

1912



SAINT JOSEPH'S

COLLEGE

Office of Campus Safety

Annual Report of Safety and Security

Policies and Practices

Reporting Year 2013

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MISSION STATEMENT

Dear Students, Faculty and Staff,

The mission of the Saint Joseph's College Campus Safety Department is to enhance the quality of life for the entire Saint Joseph's College community by maintaining a secure and open environment where the safety of all is balanced with the rights of the individual. The Department of Campus Safety strives to accomplish its mission while adhering to its core values of Integrity, Professionalism, and Service.

The success of this mission depends upon an effective working relationship between Campus Safety personnel and the diverse elements of the Saint Joseph's College community, including students, staff, faculty and visitors. Critical to this relationship is mutual respect; therefore, we pledge to respect the diverse needs and interests of the community we serve. We pledge to be diligent and relentless in the protection of persons, property and the reputation of Saint Joseph's College.

In return, we ask that our partners in the community assume their individual and collective responsibilities to make Saint Joseph's College a place that is free of crime, fear and disorder, and to provide a civil and open environment that fosters learning and mutual respect.

Sincerely,

Ian M. MacEachen
Director of Campus Safety

Compliance with the Jeanne Clery Act

In compliance with the Jeanne Clery Disclosure of Campus Crime Statistics Act, the Campus Safety Department of Saint Joseph's College presents this annual report of Security policies, procedures and crime statistics.

Department Personnel / Authority / Local Police Relationships

The Office of Campus Safety, under the administration of the Director of Campus Safety is comprised of 21 full and part time Security Officers who are responsible for security on all Saint Joseph's College property. The Campus Safety Office / Dispatch Center is located on the ground floor of Standish Hall and is open 24 hours per day, 7 days per week, and 365 days per year.

Saint Joseph's College Security Officers have the authority to ask persons for identification at any time and to determine whether individuals have lawful business on the campus; Security Officers do not possess arrest power.

Criminal incidents are referred to the **Cumberland County Sheriff's Office**, which has jurisdiction in the Town of Standish, Maine. Campus Safety maintains a highly professional working relationship with the Sheriff's Office as well as the Windham Police Department (in cases when CCSO will be delayed in responding to the campus) for the resolution of all criminal complaints and/or investigations. All crime victims are strongly encouraged to immediately report crimes to Campus Safety; prompt reporting will ensure timely warning notices on campus and timely disclosure of crime statistics.

In order to report a crime or other emergency, Campus Safety can be reached by calling:

- **207-893-6687** from an off-campus or cellular phone
- extension **6687** (non-emergency) or extension **7911** (emergency) from any on-campus phone or call box.
- Yellow telephone call boxes will dial Campus Safety directly by pressing the large red button and are located:
 - outside or near all residence halls
 - the parking lot behind the Alford Center
 - the baseball field parking lot

The telephone call boxes are in prominent locations and are identified with a blue light positioned above the box.

The Campus Safety Office also has an anonymous tip line email box located on the College web site. Information concerning witnessed criminal activity can be reported there for investigative follow-up by Security Officers.

Daily Crime & Fire Log

The Campus Safety Department maintains a daily crime and fire log which is available for public inspection at the Campus Safety Office / Dispatch Center. This record will display a log of all reported crimes (as defined by the FBI's UCR standards) and instances of fire or fire-alarm on the campus for the last 60 days.

Campus Security Authorities

The US Department of Education, which is responsible for Clery Act compliance, defines a Campus Security Authority as "...Officials of the institution with significant responsibility for student and campus activities..." This encompasses not only Student Life (Residence Life & Student Activities) and Campus Safety Department officials, but may also include:

- Athletics Department (administrators and coaching/training staff)
- Academic Affairs (Deans and advisors)
- Human Resources (student employment)
- Supervisory staff in any department/office employing student workers

In their various capacities as people in whom students may confide or potentially report criminal activity, these individuals and departments are instructed to pass any such notification of criminal (or otherwise suspicious) activity to the Campus Safety Department for further investigation. Those individuals who, by their job description, serve in a role as professional or pastoral counselors (i.e.-licensed psychiatric professionals or clergy assigned in those roles at the institution), are not required to report such information as a matter of course since they are considered to be private/confidential communications.

Services Provided

Each of the listed services below may be accessed by visiting the Campus Safety Office or contacting us at extension 6687 (893-6687) or from any call box:

Escorts – Escorts from any building or parking lot on campus are provided by vehicle and/or on foot 24 hours a day upon request.

