours of customer service. The guards also receive training in equipment, systems, procedures and policies specific to USMMA.

In the Fall of 2022, DOT relinquished exclusive jurisdiction over crimes committed on campus to the State of New York. In addition, the Academy entered into an agreement with the Kings Point Police Department (KPPD), the Nassau County Police Department (NCPD) and the Nassau County District Attorney's Office (NCDAO) under which those agencies have primary responsibility for the following: (1) investigating and prosecuting misdemeanors related to sexual assault, stalking, and relationship violence which occur on Academy grounds; and (2) investigating and prosecuting felonies, including but not limited to sexual assault, stalking, and relationship violence, with the exception of national security related crimes and crimes against the Federal government. This agreement also provides for the Nassau County Police Department to have primary responsibility to respond to emergency situations that go beyond the capabilities of Federal law enforcement agencies until such time as the NCPD is fully relieved by Federal tactical personnel. DPS maintains a liaison with Federal, state and local law enforcement agencies. For matters not investigated by KPPD or NCPD, investigative support is provided by the Department of Transportation Office of the Inspector General. For matters not prosecuted by the NCDAO, the United States Attorney's Office for the Eastern District of New York handles them.

Crime, Emergency Reporting and Response

Academy safety and security are dependent upon the teamwork of all members of the Academy community. All Midshipmen, employees and guests are encouraged to immediately report campus crimes, suspicious activity, accidents and other emergencies to DPS. In an emergency, Academy community members can call for police or fire department assistance by dialing x5911, 516-726-5911 or 911 from any campus phone. In addition, a medical emergency can be reported and an ambulance requested by dialing x5858 or 516-726-5858. DPS can be contacted directly via the Blue Light Call Boxes located throughout the campus. Incidents may also be reported in person at Furuseth Hall.

For non-emergencies, DPS can be contacted at x5847 or 516-726-5847. The department head can be contacted at x5846 or 516-726-5846.

The Vickery Gate guard booth is in operation 24 hours a day, seven days a week, and a security guard is always available to take calls, at 516-726-5860. In response to a reported crime, a security officer will be dispatched to make contact with the reporting party and take a report. In response to a reported emergency, security officers will respond and summon the appropriate resources to assist in response to the incident.

The Academy also maintains a seven days a week watch by a Command Duty Officer (CDO), who is an employee of the Academy. While not assigned to security duty, the CDO is available as an additional resource for the Academy community and can serve as an extra set of ears and eyes for the guard force. Per Academy policy, the CDO will make frequent tours of all barracks and, during off hours, will tour the entire campus if possible. The CDO carries a phone and can be contacted at 516-497-0010. The CDO will respond to any emergency call, accident or injury report, indication of imminent danger to life or property, report of Midshipman misconduct, or evidence of a facility casualty. The CDO maintains contact with security officers and can summon assistance if needed.

Each Company assigns one Midshipman as Officer of the Day who stands a 24-hour duty in the barracks complex. The duty schedule is in effect seven days a week while school is in session. In addition to their watch duties, Midshipmen watchstanders challenge all unauthorized persons entering the barracks. Midshipmen also serve as watchstanders at the Waterfront and onboard the Training Vessel KINGS POINTER.

Incident reports involving Midshipmen are forwarded to the Commandant's Office for review and disposition. An investigation will be conducted, if necessary, prior to adjudication of a case. If the incident is of particular severity and has brought discredit upon the Academy, the case may be referred to the Superintendent, who can employ a wide range of disciplinary measures up to and including expulsion from the Academy.

The Academy does not have any off-campus student organizations.

Campus Security Authorities

Campus Security Authorities (CSAs) are federally mandated crime reporters. The intent of including non-law enforcement personnel in the role of CSA is to acknowledge that some community members and Midshipmen in particular may be hesitant about reporting crimes to police, but may be more inclined to report incidents to other campus-affiliated individuals. The Clery Act identifies four categories of CSAs: campus police; non-police security staff responsible for monitoring Academy property; people/offices designated under policy as those to whom/which crimes should be reported; and "officials with significant responsibility for student and campus activities."

Academy security guards, select members of the Commandant's Staff, select members of the Athletic Staff and all Student Club Advisors currently serve as CSAs. Duties and responsibilities for CSAs are outlined in the *Campus Security Authority Policy* (Superintendent Instruction 2022-05, dated 09 May, 2022.)

Voluntary Confidential Reporting

The Academy does not allow voluntary confidential reporting of crimes to DPS. The Academy does permit confidential (restricted) reporting of sexual assault, sexual or gender-based harassment, stalking, and relationship violence to certain campus personnel. Refer to the section of this report entitled “Restricted and Unrestricted Reporting Procedures.”

Timely Warnings

Timely warnings, in the form of Crime Alerts, will be disseminated by DPS in a timely manner and using methods likely to reach members of the campus community when the reported incident is a Clery Act crime that 1) is reported to DPS in a timely manner, 2) occurs in a Clery Act defined location (on campus or on public property bordering campus), and 3) is determined, in the judgment of the Superintendent/Deputy Superintendent, Counsel to the Academy and DPS Department Head to represent a serious or continuing threat to Kings Point community members. Crime Alerts will not include the names or other information concerning the identity of victims.

A Critical Communication is an announcement to inform the Kings Point community about a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of Midshipmen or employees. The Academy may issue a Critical Communication about Clery Act crimes or other types of emergencies, including a fire, infectious disease outbreak, terrorist attack, natural disaster or weather emergency.

The DPS Department Head will consult with the APSOs to verify and substantiate pertinent incident information and will recommend to the Superintendent/Deputy Superintendent that a Crime Alert should be released. Only the Superintendent and the Deputy Superintendent have the authority to release a Crime Alert or Critical Communication. The Superintendent or Deputy Superintendent may initiate only one or all of the Critical Communication systems at their discretion. The DPS Department Head, Counsel to the Academy and the Director of External Affairs will develop the content of the Crime Alert.

Independently or in conjunction with one another, two community Critical Communication methods will be used: internal bulk email, which can be used to target messages to students, faculty and staff and/or the SendWordNow system, which will deliver messages over multiple channels including computers, phone (cell and landline) and mobile devices to registered users. Crime Alert and Critical Communication messages will also be posted on the USMMA website. The Academy will provide follow-up Crime Alert or Critical Communication messages as necessary.

Depending upon the circumstances generating a Critical Communication, Academy leadership may contact the USMMA Parents Association and the USMMA Alumni Association and Foundation to help inform external stakeholders regarding the event that has occurred as well as the status of Midshipmen and employees.