Jump Starts – We will assist vehicle owners with a jump start for their vehicle upon request (**please note** that we cannot assist with entry to a locked vehicle, we can direct you to local commercial services who are qualified to do this however).

Room Lock-outs – Campus Safety provides lock-out services to residential students during non-business hours; if an officer will be seriously delayed in meeting such a request (during normal business hours), students may be directed to the Campus Life Office for issuance of a temporary key.

Lost and Found – Campus Safety acts as a centralized location for all items found or reported missing on campus. Property that is lost should be reported to Campus Safety for documentation; property that is found should be turned in to us as well, where it will be filed and checked against department records in an effort to determine the rightful owner.

Programs to Inform - The Office of Campus Safety participates in Admissions Office orientations by staffing an informational table and displaying this written report. Security Officers are available to present (or assist in presenting) crime prevention and safety programs sponsored by student Resident Assistants and we have reference materials available from community resource agencies on topics such as drinking and driving prevention, domestic violence, victim assistance, sexual assault victim services, and general personal safety issues.

Campus Sex Crimes Prevention Act (CSCPA) Information

The Campus Sex Crimes Prevention Act of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The federal law requires state law enforcement agencies (in Maine, it is the Maine State Police) to provide institutions of higher education with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at that institution. The registered sex offenders list can be obtained from the Maine State Police Sex Offender Registry web site at <http://www.informe.org/sor/>.

Support Services

If you have been the victim of rape or sexual assault, Campus Safety strongly urges you to report the crime; not only can Campus Safety assist with investigation and prosecution of the crime, but we also stand ready to bring the full measure of campus and local emergency support services to your aid (one example of which is the Counseling Center-able to provide confidential support, counseling, and referral services).

Victims of rape and sexual assault often feel confused and alone, and they often question how to tell family and friends about the incident, or whether they should at all. They also experience a variety of strong emotions and/or physical problems, such as stomach problems or sleep disturbances. Sometimes these symptoms don't happen until a long time after the event. Regardless of when the incident occurred, the Counseling Center can help!

Security and Access to Campus Facilities

College residence halls are locked 24 hours per day and students gain access with their issued keys or ID cards. The College has a visitation policy which restricts the hours and days of permitted visitation, and overnight guests must be approved by a Campus Life official and registered in advance by the student host; student hosts are responsible for

escorting their guests while on campus. Violations of the visitation policy are processed through the College judicial system and may result in guests being required to leave and/or being banned from visiting campus, and disciplinary action against the student host.

Other campus buildings are open to the public during normal business hours, Monday through Friday, or during scheduled events such as athletic competitions. Campus Safety and other associated departments consider any exceptions to access policies on a case-by-case basis.

The Facilities Management Department conducts maintenance of building security devices. Locks, alarms, card-access devices, and lighting are monitored constantly by Public Safety Officers during patrols and by Residence Life staff during their rounds. Maintenance coverage is available on an on-call basis during non-working hours and over weekends. Repairs to security and safety devices are given the highest priority at all times.

Important Telephone Numbers

Campus Safety Emergency.....	893-7911/Ext.7911
Non-Emergency.....	893-6687/Ext.6687
Office of Campus Life.....	893-6603/Ext.6603
Dean of Campus Life.....	893-6601/Ext.6601
Associate Dean of Residence Life.....	893-6602/Ext.6602
Counseling Center.....	893-6636/Ext.6636
Campus Ministry.....	893-7792/Ext.7792
Health Services.....	893-6634/Ext.6634
President’s Office.....	893-7711/Ext.7711

POLICY STATEMENTS

Emergency Response Protocol

Saint Joseph's College has adopted and maintains a standardized Emergency Response Protocol which is an "all threats" response guide based upon federal FEMA National Incident Management System (NIMS) guidelines. This document, which contains emergency response protocols for situations including evacuations, fires, natural disasters, pandemic illness, etc., is maintained in the Campus Safety Dispatch Center so that a duty officer may access it and make appropriate documentations, referrals and requests for service based upon that wide spectrum of potential events in case of emergency.

Security Alert Notices

Saint Joseph's College utilizes a web-based mass notification program (text, voice mail and e-mail) to provide immediate warning of current, ongoing or serious potential threats to the health and safety of the College community. Any such mass notification, and any subsequent update(s), will advise community members of the threat and of ways in which they may best ensure their personal safety during the course of such an alert.