Statement of Policy Under the Violence Against Women Act

In addition to its policy on *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* (Superintendent Instruction 2018-04, dated May 31, 2018), the Academy makes the following statement of policy as required under the Federal Violence Against Women Act amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act. The Academy is committed to maintaining a safe campus at which our Midshipmen, faculty, and staff can work, learn and mature in an environment free of dating violence, stalking, harassment, hazing, and sexual assault. In keeping with its mission, the USMMA supports and nurtures a campus climate that allows Midshipmen, faculty and staff to perform at their highest abilities, assured of their essential safety and well-being. Each member of the USMMA community is responsible for fostering mutual respect, being familiar with this policy, and refraining from conduct that violates this policy. Sexual assault, sexual or gender-based harassment, stalking, and relationship violence will not be tolerated. In addition, the Academy strictly prohibits any retaliation against any individual for reporting, providing information and/or exercising one's rights or responsibilities under its policies on *Reporting, Investigating, and Resolving Complaints of Retaliation Against Midshipmen* (Superintendent Instruction 2018-05, dated May 31, 2018).

This statement of policy informs the Academy community of USMMA's comprehensive plans with respect to sexual misconduct, including educational programs and procedures that address sexual assault, sexual or gender-based harassment, stalking, and relationship violence, and whether the incident occurs on or off campus. The Academy prohibits the offenses of sexual assault, sexual or gender-based harassment, stalking and relationship violence as defined by Federal law, applicable local law, and USMMA policy, and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the Academy community.

Under its policy for prevention of sexual assault, sexual or gender-based harassment, relationship violence, and stalking, USMMA will:

- a) Use training, education, and awareness to minimize sexual assault, sexual or gender-based harassment, stalking, and relationship violence;
- b) Promote the privacy and respectful handling of cases for victims of sexual assault, sexual or gender-based harassment, stalking, and relationship violence;
- c) Provide confidential avenues for reporting on and off the Academy grounds;
- d) Offer victim assistance, counseling and access to medical care; and,
- e) Hold those who commit sexual assault, sexual or gender-based harassment, relationship violence and stalking offenses accountable.

USMMA's policy applies:

- a) Both on and off Academy grounds and during duty and non-duty hours; and,
- b) To working, living, and recreational environments (including both at the Academy, off the Academy grounds, and at sea).

USMMA will treat all victims of sexual assault, sexual or gender-based harassment, relationship violence, and stalking with dignity, fairness, and respect. A victim's rights include the following:

- a) The right to be treated with fairness and with respect for their dignity and privacy;

- b) The right to receive immediate and effective medical care and attention, including long-term follow-up treatment, if eligible;
- c) The right to be reasonably protected from the accused offender;
- d) The right to be notified of court proceedings;
- e) The right to be present at all public court proceedings related to the offense (unless the court determines otherwise);
- f) The right to talk with the attorney for the Government handling the case;
- g) The right to restitution, if appropriate;
- h) The right to information about the conviction, sentencing, imprisonment, and release of the offender from custody; and,
- i) The right, if desired, to confidential or restricted reporting of the sexual assault, stalking, dating and/or dating violence incident.

Definitions

Consent: The Academy defines consent as “an affirmative decision given by clear words or actions to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity or lack of resistance alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence of a current or previous dating or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent may be initially given but can be withdrawn at any time.”

“Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, being asleep, being involuntarily restrained, or being coerced or intimidated. Depending on the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants, may be incapacitated and, therefore, unable to consent.”

Further, the Academy maintains that consent is the cornerstone of respectful and healthy intimate relationships. USMMA strongly encourages its community members to communicate – openly, honestly and clearly – about their actions, wishes, and intentions when it comes to sexual behavior, and to do so *before* engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact (or undertaking a new type of sexual activity) to ensure that consent is present before acting and is present during sexual activity.

Relationship Violence: The Academy defines relationship violence as controlling, abusive, behavior in a romantic relationship and/or dating relationship. It can happen in straight or lesbian, gay, bisexual, or transgender relationships. It can include verbal, emotional, physical, or sexual abuse, or any combination thereof.

Domestic Violence: The term domestic violence “includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or 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 applicable jurisdiction.”

Dating Violence: Academy policy defines dating violence as “violence committed by a person, a) who is or has been in a social relationship of a romantic or intimate nature with the victim;

and b) where the existence of such a relationship shall be determined based on a consideration of the following factors: 1) the length of the relationship, 2) the type of relationship, 3) the frequency of interaction between the persons involved in the relationship.”

Sexual Assault: The Academy’s Sexual Assault Prevention and Response policy identifies sexual assault as a crime of violence, and defines it “as intentional touching of a sexual nature against the will (by use of force, physical threat, or abuse of authority), or without the consent of another person, or where that person is incapacitated (e.g., “passed out,” sleeping, or impaired due to the use of alcohol or drugs, including prescription medications) or otherwise incapable of giving consent. The other person can be male or female and the perpetrator of the sexual assault can be of the same or opposite sex. Sexual assault includes, but is not limited to the following:

- a) Sexual intercourse, including anal, oral or, vaginal penetration, however slight, with a body part (e.g., penis, finger, hand or tongue) or an object;
- b) Kissing, touching, groping, fondling, or other intentional contact with the breasts, buttocks, groin, or genitals (over or under an individual’s clothing) for purposes of sexual gratification or when such private body parts are otherwise touched in a sexual manner;
- c) Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation, and;
- d) Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.”

Stalking: Academy policy states that stalking “is a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Such conduct includes, but is not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. It includes cyber-stalking, in which electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Stalking can occur in a dating relationship, friendship, or past relationship, or can be perpetrated by a stranger.”

Education and Prevention Programs

The Academy engages in comprehensive educational programming, initiatives, strategies, and campaigns intended to prevent relationship violence, sexual assault, sexual or gender-based harassment and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome, and;
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of initial prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for Midshipmen, faculty and staff that:

- a) Identify relationship violence, sexual assault, sexual or gender-based harassment and stalking as prohibited conduct;
- b) Define what behavior constitutes sexual assault, sexual or gender-based harassment, stalking, and relationship violence;
- c) Define what behaviors and actions constitute consent to sexual activity under the USMMA policy;
- d) Provide a description of safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, sexual or gender-based harassment, stalking, or relationship violence against a person other than the bystander. The Academy has implemented a bystander intervention program and has trained facilitators to teach bystander intervention techniques to Midshipmen, faculty and staff. The Academy considers all community members as potential bystanders and by providing education, awareness and practice of intervention skills, the program fosters behaviors that establish intolerance of the norm and promotes reactive interventions in high-risk situations. Effective bystander intervention means that individuals must recognize situations of potential harm, understand conditions that facilitate violence, overcome barriers to intervening, identify safe and effective intervention options, and take action to intervene. Bystander techniques include, but are not limited to, diversion and distraction;
- e) Provide information on risk reduction so that Midshipmen and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and,
- f) Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The Sexual Assault Prevention and Response (SAPR) Program, run by the Director of the Sexual Assault Response and Prevention Office (SAPRO), is the management entity for conducting sexual violence education and prevention on campus. In addition to the Director, the SAPRO is staffed with a Sexual Assault Response Coordinator (SARC), a Victim Advocate/Prevention Educator (VA/PE), and a Sea Year Liaison, all of whom are credentialed victim advocates who can take reports of sexual assault, sexual or gender-based harassment, relationship violence, stalking, and retaliation, and provide advocacy and support for survivors. Certain faculty and staff members are also trained as Volunteer Victim Advocates (VVAs) and can provide the same services.