Students, faculty and staff should review their emergency contact information (registered through the Web Services portion of the campus website) at least once each semester and ensure that their personal contact information is up to date and accurate. The information entered there will provide Campus Safety and College administrators with the means to quickly contact them with important information and updates during a crisis situation.

For any safety or security-related issue which may be urgent in nature, but that does not necessarily constitute the basis for a mass notification system activation, or in order to provide safety information on a more frequent basis, Campus Safety (at the discretion of the Director or his designee) will post notices to members of the College community via printed postings in the residence halls and "public" areas of the campus (i.e.-Alfond Center, Pearson's Café) as well as sending e-mail notifications to the campus.

Missing Student Protocol

Members of the Saint Joseph's College community who have reason to believe that a student who resides in on-campus housing is missing should immediately notify Campus Safety at extension 6687 (or 207-893-6687 from a cellular phone). Security Officers will generate a missing person report and initiate an investigation.

After investigating the missing person report, and if it is determined that the student is missing and has been missing for more than 24 hours, Campus Safety will notify the Cumberland County Sheriff's Office and the student's listed emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under

the age of 18 and is not an emancipated individual, Saint Joseph's College will notify the student's parent or legal guardian immediately after determining that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify a confidential contact person (an individual to be contacted by the College in the event the student is determined to be missing for more than 24 hours). If a student has identified such an individual, Saint Joseph's College will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the offices of Student Life or the Registrar.

Sexual Assault Policy

Saint Joseph's College is committed to maintaining a humane atmosphere in which individuals do not abuse their personal power or authority in interpersonal relationships. Sexual assault is defined by the College as any actual or attempted non-consensual sexual activity, including but not limited to: intercourse, sexual touching, exhibitionism, or sexual language of a threatening nature, and any action committed by physical force/coercion/threat (actual or implied) by a person(s) known or unknown to the victim. Sexual assault includes violent rape by a stranger, "acquaintance" rape, and all other situations in which the victim has not given consent to sexual activity. Non-consensual activity shall include, but not be limited to, situations where the victim is unable to consent because she/he is mentally incapacitated, is unconscious, or is physically helpless due to drug or alcohol consumption.

Should a sex offense occur, the student should immediately report this to a Residential Life staff member or to a Security Officer. Victims will be counseled on the importance of preserving physical evidence of a sexual assault. As appropriate, the official(s) will set the support team of Health Services, Counseling, Campus Life, and Title IX Coordinator into supportive rapid response. In all cases, the victim will be made aware of both campus and community mental health and counseling resources for victims of sexual assault.

Allegations of sexual assault against a student, whether or not they are investigated by police for criminal prosecution, will be referred to the College Judicial Process as violations of the Student Code of Conduct.

In all alleged sexual assault cases, the College strongly encourages reporting to proper external authorities, including local police; the College will assist the victim in contacting the appropriate agency. The Dean of Campus Life may levy intermediate restrictions on the alleged violator of this policy until a thorough disciplinary investigation can be conducted.

Sanctions for these offenses include the full range of sanctions imposed by the Office of Campus Life for violations of the Student Code of Conduct up to and including possible suspension or expulsion.

Federal Campus Sexual Assault Victim's Bill of Rights

Saint Joseph's College of Maine fully supports the Federal Campus Sexual Assault Victim's Bill of Rights, which mandates that:

- Survivors shall be notified of their options to notify law enforcement
- Accuser and accused will be notified of the outcome of any judicial hearing. The accuser shall have the same rights as the accused regarding the presence of an advocate of their choice in any judicial process
- Survivors shall be notified of counseling services available to them
- Survivors shall be notified of the options available to them in changing their academic and living situations, if the survivor so requests and if such changes are reasonably available.

Sexual Harassment

Saint Joseph's College will not tolerate sexual harassment of its students, faculty, or staff. Sexual harassment in the workplace and on college campuses is unlawful under both state and federal law. Sexual harassment is defined as conduct of a sexual nature (which may be verbal, non-verbal and/or physical) that has the effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work, learning or co-curricular environment.

Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment or educational environment. Sexual harassment may involve individuals of the same or different genders. Sexual harassment is most frequently associated with those situations in which a power differential exist between persons involved; however it also may occur between individuals of the same College status, e.g. student-student and employee-employee.

Examples of conduct which, if continued or repeated, may constitute sexual harassment are: unnecessary touching, patting, hugging or brushing against a person's body; staring,

ogling, leering, whistling, sexually explicit statements, comments, jokes or anecdotes, graphic comments about a person's clothing or body, sexually suggestive objects or pictures in the workplace, harassing use of electronic mail or telephone communication systems, or other physical or verbal conduct of a sexual nature.

Such conduct, whether intended or not, constitutes sexual harassment and is illegal under both state and federal law. Men, as well as women, may be victims of sexual harassment. Violations of this policy will not be permitted.

Cases of Sexual Harassment Involving Students

Students will be requested to put their complaint in writing. The complaint will be investigated promptly and as confidentially as possible. The complainant (the person filing the complaint) will be notified of the results of the investigations. If the complaint is found to have merit and the accused is a student, the resultant disciplinary action will be disclosed to the student complainant. In cases where the complaint was found to have merit and the accused is a faculty or staff member, disciplinary actions will generally be disclosed to the complainant only if they include no contact with the complainant. In no case shall the person a student alleged to have harassed them be responsible for the investigation.

Students who believe that they are or have been a victim of sexual harassment should first report their allegations to their Resident Advisor, Area Coordinator or Sexual Harassment Officer of the College. The Sexual Harassment Officer is Dr. Sue Kelly.

Cases of Sexual Harassment Involving Employees of the College

Employees who believe that they are or have been a victim of sexual harassment should first report their allegations to their supervisor and/or Dr. Sue Kelly (Title IX Coordinator & Sexual Harassment Officer of the College). Employees will be requested to put their complaints in writing. The complaint will be investigated promptly and as confidentially as possible. The complainant (the person filing the complaint) will be notified of the results of the investigation. In cases where the complaint was found to have merit, disciplinary actions will generally be disclosed to the complainant only if they include no contact with the complainant. In no case shall the person an employee alleged to have harassed them be responsible for the investigation.

Anyone may also file a complaint with the Maine Human Rights Commission (#51 State House Station, Augusta, ME 04333 | Phone: 207.624.6290 | Fax: 207.624.8729 | Maine Relay 711), and they have a specified format for handling complaints as well. Generally, they attempt conciliation of the problem between the employer and the employee. If that fails, they will investigate the complaint themselves and may file a lawsuit seeking relief on behalf of the alleged victim. The individual also may file suit in court.

No student, faculty, or staff member who is filing a complaint or is a witness in the investigation shall be subject to retaliatory action for their good faith participation in the

procedure. Words or behaviors that punish a person for the good faith filing of a complaint or participating in an investigation are illegal. For faculty and staff accused of sexual harassment, the full Procedure for the Resolution of Sexual Harassment Complaints is included in Appendix A of the Employee Handbook. Students accused of sexual harassment will be adjudicated through the Office of Campus Life using the judicial procedures outlined in the Student Handbook.

Drug Free Schools and Workplace Policy

The Campus Safety Department actively supports the College's adherence to the Federal Drug-free Schools and Workplace policy; the full statement for this policy can be found via the following link and then on page 22 of the employee handbook:

http://www.sjcme.edu/files/sjcme_files/docs/handbk.pdf

Statement on Substance Abuse

The Saint Joseph's College Board of Trustees recognizes abuse as a complex problem which is not easily resolved by personal effort and may require professional assistance and/or treatment. Accordingly, the College has designated individuals to assist students, faculty, and staff members who seek referrals for aid with substance abuse problems. The College shall take necessary steps to ensure the confidentiality of all inquiries and referrals. All students, faculty, and staff shall be informed periodically of the availability of help for substance abuse problems. The College shall also make informational materials regarding substance abuse available.

Students, faculty, and staff with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling and prevention services. Persons availing themselves of these services, however, will not be granted special privileges and/or exemptions from standard practices applicable to performance requirements. The College will not excuse acts of misconduct committed by persons whose judgment is impaired due to substance use or abuse.

The possession, use or distribution of illegal drugs as defined by federal, state, and local statutes is prohibited at any time on College property. Persons known to possess, use or distribute illegal drugs are liable to public enforcement sanctions and College disciplinary action. Use of alcoholic beverages on College property shall be in compliance with state laws. Violations of regulations, policies and procedures will result in disciplinary action and, where applicable, criminal proceedings.