Midshipman Ambassadors are Midshipmen who have been trained to provide peer training about sexual violence as well as act as a resource to individual students.

Procedures to Follow After an Offense

Any Midshipman, faculty or staff member who has been sexually assaulted, stalked or subjected to relationship violence, or thinks that they may have been a victim of one of these crimes should:

1. Get to a safe place as soon as possible. Following an incident, the primary concern is for the victim's safety. Contact the SARC, an Office of Health Services counselor, a Victim Advocate, the Chaplain, or someone you trust to be with you and support you.
2. Report the assault. Midshipmen have the option of filing an unrestricted report or a restricted report. These options are described in the next section.

3. Try to preserve all physical evidence. Do not bathe, shower, comb, clean your body or change clothes before seeking medical attention. Preserving evidence is important in later pursuing a criminal or other judicial case.
4. Protect the crime scene. Close and lock the door, if possible, where the crime occurred.
5. Seek medical attention as soon as possible. Even if there are no visible physical injuries, there may be the risk of becoming pregnant or the risk of acquiring a sexually transmitted disease.
6. Agree to a sexual assault forensic examination to preserve evidence.

Restricted and Unrestricted Reporting Procedures

Restricted reporting: Allows Midshipmen who are victims of sexual assault, sexual or gender-based harassment, stalking, or relationship violence, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling at a location of the victim's choice (on or off-campus), without triggering the official investigative process. Midshipmen who suffer such offenses and desire restricted reporting under this policy should report the assault to:

- The SARC at 516-726-6153;
- A Victim Advocate (VA) on campus;
- USMMA 24/7 Internal Academy Sexual Assault Hotline at 516-462-3207;
- USMMA 24/7 Sexual Assault Hotline at 844-356-7137 or online at USMMA.sashhelpline.org; or
- Nassau County Safe Center 24/7 hotline at 516-542-0404.

Restricted reports cannot be made to anyone other than those identified in this paragraph.

Midshipmen who initially elect to make a restricted report can, at any time after their initial restricted report, decide to pursue unrestricted reporting, which will result in the initiation of an administrative investigation and, at the survivor's request, a criminal investigation.

Midshipmen may also speak confidentially to the following:

- A counselor at the Office of Health Services at 516-726-5680;
- The Special Victim Advisor at 516-726-5601; or
- The Academy's Chaplain at 516-726-5709. This policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain and does not alter those protections.

These individuals cannot take restricted reports. If an individual chooses to speak confidentially to these sources, but does not make a restricted report, the incident will not be counted in campus statistics and services available to that individual may be limited.

Unrestricted reporting: Allows Midshipmen who are victims of sexual assault, sexual or gender-based harassment, stalking, or relationship violence to disclose details of their assault and receive medical treatment and counseling. A disclosure of such an offense under the unrestricted reporting policy triggers an official administrative investigation and, at the survivor's request, a criminal investigation. Midshipmen who suffer such offenses and desire unrestricted reporting under this policy may report the assault to:

- The SARC, 516-726-6153;
- The Director, DPS at 516-726-5846;
- The Commandant at 516-726-5664;
- A Midshipman Human Relations Officer;
- A Victim Advocate;
- Any trusted advisor, faculty, or staff member;
- USMMA 24/7 Internal Academy Sexual Assault Hotline at 516-462-3207; or,
- USMMA 24/7 Sexual Assault Helpline at 844-356-7137 or online at USMMAsashhelpline.org.

A report of sexual assault, sexual or gender-based harassment, stalking, or relationship violence made to anyone other than the SARC must immediately be forwarded to the SARC, who will have primary responsibility for handling the report, including assisting the victim, at their request, in notifying law enforcement, the Department of Transportation's Office of the Inspector General and/or the Federal Bureau of Investigation. The Academy's Director of DPS must be notified in order to initiate an administrative investigation. Individuals who fail to report assaults to the SARC will be held accountable for such failure. Details regarding the incident will be limited to only those personnel who have legitimate need to know. Use of the unrestricted reporting option is encouraged as it provides for conducting immediate formal administrative investigation and, upon the survivor's request, a criminal investigation. It is the only option that can lead to offenders being held accountable and prevent offenders from re-offending.

Medical Attention

It is important to seek immediate and follow-up medical attention to assess and treat any physical injuries, determine the risk of sexually transmitted diseases or pregnancy, and gather evidence that could aid criminal prosecution. Even if a victim has not been physically hurt, the medical examination is strongly recommended to maintain all legal options. After evidence is collected, it can be stored for up to 30 days in case a victim wants to press criminal charges at a later date.

A specially trained and certified Sexual Assault Nurse Examiner at North Shore University Hospital, a member hospital of the Northwell Health System, will conduct physical evidence recovery/collection. The Office of Health Services does not have the ability to perform physical evidence recovery, and victims reporting to the Office of Health Services will be transported to North Shore University Hospital.

If the offense occurred within the past 96 hours, the victim of sexual assault should not bathe, douche, smoke, change or clean clothing, or clean the bed/linen area where they were assaulted so that evidence, as may be necessary to the proof of criminal activity, may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, sexual or gender-based harassment, stalking, or relationship violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, and other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to law enforcement, DPS or other investigators.

Academy Procedures for Investigating and Resolving a Complaint

The procedures set forth below are intended to afford a prompt response to charges of sexual assault, sexual or gender-based harassment, stalking, or relationship violence, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

The Office of the Superintendent will assign independent investigators to investigate student complaints of sexual assault, sexual or gender-based harassment, stalking, or relationship violence. Based on the results of the investigation, the Academy will take appropriate action consistent with its policy on *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence and Stalking against Midshipman (Superintendent Instruction 2018-06, dated May 31, 2018)(edited 31 July 2019)*.