Possession, Use or Sale of Illegal Drugs/Controlled Substances

The possession, use, sale or any other means to distribute illegal drugs on Saint Joseph's College Campus is not permitted by law. Possession or use of any drug paraphernalia is not permitted at Saint Joseph's College.

Any student present in a room where a controlled substance is being used may also be considered in violation of the Student Code of Conduct and subject to disciplinary action.

All paraphernalia discovered to be in the possession of a student or student-sponsored guest will be confiscated, recorded and then destroyed/disposed of by Campus Safety and/or Residence Life personnel, or it may be turned over to the Cumberland County Sheriff's Office for appropriate disposal.

Alcohol Policy

Saint Joseph's College understands that alcohol is part of today's society, and therefore, believes in educating students about alcohol, its effects, and the prevention of alcohol abuse. Saint Joseph's College supports Maine state law related to alcohol, which includes the age of 21 as the legal age for possession or consumption of alcohol. The College defines some specific guidelines associated with alcoholic beverages on campus. This outline is provided to clarify the SJC alcohol policy:

- 1) **Legal age:** Students must be at least 21 years of age to possess or consume alcohol on campus.
- 2) **Disorderly conduct while under the influence of alcohol:** Any person who, while under the influence of alcohol, disrupts the orderly conduct of College affairs whether in a residential, academic or social setting.
- 3) **Open Container:** Once opened, no alcoholic beverages may be carried or consumed on campus outside of residence hall rooms. Open containers include any alcoholic beverages out of the original container or having a broken seal on the original container.
- 4) **Supplying:** Any person, who hosts, sponsors or participates in a function wherein alcoholic beverages are knowingly provided to minors. Persons of legal age may not purchase or provide alcohol for minors.
- 5) **Abusive drinking:** Abusive drinking of alcoholic beverages is prohibited. The following behaviors are examples of (but not limited to) what are considered "abusive drinking practices":
 - Drinking to the point of physical illness.

- Consumption of alcohol while using prescription or over the counter medication.
 - Possession of a container or device which dispenses alcohol through a tap or any other central source of alcohol (example – Keg, “beer ball”, or “trash can punch”)
 - Possession of any alcohol “gaming table” or “drinking game” paraphernalia.
- 6) **False IDs:** The production, possession and/or use of false identification are prohibited.
- 7) **Alcohol-free halls:** O’Connor, Putnam, Saint Joseph’s, and Standish Halls are considered alcohol-free living environments. No alcoholic beverages may be taken into the aforementioned halls, even by those of legal drinking age. Putnam Hall and all designated substance-free floors/areas are off limits for all substances (alcohol, tobacco and controlled drugs).
- 8) Students may request the use of a particular space on campus for an officially recognized college event that may include alcohol. Students must meet with members of Campus Life at least seven (7) days in advance to register their function and to review specific guidelines related to such events. Any activity focusing primarily on alcohol/drinking will not be approved. The Office of Campus Life must grant final approval of all events using alcohol.
- 9) Student Government Association (SGA) funds may not be used to purchase alcohol.

WHAT DOES THE LAW SAY ABOUT ALCOHOL?

Furnishing Liquor to a Minor or a Visibly Intoxicated Person

Maine law makes it a crime for any person to knowingly give liquor to a minor or a visibly intoxicated person or to allow any minor under that person's control or in any place under that person's control to consume liquor. Violation of this law can result in a fine of not less than \$500 and up to 6 months in jail.

Illegal Sale of Liquor

It is a crime to sell liquor without having a liquor license issued by the Maine Bureau of Alcoholic Beverages; this includes non-sanctioned parties where a fee is collected for cups, admission, etc. Violation of this law can result in fines of \$300 to \$500 plus 30 days in jail for the first offense. Subsequent offenses are punished by greater fines and jail time.

Illegal Possession with Intent to Sell

Any person who possesses liquor with the intent to sell it is in violation of Maine liquor laws and is subject to a fine of between \$100 and \$500 and possible incarceration from 2 to 6 months.

Seizure and Forfeiture of Vehicle

Any vehicle used to transfer liquor intended for illegal sale may be impounded at the time of the violation or seized following the violation.

SPECIAL LIQUOR LAWS RELATING TO MINORS

Illegal Possession/Consumption of Liquor

Any minor (a person under the age of 21 years, but more than 18 years) who is found to be in possession or control of alcohol is guilty of a civil infraction and shall be fined:

- 1st offense, \$200 to \$400
- 2nd offense, \$300 to \$600
- 3rd and subsequent offenses, \$600

It is also illegal for any minor to possess or use a false identification to purchase alcohol.

Teen Drinking Laws

An individual under the age of 21 years is issued a provisional driver's license in Maine. That provisional status remains in effect for 2 years, or until the person turns 21, **whichever is later**. If that person operates a motor vehicle with any amount of alcohol in their blood, the Secretary of State suspends the driver's license for one year. If that person also has a passenger under the age of 21 while operating with alcohol in their blood, an additional six-month suspension is imposed. Refusal to submit to a chemical test upon demand of a police officer results in an 18-month suspension of a driver's license and the same additional 6 months if the operator had a passenger under 21. These provisions are administrative proceedings and the suspensions can result even in the absence of criminal charges; if the operator's blood alcohol concentration is 0.08% or higher, a charge of criminal Operating Under the Influence will result, with the imposition of significant penalties upon conviction.

Illegal Transportation

No minor shall transport alcohol in a motor vehicle except in the scope of his/her employment or with a parent's knowledge or consent. The penalty is a fine of up to \$500 and a 20-day driver's license suspension. A reinstatement fee will be charged for the license to be reinstated. Points will be assessed against the offender's license.

LIQUOR LAWS RELATING TO MINORS AND ADULTS

Operating Under the Influence

Maine motor vehicle law makes it a crime for any person to operate a motor vehicle in Maine under the influence of alcohol or drugs or with an excessive blood alcohol level. Penalties for operating under the influence are as follows:

1st Conviction: if your blood-alcohol content is .08 to .14 percent:

- A fine of at least \$400, or if you refuse to submit to a test, at least \$500, and
- Loss of license for at least 90 days.

Refusal to be tested by an individual results in an automatic loss of license for 180 days.

If your blood-alcohol content is .15 percent or more, or you are traveling 30 mph (or more) over the speed limit, or you attempt to elude an officer of the law, or you have a passenger who is under 21 years of age:

- A fine of at least \$400
- At least 48 hours in jail, (96 hours if you refuse a test) and
- Loss of license for at least 90 days

Penalties for second and subsequent convictions within a 10 year period include greater fines and mandatory jail time.

Vehicle Seizure or Forfeiture

A person operating under the influence while under suspension for a previous OUI or test refusal is subject to vehicle seizure and forfeiture.

Maine Liquor Liability Act

The Maine Liquor Liability Act serves to prevent alcohol-related injuries, deaths and other damages among Maine's population. This law makes one civilly liable for the negligent or reckless service of alcohol to a minor or to a person who is visibly intoxicated. Monetary damages may be awarded for the negligent or reckless serving of alcohol, which causes property damage, bodily injury or death.

WHAT ARE FEDERAL DRUG OFFENSES?

The criminal offenses most commonly charged under the Federal Controlled Substances Act are the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance or the possession of any controlled substance with the intent to manufacture, distribute or dispense. Federal law also prohibits the knowing, intentional, and unauthorized creation, distribution, dispensing, or possession with intent to distribute or dispense a "counterfeit substance".

Simple possession without necessarily intent to distribute is also forbidden by federal law and carries a penalty of imprisonment. Furthermore, "attempts" and/or conspiracies to distribute or possess with intent to distribute controlled substances are crimes under federal law.

Federal law prohibits certain specific drug crimes, which carry greater penalties, including:

- The distribution of narcotics to persons under 21 years of age.
- The distribution or manufacturing of narcotics near schools and colleges.

- The employment of juveniles under the age of 18 in drug trafficking operations.
- The distribution of controlled substances to pregnant women.

The penalties for violating federal narcotic statutes vary considerably. The penalties may be harsher based on two principal factors; specifically:

- The type of drug involved (heroin, cocaine, marijuana, LSD, etc.)
- The quantity of the drug involved.

With the exception of simple possession charges, which result in up to one-year imprisonment, maximum penalties for narcotic violations range from 20 years to life in prison. Certain violations carry **mandatory minimum** prison sentences of either five years or ten years. For example, the possession with intent to distribute one kilogram or more of a substance containing a detectable amount of heroin carries a term of imprisonment of not less than 10 years and up to life imprisonment. The possession with intent to distribute 500 grams or more of a mixture or a substance containing a detectable amount of cocaine carries a sentence of not less than five years and not more than 40 years.