The Civil Rights/Equal Employment Opportunity (EEO) Officer will take faculty and staff complaints of discrimination and sexual misconduct, including sexual or gender-based harassment and sexual violence. Sexual assault complaints will be referred to the appropriate law enforcement agency for investigation. For all other complaints, MARAD will assign a trained EEO investigator to investigate. The Office of Human Resources, MARAD Counsel and the Academy will work to resolve the matter. Faculty and staff performance complaints can be made to supervisory personnel or to the Office of Human Resources. Human Resources will perform an investigation, if necessary, and forward results to Counsel to the Academy for review. Counsel to the Academy will recommend appropriate disciplinary action to the accused's supervisor, who approves the action.

The Academy disciplinary process for Midshipmen will include a prompt, fair and impartial investigation and resolution. Investigators are taught how to conduct a trauma-informed investigation and the Academy has a resolution process that protects the safety of the victim and promotes accountability. Academy resolution procedures in cases of alleged sexual assault, sexual or gender-based harassment, stalking, dating violence and domestic violence provide that:

1. Both the accuser and the accused will be treated with dignity and respect throughout their experience with the conduct process.
2. Both the accuser and accused can expect a prompt, fair and impartial investigation and resolution of the case.
3. The accuser and the accused each have the opportunity to attend a hearing before either a Hearing Board or the Superintendent.
4. The accused will be given notice of the allegations against them prior to commencement of any hearing and to have all allegations explained clearly and fully.
5. The accuser and the accused each have the opportunity to be assisted by an advisor of their choice and to be accompanied by that advisor at any meeting or hearing. The advisor may only consult and advise, but not speak for the advisee at any meeting or hearing.
6. Both the accuser and accused have the opportunity to review information being considered by the investigator and hearing officer(s) and to be able to respond to that information.
7. A decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: ‘is it more likely than not that the accused individual violated the Academy’s policy?’
8. Both the accuser and accused will simultaneously receive written notice of the outcome of the hearing, to include whether the alleged conduct was found to have occurred, any sanctions imposed on the respondent that directly relate to the reporter, and other steps the Academy has taken to eliminate the hostile environment, if such was found to exist, and prevent recurrence.
9. If recommended for disenrollment from the Academy, the accused will have the right to appeal the outcome of the hearing to the Maritime Administrator.
10. Both the accuser and accused will be notified in writing when the outcome of any appeal is final and if any change was made to the result of the Academy’s disciplinary actions. If an accused is found to have committed a violation of the Academy’s policy on sexual assault, stalking, sexual or gender-based harassment, or relationship violence, disciplinary sanctions that may be imposed include, but are not limited to, restriction, Class I or II violation, setback, leave of absence, written warnings, mandatory training, or disenrollment. For employees, disciplinary sanctions include oral counseling, written warnings, unpaid suspensions, mandatory training, and termination of employment.

Retaliation

The Academy strictly prohibits any retaliation against any individual for reporting, providing information, exercising one’s rights or responsibilities under its policy on *Reporting, Investigating, and resolving Complaints of Retaliation Against Midshipmen (Superintendent Instruction 2018-06, dated May 31, 2018)*, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. Any retaliation,

intimidation, threats, coercion, or discrimination against any such individual will be investigated, and those who engage in such actions are subject to disciplinary action, which includes all the sanctions available for Midshipmen or employees who violate the policy, as described previously. Anyone who is aware of possible retaliation should report such concerns to the SARC, the Civil Rights/EEO Officer or the Commandant, who shall take appropriate actions to address the conduct.

Amnesty for Sexual Misconduct Complaints and Witnesses

The Campus Accountability and Safety Act makes substantial amendments to the Clery Act regarding the obligations of colleges in dealing with sexual misconduct. One of these amendments requires institutions to have an “amnesty clause” for any student who reports, in good faith, an incident of sexual violence to a college employee, so that the reporter will not be sanctioned by the school for a student conduct violation, such as underage drinking, that is revealed in the course of such a report.

The Academy’s primary concern is to ensure the safety of Midshipmen who report sexual assault, sexual or gender-based harassment relationship violence or stalking. In order to facilitate reporting, a Midshipman reporting wrongdoing against themselves, and witnesses and bystanders reporting wrongdoing against others, will not be subject to discipline for misconduct occurring at or near the time of the commission of the sexual assault, sexual or gender-based harassment, relationship violence, or stalking, whether such wrongdoing occurred on campus, at sea, or off campus. The Academy’s amnesty policy is set forth in *Reporting, investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence and Stalking against Midshipman* (Superintendent Instruction 2018-05, dated 31 May 2018) as amended by Superintendent Notice 2022-02, *Collateral Misconduct (Amnesty)*, dated 23 March 2022.

Confidentiality

The Academy will protect the identity of persons who report having been victims of sexual assault, sexual or gender-based harassment, stalking, and relationship violence to the best of its ability. All reports and information concerning conduct that is inconsistent with this policy will be handled discreetly, with facts made available only to those who need to know in order to respond, investigate, and/or resolve the matter.

The Academy will ensure that an individual’s election between an unrestricted and restricted report is honored to the maximum extent possible. However, disclosure of confidential communications is authorized when there is imminent threat to the health or safety of the complaining individual or another person, or when there is more than one restricted report against the same alleged perpetrator. In making this determination, the Special Victim Advisor, in consultation with the MARAD Deputy Chief Counsel, will consider a range of factors, including but not limited to, the following: (1) the risk that the accused may commit additional acts of misconduct or other violence; (2) whether the alleged misconduct was perpetrated with a weapon, was otherwise unusually violent, or whether other aggravating circumstances exist; and/or (3) whether the report reveals a pattern of misconduct by the accused. Personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures

will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). Further, the Academy will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the Academy to provide the accommodations or protective measures. The Academy does not publish the name of crime victims nor retain identifiable information regarding victims in the DPS blotter or online.

Assistance for Victims

Protective Measures and Sanctions

In case of an unrestricted report, the Superintendent or designee, Counsel or Assistant Counsel to the Academy, Commandant or designee, and the Public Safety Officer will determine whether interim interventions and protective measures should be implemented, and if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to, barracks or company relocation, adjustment of course schedules (when possible), or a leave of absence. These measures may be applied to one, both, or multiple parties involved. Protective measures may be temporary pending the results of an investigation or may become permanent as determined by the Commandant.

In case of a restricted report, information regarding a sexual assault, sexual or gender-based harassment, stalking, or relationship violence incident will be withheld from the Commandant, who will not be able to know if interim interventions or protective measures should be put in place. Victims who make a restricted report may want to consider changing to an unrestricted report if they feel uncomfortable, threatened or intimidated due to proximity with the accused. Once the Commandant is informed of an incident, protective measures can be put in place.

The Academy will consider victim requests for accommodations or protective measures if they are reasonably available. Midshipmen should make such requests to the Commandant; faculty and staff should contact the Academy's Human Resources Offices with their requests.