WHAT ARE STATE DRUG OFFENSES?

Maine law prohibits the knowing, intentional and unauthorized possession, furnishing (distributing or giving away) and trafficking (selling) of scheduled drugs. Scheduled drugs include, for example, cocaine, marijuana, lysergic acid diethylamide (LSD), heroin, ecstasy, and anabolic steroids.

Possession is merely exercising or maintaining control over an item. Possession of drugs can include merely allowing drugs to be kept in your room, car, or locker even though someone else owns the drugs.

To **Furnish** drugs is to dispense, administer, or transfer drugs to another regardless of profit. Sharing a scheduled drug with friends (even if the friends do not pay for it) is "furnishing".

Trafficking is to sell, barter, trade, exchange or furnish an illegal drug for consideration.

Aggravated Trafficking in an illegal drug occurs if the crime of "trafficking" is committed with facts that include any of the following "aggravating factors":

- Trafficking while within 1,000 feet of an elementary or secondary school, regardless of whether the sale took place in a private home or whether the school was in session
- Trafficking while on a school bus
- The trafficking involves a minor (under 18 years of age)
- Trafficking in 112 grams (approx. 4 ounces) or more of cocaine
- The trafficking involves a firearm

Aggravated trafficking is a crime one sentencing class more serious than trafficking and consequently carries longer terms of imprisonment and greater fines.

Penalties

The penalties for possession, furnishing and trafficking in some of the more frequently used illegal drugs are shown in Table 1.

Table 1

SOME STATE OF MAINE ILLEGAL DRUG VIOLATION MAXIMUM PENALTIES

	Marijuana		Cocaine		LSD		Heroin		Steroids / Ecstasy	
	Prison	Fine	Prison	Fine	Prison	Fine	Prison	Fine	Prison	Fine
Possession	1 yr	\$200-400	1 yr	\$2000	1 yr	\$2000	5 yrs	\$2000	6 mo	\$1000
Possession with intent to furnish	1 yr	\$2000	5 yrs	\$5000	5 yrs	\$5000	5 yr	\$5000	1 yr	\$2000
Possession with intent to traffic	5 yrs	\$5000	10 yrs	\$20k	10 yrs	\$20k	10 yrs	\$20k	1 yr	\$2000
Possession w/ intent to commit aggravated trafficking	5 yrs	\$5000	4-40 yrs	\$50k	4-40 yrs	\$50k	4-40 yrs	\$50k	1-5 yrs	\$5000
Furnishing	1 yr	\$2000	5 yrs	\$5000	5 yrs	\$5000	5 yrs	\$5000	1 yr	\$2000
Trafficking	1 yr	\$2000	10 yrs	\$20k	10 yrs	\$20k	10 yrs	\$20k	1 yr	\$2000

1. In addition to the above penalties, an offender can receive up to one-year probation for misdemeanor offenses, and up to 4 or 6 years for felonies.
2. The amount of marijuana will increase the penalties. For example, the penalties for trafficking are increased to up to 10 years in jail and a \$10,000 fine if the amount of marijuana is 20 pounds or more.
3. The amount of the drug possessed usually determines whether the crime is categorized as merely possession or possession with intent to furnish, traffic or commit aggravated trafficking.
4. Possession of any amount of some drugs, (heroin, crack cocaine, methadone), is classified as a felony and has the same penalties as trafficking.
5. The Court may order any person convicted of possession, furnishing or trafficking to pay a fine equal to twice the financial gain derived from the offense.
6. In the event a motor vehicle is used to facilitate a drug offense, an offender can have his license suspended for up to 5 years.

CRIME STATISTICS

Student Right-to-Know and the Campus Security Act

In accordance with the Federal Student Right-to-Know and Campus Security Act (Clery Act, S. 580), each institution of higher education is required to annually prepare a Uniform Campus Crime Report (UCCR) consistent with the FBI's Uniform Crime Reporting System (UCR). The report is to reflect the crime statistics on the property of the institution. The statistical crime categories to be reported are: homicide, rape, robbery, hate crimes, aggravated assault, arson, and motor vehicle theft, as well as arrests for: liquor law violations, drug abuse violations, and weapons possession violations.