Resources for Victims of Sexual Assault, Sexual or Gender-based Harassment, Stalking, and Relationship Violence

The following resources are available for seeking confidential discussion or consultation on issues related to sexual misconduct. While there are many resources available to victims off-campus, it is strongly recommended that victims utilize on-campus resources, who are knowledgeable about counseling, medical services and legal considerations.

Sexual Assault Response Coordinator/Staff Victim Advocates

(Main points of contact for reports of all forms of sexual misconduct and for students seeking advice, support and advocacy about sexual misconduct, sexual or gender-based harassment, stalking, and relationship violence)

Land Hall Second Deck
300 Steamboat Rd
Kings Point, NY 11024
(516) 726-6153 (M-F, 0830-1700)
Hotline 24/7: (516) 462-3207

Office of Health Services

(Provides counseling services for students)

Patten Health Clinic
300 Steamboat Rd
Kings Point, NY 11024
(516) 726-5680, Option #4

USMMA Civil Rights/Equal Employment Opportunity Office
(Employee discrimination and sexual harassment complaints)

Wiley Hall
300 Steamboat Rd
Kings Point, NY 11024
516-726-5753

The Safe Center Long Island

(Nassau County's dating and domestic violence and rape crisis center)

15 Grumman Road West, Suite 1000
Bethpage, NY 11714
(516) 542-0404

North Shore Long Island Jewish University Hospital, a member hospital of the Northwell Health System

300 Community Drive
Manhasset, NY 11030
(516) 562-0100

Campus Sex Crimes Prevention Act (Sex Offender Registration)

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. Persons convicted of certain sex offenses are required by law to register with the state of New York. A current listing of registered sex offenders is available online from the New York State Division of Criminal Justice Services at <http://www.criminaljustice.ny.gov/nsor/>.

Missing Student

Academy students are required to live in government provided housing and as such are accounted for three times a day, Monday thru Friday, and two times a day on weekends and holidays. Any faculty, staff or student who has information that a student may be a missing person must notify DPS as soon as possible and no later than 24 hours after they determine a student may be missing. DPS or the Commandant's Office shall also follow up on notification to other individuals, such as friends or family members, when a student is missing.

DPS shall gather information about the student from the reporting person and from the student's acquaintances (including, by way of example, 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 faculty and/or staff shall be notified to aid in the search for the student.

No later than 24 hours after determining that a student is missing, DPS or the Commandant shall notify the emergency contact (for students 18 years of age and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing. Contact for students 18 years of age or over is contingent upon the correct emergency contact information being made available by the student.

In all cases when a student is declared missing by the DPS after an initial investigation and in consultation with other law enforcement agencies as appropriate, it will coordinate with the Office of External Affairs to provide information to the media that is designed to obtain public assistance in the search for any missing student. This coordination will insure that investigations are not impeded by the release of information.

Emergency Preparedness

The Academy is committed to notifying and informing its campus community in the event of an emergency. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty or staff, the Academy will use appropriate communications to notify the community. The *USMMA Emergency Operations Plan* (Superintendent Instruction 2018-08, dated August 29, 2018), identifies key decision makers and their roles during a campus emergency. The plan establishes levels of awareness and preparedness and procedures that will be utilized during emergencies and crisis events.

Community Notification

The Academy has several different means of communication that may be used in event of an emergency. These systems include a Critical Communication System (SendWordNow) that combines phone calls, text messaging and emails; outdoor and indoor speaker arrays (ALERTUS); the Academy website; bulk email; and other methods of disseminating information, including, but not limited to, notifying the USMMA Parents Association, notifying the USMMA Alumni Association and Foundation, posting fliers in public places, faxes and notifying local media.

Critical Communication System Capabilities

SendWordNow is a service provided by an outside vendor that can call phones, send text messages, and email information. Because the Academy might need to contact employees before they arrive on campus in an urgent emergency situation, it is important that they keep all contact information current in the SendWordNow database. Employees can contact DPS directly to update the database or they can provide updates during the annual update and test of the system. Incoming freshmen will be automatically entered into the database. When new employees start work, Human Resources will notify DPS, who will send out email to each new employee to invite them to subscribe to the system.

Bulk email is the ability to use the “allusers” address in Outlook to send email to all Midshipmen, faculty and staff with current, active accounts on the Academy network. The “allusers” address can be used for initial notification of an emergency situation as well as for updates to status of an emergency situation.

The Academy website, <https://www.usmma.edu/>, can be used to provide crime alerts and amplifying emergency information and instructions as required. The Academy’s operating

status can be ascertained by clicking on “operating status” at the top right hand side of the page.

Live voice messages or pre-recorded messages are broadcast over a newly installed Alertus speaker array. The system can be used to communicate with people who may be outside on Academy grounds or inside the barracks complex.

DPS Role

In many cases, DPS will be the first campus entity notified of an impending emergency incident. Upon receiving such notification, DPS will alert the Superintendent’s Office to assess the need to notify the community of the impending emergency or advise them of protective actions.

Authorization to Activate Critical Communication System

Only the Superintendent or the Deputy Superintendent may authorize activation of the Critical Communication System.

Content Development and System Initiation

DPS, Counsel to the Academy and the Director of the Office of External Affairs will develop the content of emergency messages and timely warnings. Together they recommend initiation of the Critical Communication System to the Superintendent, or in their absence, the Deputy Superintendent. DPS is responsible for activating the SendWordNow system, the Director of the Office of External Affairs is responsible for activating the website, and the Deputy Superintendent or Director, Department of Information Technology will issue bulk email notification. The Alertus system is operated by DPS and will only be used in circumstances when a dire emergency indicates that quick and direct notification must be made to Midshipmen, faculty and staff outside on campus grounds.

Independently or in conjunction with one another, two community Critical Communication Systems are typically used: the internal bulk email system and the SendWordNow system, both of which allow very quick communication with the entire campus community. The Academy will provide follow-up information on the website as well as through the bulk email and SendWordNow systems.

Critical Communication and Warning Process

Critical Communication and warning involves developing, coordinating, and disseminating information to the public effectively under all hazardous conditions. The Academy will, without delay, and taking into account the safety of the community, assess and determine the content of the Critical Communications to be sent, and initiate the Critical Communication System, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist victims or contain, respond to, or otherwise mitigate the emergency. The three steps used to assess and develop emergency communications are as follows:

Step 1: Critical Incident Assessment

- *Gather facts:* DPS will provide situational awareness to the Superintendent’s Office. Following the initial brief, the Superintendent, or in their absence, the Deputy Superintendent, will determine the crisis level and impact to the Academy. If DPS and the Superintendent confirm that there is a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of students or

employees, a meeting of the Crisis Management Team (CMT) will be called and the situation will move to the assessment phase. The CMT is composed of key representatives from Academy offices and departments acting under the direct authority of the Superintendent. The Deputy Superintendent will act as chair of the CMT.