2014 Amendments under the Violence Against Women Act (VAWA)

The Violence Against Women Reauthorization Act ("VAWA"), which President Obama signed into law on March 7, imposes new obligations on colleges and universities under its Campus Sexual Violence Act ("SaVE Act") provision, Section 304. Among the new or changed requirements:

1. Report instances of reported domestic violence, dating violence, and stalking beyond crime categories the Clery Act already mandates;
2. Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
3. Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

Fire Safety Statistics

The Student Right-to-Know Act includes a provision for the annual reporting of campus fire safety statistics and policy disclosures (much like the Clery crime statistics). The Public Safety Department has published these statistics in a separate annual report which may be accessed from the Security page of the campus website.

Crime Definitions

Murder – The willful (non-negligent) killing of one human being by another.

Manslaughter – The killing of another person through negligence.

Forcible Sex Offenses – Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Forcible sex offenses include:

Forcible Rape – the carnal knowledge of a person, forcibly and/or against a person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary permanent or physical incapacity (or because of his/her youth).

Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary permanent mental or physical incapacity.

Sexual Assault with an Object – The use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary permanent mental or physical incapacity.

Forcible Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary permanent mental or physical incapacity.

Non-forcible Sex Offenses – Unlawful, non-forcible sexual intercourse.

Non-forcible Sex Offenses include:

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery – the taking, or attempting to take, anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence, and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another where either the offender displays a weapon, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Burglary – The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

Arson – To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Liquor Law Violations – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possessing or use of intoxicating alcoholic beverages.

Drug Related Violations (Sale and Possession) – The unlawful cultivation, manufacture, distribution, sale, purchase, possession, transportation or importation of any controlled drug or narcotic substance. Or, the unlawful manufacture, sale, purchase, possession or transportation or equipment or devices used for preparing and/or taking drugs or narcotics (drug paraphernalia).

Weapon Law Violations – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Geography Definitions

Campus – (a) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

(b) Any building or property that is within or reasonably contiguous to the area identified in paragraph (a) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Residence Halls– A subset of crimes on campus that includes only those crimes that were reported to have occurred in dormitories or other residential facilities.

Non-campus building or property – (a) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(b) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Saint Joseph’s College of Maine has no properties matching the “Non-campus Property” classification-this category is not included in this ASR.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

CRIMINAL OFFENSES

Criminal Offense – On Campus	2011	2011	2013
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Forcible sex offenses	0	0	3
a) Dating Violence	0	0	1*
Non-forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	12	4	1
Motor vehicle theft	0	0	0
Arson	0	0	0

**Reported instances of “Dating Violence” are new to the law this year; this statistic, which was categorized based upon the reported event during calendar year 2013, is provided in good-faith in this format pending formal recommendation for future reporting in calendar years 2014 and beyond.*

Criminal Offense – On Campus – Residence Halls	2011	2012	2013
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	3
a) Dating Violence	0	0	1*
Non-forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	4	1
Motor vehicle theft	0	0	0
Arson	0	0	0

**Reported instances of “Dating Violence” are new to the law this year; this statistic, which was categorized based upon the reported event during calendar year 2013, is provided in good-faith in this format pending formal recommendation for future reporting in calendar years 2014 and beyond.*

Criminal Offense – Public Property	2011	2012	2013
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Non-forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Criminal Offense – Reported by State & Local Police	2011	2012	2013
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Non-forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	12	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

HATE CRIMES

There were no reported hate crimes (nor were any reported crimes determined to be acts of hate) for calendar years 2011, 2012, or 2013.

ARRESTS

Liquor Law Violations	2011	2012	2013
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On-campus	2	0	0
On-campus Student Residences	2	0	0
Public Property	0	0	0

Drug Law Violations	2011	2012	2013
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On-campus	0	1	0
On-campus Student Residences	0	1	0
Public Property	0	0	0

Weapons Possession	2011	2012	2013
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On-campus	0	0	0
On-campus Student Residences	0	0	0
Public Property	0	0	0

DISCIPLINARY REFERRALS

Liquor Law Violations	2011	2012	2013
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On-campus	224	168	205
On-campus Student Residences	224	168	205
Public Property	0	0	0

Drug Law Violations	2011	2012	2013
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On-campus	14	59	46
Student Residences	14	59	46
Public Property	0	0	0

Weapons Possession	2011	2012	2013
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On-campus	1	1	0
Student Residences	1	1	0
Public Property	0	0	0

For further information on campus safety and security issues

Please contact:

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