- *Assess the situation:* Once the facts have been gathered, DPS will consult with the CMT to assess the nature and severity of the critical incident and the appropriate response measures. The CMT will make recommendations to the Superintendent for response measures to resolve or mitigate the situation. DPS is responsible for providing the CMT and the Superintendent with any new information and developments.
- *Activate Emergency Operations Center (EOC):* The EOC serves as a centralized management center for emergency operations. The CMT should operate from the EOC. Location of the EOC will be based upon the nature of the incident.

Step 2: Incident/Protective Action Communications

Based upon recommendations from DPS, the CMT, Counsel to the Academy, and the Director of the Office of External Affairs, the Superintendent, or in their absence, the Deputy Superintendent, will determine the appropriate segment of the campus community to receive notification, the content of any notification, and initiate the notification system as follows:

- *Identify key audiences and communications strategy:* Determine which of the Academy's key audiences need to be informed of the situation and in what order, how they should be informed and who is responsible for communicating to these audiences.
- *Designate a spokesperson:* This will typically be the Director of the Office of External Affairs. Having a designated spokesperson ensures that a unified, consistent message is delivered. Determine if any faculty members are experts in the nature of the critical incident if it becomes necessary to provide commentary to the media.
- *Prepare initial statement:* Tailor a statement addressing the critical incident to provide to key audiences while the CMT is determining next steps.
- *Ensure necessary operations are taking place:* Ensure that all applicable safety plans are being implemented. If necessary, ensure counseling, chaplain, health providers and Department of Public Works are in contact and consulting with the CMT.
- *Develop key messages and prepare Q&A:* Develop key messages tailored to specific audiences to prepare for inquiries about the potential critical incident or issue. Messages must be based on confirmed and accurate facts and actions taken by the Academy. Make a list of anticipated questions from audiences and prepare appropriate response.
- *Inform key audiences:* Implement communications to key audiences through identified distribution channels, which could include website; direct contact via telephone or in-person; bulk email; media coverage (open source communication); Critical Communication System (SendWordNow); the Wiley Hall announcement system and/or signage.
- *Determine response to media:* If media is identified as a key audience, decide on the appropriate level of communications with media. The issue could warrant either a statement release or media briefing.
- *Control flow of information:* Key audiences and media should be given periodic updates on the situation to control the message and assist in rumor control. Alerts issued via the Critical Communication System will include information about the emergency or threat

occurring on campus and directions on what steps, if any, members of the community should take in response to the emergency. The message should include the date and time that it is issued. Alerts issued via the Wiley Hall announcement system will include information about the emergency or threat occurring on campus and directions on what steps, if any, members of the community should take.

Step 3: Evaluate the Incident Response

Monitor media coverage: DPS, the Director of the Office of External Affairs and the CMT will monitor local media coverage to ensure accurate information is being communicated and determine if any further action is needed.

- *Meet and assess:* When the critical incident has passed, the CMT will continue to meet to review media coverage and critical incident reports to determine the effectiveness of the response. The CMT notes not only the overall success or failure of the communication efforts, but also problems to be avoided in the future and any appropriate follow-up measures.

Evacuation

Academy buildings have a fire alarm system for emergency evacuation. Whenever the alarm system sounds, everyone must leave the building and move to a safe location. The Academy's emergency preparedness and response procedures include evacuation plans, and assignment of building managers and fire wardens.

Emergency Response and Evacuation Testing

The SendWordNow system is tested annually. The ALERTUS system is tested monthly. The fire alarm system is tested once per building per trimester for a total of 66 tests per academic year. The test schedule is promulgated by DPS via email prior to the beginning of the academic year. For each test, the Academy documents a description of the exercise, the date, and time.

Crime, Crime Prevention and Safety

Crime Log

The Merchant Marine Academy daily crime log (blotter) is available in the DPS office in Furuseth Hall. Information in the blotter typically includes the nature, date, time, general location and disposition of each incident.

Crime Prevention and Safety

Although the Academy works hard to ensure the safety of all individuals in the campus community, Midshipmen, faculty and staff must also take responsibility for their own personal safety and security. The campus is not a sanctuary from crime. Highly populated metropolitan locations create conditions that foster criminal activity. The realization that you could be a victim is a first step in providing for your own self-protection. Simple, common sense and proactive precautions are the most effective means of securing your property and ensuring your own safety. The best course of action is to observe the common tenets of crime prevention: remain alert and attentive to potential dangers, don't put yourself or your property at risk, and immediately report suspicious activity to the police. A safe and secure campus is everyone's responsibility.

In addition to Violence Against Women Act content provided in the Report, information about preventing and responding to sexual violence is available through the SARC. The Academy's crime statistics are reported in Appendix A. Crime statistics for the Village Kings Point are reported in Appendix B. Hate crime statistics are reported in Appendix C.

Theft

Theft is the number one crime on campus. Theft prevention involves the anticipation, recognition, and appraisal of a risk of theft and taking steps to reduce or remove that risk. The techniques outlined in this Report can help you reduce the opportunity for theft, and make you look like a less attractive target for a thief.

- Lock your office or study area whenever you are absent.
- Secure all valuables out of sight whenever you are absent from your office or study area.
- Don't leave valuables lying unattended in open areas.
- Never leave valuables and property in plain view in a parked vehicle.
- Practice vigilance – watch for and immediately report suspicious activity and behavior. When reporting suspicious activity, provide police with a detailed description of the suspicious person(s) and information on the activity in which they are engaged.
- Do not bypass installed security features of your building, such as propping open doors outfitted with card access devices.
- Ask unescorted visitors entering your office or barracks to identify themselves and whom they are meeting.
- Unless you know that person, request identification from anyone who wants to repair or remove either your belongings or Academy property.
- Report criminal incidents immediately to DPS.

Blue Light Emergency Call Boxes

Midshipmen, faculty and staff should familiarize themselves with the locations of the Blue Light Emergency Call Boxes on campus. Activating a call box opens a direct audio and visual from the call box to the DPS Command Center.

Fire Safety Report

Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008 and requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics for residential facilities. The following public disclosure report details all information required by this law as it relates to the Academy.

General Statement of Fire Protection in Academy Barracks

All Midshipmen are expected to familiarize themselves with fire alarm procedures and to study the escape routes posted in the hallway of each deck in the barracks.

The barracks are equipped with an integrated automatic sprinkler and fire alarm system, which is monitored 24 hours a day, seven days a week. Fire detection systems are manufactured by Honeywell. Hard-wired smoke and carbon dioxide detection devices with battery backup are located in every Midshipman room. Any time a detector is activated, its location is recorded by

the fire detection system and is reported to the DPS Command Center for dispatch of first responders. Every room is also equipped with fire sprinkler protection. In Murphy, Palmer, Barry and Jones Halls, the fire sprinkler system is driven by two diesel powered fire pumps. The Cleveland and Rogers Halls fire sprinkler system is driven by street pressure.

Specific Fire Prevention Related Policies

The Academy's policy is to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. The goal of the Academy's Fire Prevention Program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire. This goal is accomplished by conducting periodic fire safety inspections of all Academy buildings.

The Safety Officer conducts fire safety inspections of all Academy buildings. A copy of the completed Fire Inspection report will be forwarded to the appropriate department responsible for maintaining fire safety compliance of that building. The responsible department will be expected to correct any deficiencies and notify the Safety Officer by returning a copy of the report indicating the date when each deficiency was corrected. The Safety Officer will conduct a follow up inspection to verify correction of all deficiencies once notification has been received. Copies of all completed Fire Inspection Reports will be maintained by the Safety Officer.

To minimize the potential for fires, the Academy prohibits open burning and the use of combustible decorations. Open burning is defined as any open/exposed flame or combustion that produces heat, light or smoke, and had the potential to cause a fire. Examples of open burning are, but not limited to, candles, incense, bonfires, campfires and pyrotechnics. All decorations and ornaments must be of fire-resistant or non-combustible material, U.L. rated and approved for use. Decorations shall not be hung or posted on any fire protection equipment (fire extinguishers, sprinkler heads and piping, smoke detectors or fire alarm pull boxes), on or near exits or emergency lights, on or near any other protective or operating feature provided by the Academy, or in any manner that could present a fall or trip hazard, or impede egress. Removal of all decorations, ornaments and displays is required immediately after a celebratory event or prior to Winter break. Decorative lights, including holiday lights and floodlights, as well as extension cords or electrically operated ornaments are prohibited. Only artificial holiday trees will be used and shall be of fire-retardant or non-combustible material. Indoor trees must be placed out of the way of traffic, must not block doorways, exits, exit signs or fire protection equipment (fire extinguishers, sprinkler heads and piping, smoke detectors or fire alarm pull boxes) or placed in any manner that could present a trip or fall hazard or impede egress.

To further minimize the potential for fires it is Academy policy to prohibit the use of the following items indoors (unless the item is approved by the Safety Officer): portable space heaters, products used for cooking/warming purposes, any open flame device or object including candles, incense sticks and related accessories, hot plates, slow cookers, deep fryers, electric skillets, electric woks, griddles, sandwich makers/grills and other similar type products (for cooking/warming purposes), toaster ovens (for cooking/warming purposes), flammable/combustible liquids (for recreational/personal use), fireworks, firecrackers, rockets, flares, sparklers and other devices, halogen lamps, ceiling/wall tapestries, live holiday tree or non-fire retardant artificial holiday trees. Smoking is prohibited in all Academy buildings.

Guidance for Students and Employees in Case of Fire:

1. FIRE KILLS. The leading causes of death on college campuses are smoke inhalation and burns from fire.
2. Fires can grow out of control in as little as three minutes.
3. Fire doors should be kept closed at all times, and doors with magnetic fire releases must be unobstructed.
4. Keep all fire exits and stairwells clear of debris.
5. Open flames and other sources of combustion are prohibited from Academy facilities at all times. Prohibited items include candles, incense, immersion heaters, hand warmers, and coal or charcoal. Exceptions are for certain laboratories and maintenance facilities where special precautions are taken.
6. Flammable substances must be stored in accordance with safety regulations. The exceptions are small amounts of cleaning fluids and similar household chemicals.
7. NEVER IGNORE A FIRE ALARM. All reports of fire should be treated as the real thing, no matter how late, how cold, or how inconvenient. Personnel who do not evacuate the building upon the sounding of an alarm shall be reprimanded.
8. REPORT ALL FIRES; even the smallest fire should be reported, since rekindled fires are very common.
9. Carbon monoxide is the main by-product of fire. It is odorless and colorless, and in high concentration will cause unconsciousness and subsequent death.
10. STOP, DROP and ROLL to extinguish burning clothing.
11. Do not be a hero! NEVER go back inside a burning building! If there are unaccounted personnel, inform the arriving emergency personnel.

Response and Evacuation

Upon report of a fire, sounding of a fire alarm, smell of smoke or sign of heat, or visible flames, follow these instructions:

1. SOUND THE ALARM and REPORT THE FIRE. Pull the closest fire station, dial x5911, and report the fire location and details.
2. PASS THE WORD AND ALERT OTHERS. Pound on doors, and yell "FIRE."
3. ASSIST OTHERS.
 - a. If someone is in room or space on fire, and you feel that you can rescue them without injury to yourself, rescue them immediately.
 - b. Assist those who are disabled, handicapped, or injured.
 - c. STOP, DROP and ROLL to extinguish burning clothing.
4. EVACUATE THE BUILDING PER ESTABLISHED PROCEDURES.
 - a. Leave your room, closing windows and doors to prevent the spread of fire.
 - b. Move quickly to your designated fire exit. Pound on doors and alert others as you go.
 - c. Check any common spaces (washrooms, lounges, storerooms) on your escape route.
 - d. DO NOT OPEN ANY DOOR WITHOUT FIRST TOUCHING WITH THE BACK OF YOUR HAND TO FEEL IF IT IS HOT.
 - i. If hot, keep the door closed to prevent spread of fire and smoke.
 - ii. If cool, open slightly and check for smoke.
 - e. Stay low near the floor to avoid smoke and heat.
5. MUSTER AT A SAFE DISTANCE.
 - a. Muster in the designated areas, usually on a grassy area adjacent to the main entrance in order to keep roadways clear for emergency vehicles.
 - b. The Fire Warden Team will take accountability of personnel and report anyone known or suspected to be missing to the person in charge (Building Manager,

- Department of Public Safety personnel, police, firefighters, or other emergency personnel).
- c. For barracks evacuation, Platoon Commanders, Squad Leaders, Team Leaders, and their respective petty officers will immediately take an accountability muster and report anyone known or suspected to be missing to the person in charge (CDO, MCDO, Company Weekend Duty Officer, Company Commander).
 - d. IF YOU KNOW SOMEONE IS ABSENT, EVEN WITHOUT PERMISSION, NOTIFY SOMEONE TO AVOID NEEDLESS SEARCHING BY EMERGENCY PERSONNEL.
6. Follow instructions of the Fire Warden Team, DPS personnel, police or fire fighters and emergency personnel.
 7. If there is a fire outside your room and you cannot safely evacuate:
 - a. Keep the door closed and seal the door with a wet towel to keep smoke out of the room. Open windows slightly if there is no smoke outside. Never break the window, since you lose the ability to keep out smoke from other floors.
 - b. Stay low. Place a wet cloth over nose and mouth to aid breathing.
 - c. Signal rescuers by screaming, waving a sheet or using a telephone.

Extinguishing Fires

1. USMMA is required by law to place portable fire extinguishers in the buildings. These extinguishers are intended for use by professional firefighters and DPS personnel for use on small, developing fires, such as wastebasket fires.
2. Midshipmen, faculty and staff are discouraged from fighting fires. While you may have received firefighting training, you are not a professional firefighter. Your first responsibility is the safe evacuation of yourself and your fellow employees.
3. Should you nevertheless want to attempt to extinguish a small fire, pass the alarm and alert others before fighting the fire. Small fires spread quickly, and the smoke generated from burning plastic, carpeting, chemicals, clothing, and laminated wood can be deadly. For that reason, it is essential that you look after the safety and well-being of your company mates before protecting property.
4. NEVER ALLOW THE FIRE TO COME BETWEEN YOU AND THE EXIT.

Fire Drills

DPS and the Safety Officer will coordinate fire evacuation drills with the Dean's Office and the Commandant of Midshipmen. DPS promulgates the fire evacuation drill schedule once per trimester. The Academy conducts one drill per building for a total of 33 drills each trimester and 99 drills per Academic Year. For each fire evacuation drill, the Academy documents a description of the exercise, the date and the time. Drill documentation is maintained by the Safety Officer.

Per Federal law, the Academy is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities and list the building fire systems in residential facilities. Appendix D contains fire statistics and Appendix E describes fire systems in residential facilities.

Alcohol and Drug Policies

The Academy fully supports Federal laws that require that academic and working environments be free from illicit drug and alcohol use. Superintendent Instruction 2023-06 provides the policy regarding alcohol consumption on Academy grounds. The legal requirement is that Midshipmen

be 21 years of age to purchase, possess and/or consume alcoholic beverages. Unless specifically authorized by the Superintendent, no alcoholic beverages will be sold, introduced, possessed or consumed at any Midshipman activity at the Academy, or on Academy vessels. Consumption and possession of alcoholic beverages by faculty, staff, visitors or guests is prohibited in all Academy buildings, on the grounds and in vessels, except at locations designated by the Superintendent in support of special events.

In accordance with Title 21, United States Code 812, and 21 Code of Federal Regulations 1308.11 and 1308.12, the manufacture, distribution, possession or use of controlled substances (illegal drugs) by Midshipmen, faculty or staff is prohibited. Any Midshipman, faculty or staff member found in violation of the statute will be disciplined and may face suspension or dismissal, as well as potential criminal prosecution.

Midshipmen and employees are provided with the opportunity for alcohol and substance abuse/abatement services from the Academy's Department of Health Services.

Alcohol/Drug Education

All incoming students are provided with a 45-minute session on alcohol awareness by the Academy's Substance Abuse Counselor. The Regiment receives alcohol and drug awareness refresher training on an annual basis.

Counseling Assistance

Midshipmen are encouraged to contact the Office of Health Services to discuss any issues related to alcohol or drug usage or for other support services.

Appendix A

Academy Crime Statistics

2020-2022



Offense	Year	On Campus Property	Residential Facilities	Non-Campus Property	Public Property	Total
Murder/Non-negligent manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Sex Offenses (rape, fondling, incest, statutory rape)	2022	4	3	0	0	4
	2021	3	2	0	0	3
	2020	5	5	0	0	5
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	1	1	0	0	1
Burglary	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2022	2	2	0	1	3
	2021	4	3	0	0	4
	2020	3	3	0	2	5
Drug Law Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Drug Law Referrals for Disciplinary Action	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Illegal Weapons Possession Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Illegal Weapons Referrals for Disciplinary Action	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Violence Against Women Act (VAWA)						
Offense	Year	On Campus Property	On Campus Student Housing	Non- Campus Property	Public Property	Total
Stalking	2022	2	2	0	0	2
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Dating Violence	2022	1	1	0	0	1
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Domestic Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Appendix B

Village of Kings Point Crime Statistics

2020-2022



Offense	Year	Village of Kings Point
Murder/Non-negligent manslaughter	2022	0
	2021	0
	2020	0
Negligent Manslaughter	2022	0
	2021	0
	2020	0
Sex Offenses, Forcible	2022	0
	2021	0
	2020	0
Sex Offenses, Non-forcible	2022	0
	2021	0
	2020	0
Robbery	2022	0
	2021	0
	2020	0
Aggravated Assault	2022	0
	2021	0
	2020	0
Burglary	2022	0
	2021	0
	2020	0
Motor Vehicle Theft	2022	0
	2021	0
	2020	0
Arson	2022	0
	2021	0
	2020	0

Appendix C

Academy Hate Crime Statistics

2020-2022



Offense	Year	On Campus Property	Residential Facilities	Non- Campus Property	Public Property	Total
Murder/Non-negligent manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Sex Offenses (rape, fondling, incest, statutory rape)	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Larceny - theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Intimidation	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Destruction, Damage or Vandalism of Property	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Appendix D

Fires in Academy Residential Facilities

2020-2022



Residential Facilities	Year	Total Fires	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Palmer Hall	2022	0	N/A	N/A	N/A	N/A
	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Murphy Hall	2022	0	N/A	N/A	N/A	N/A
	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Cleveland Hall	2022	0	N/A	N/A	N/A	N/A
	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Rogers Hall	2022	0	N/A	N/A	N/A	N/A
	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Barry Hall	2022	0	N/A	N/A	N/A	N/A
	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Jones Hall	2022	1	Electrical	0	0	\$100<
	2021	1	Electrical	0	0	\$1000.00
	2020	0	N/A	N/A	N/A	N/A

Appendix E

Fire Safety Systems in Academy Residential Facilities

2022



Facility	Full Sprinkler Protection	Fire Alarm Monitoring Done On-Site by DPS	Smoke Detection	Fire Extinguishing Devices	Evacuation Plans and Placards	Number of Evacuation Drills Per Year
Palmer Hall	Yes	Yes	Yes	Yes	Yes	3
Murphy Hall	Yes	Yes	Yes	Yes	Yes	3
Cleveland Hall	Yes	Yes	Yes	Yes	Yes	3
Rogers Hall	Yes	Yes	Yes	Yes	Yes	3
Barry Hall	Yes	Yes	Yes	Yes	Yes	3
Jones Hall	Yes	Yes	Yes	Yes	Yes	3