



CAL MARITIME

MEMORANDUM

SUBJ: Change 8 to the Student Handbook

1. The following changes to Section 1: Standards of Conduct for Students is effective commencing September 2, 2008:

2. CAUSES FOR DISCIPLINARY ACTION

- (A) Cheating or plagiarism or other forms of academic dishonesty in connecting with an academic program that are intended to gain unfair academic advantage.
- (B) Forgery, alteration or misuse of campus documents, records, or identification, or knowingly furnishing false information to a campus authority.
- (C) Misrepresentation of oneself or of an organization to be an agent of a campus.
- (D) Obstruction or disruption, on or off campus property of any member of the campus administrative process, or other campus function.
- (E) Conduct that threatens or endangers the health and safety on or off campus of any person or property within or related to the University community or of members of his or her family, including physical abuse, threats, intimidation, harassment, or sexual misconduct. For additional information see Policy Section: CMA Harassment Policy.
- (F) Theft of, misappropriation of university resources, or non-accidental damage to, campus property, or property in the possession of, or owned by, a member of the campus community.
- (G) Unauthorized entry into, unauthorized use of, or misuse of campus property.
- (H) On or off campus property, the use, sale, manufacturing, distribution of illegal drugs – related paraphernalia or misuse of legal pharmaceutical drugs except as expressly permitted by law and University regulations.
- (I) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals without prior authorization of the campus president on campus or at a university related activity.
- (J) Engaging in disorderly, lewd, indecent, or obscene behavior at a University related activity (on or off campus), or directed toward a member of the University community.
- (K) Abusive behavior directed toward, or hazing of, or conspiracy to haze, a member of the campus community.
- (L) Violation of any order of the President, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this section.
- (M) Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, or probation pursuant to this Section.

- (N) Misuse of computer facilities or recourses, including:
1. Unauthorized entry into a file, for any purpose
 2. Unauthorized transfer of a file
 3. Use of another's identification or password
 4. Use of computer facilities, campus network, or other resources to interfere with the work of another member of the University community
 5. Use of computing facilities and resources to send obscene or intimidating and abusive messages
 6. Use of computer facilities and resources to interfere with the normal University operations
 7. Use of computer facilities and resources in violation of copy write laws
 8. Violation of a campus computer use policy
- For further information, please refer to Policy Section: Electronic Mail Usage Agreement
- (O) Will, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off campus University related event.
- (P) Unauthorized recording, dissemination, or publication of academic presentations (includes handwritten notes) for a commercial purpose.
- (Q) Failure to comply with directions, or interference with, any university official or any public safety officer while acting in the performance of his/her duties.
- (R) Any act chargeable as a violation of federal, state, or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or possess a significant threat of disruption or interference with University operations.
- (S) Violation of the Student Conduct Procedures, including:
1. Falsification, distortion, or misrepresentation of information related to a student discipline matter
 2. Disruption or interference with the orderly progress of a student discipline proceeding
 3. Initiation of a student discipline proceeding in bad faith
 4. Attempting to discourage another from participating in the student discipline matter
 5. Attempting to influence the impartiality of any participant in a student disciplining matter
 6. Verbal or physical harassment or intimidation of any participant in a student discipline matter
 7. Failure to comply with the sanction(s) imposed under a student discipline proceeding
- (T) Encouraging, permitting or assisting another to do any act that could subject him or her to discipline.
- (U) For purposes of this article, the following terms are defined:
1. **"Campus"** and **"university"** are used interchangeably and both mean the California State University.
 2. **"Member of the university community"** means California State University trustees, employees, students, and university guests who are on university property or at a university related activity.
 3. **"Sexual misconduct"** means any non-consensual sexual intercourse, sexual assault, sexual exploitation, indecent exposure, or attempt to commit any of these acts.

4. **“Student Conduct Code”** means Section 41301 of Title 5 of the California Code of Regulations.
5. **“University official”** means any person employed by a campus, performing administrative or professional duties.
6. **“University property”** means:
 - a. real or personal property in the possession of, or under the control of, the Board of Trustees of the California State University, and
 - b. all campus facilities whether utilized by the university or a campus auxiliary organization.
7. **“University related activity”** means any sponsored by, coordinated with, or directly affecting the university’s regular functions.
8. **“Working day”** means any day of the academic year, summer session or special session, other than a Saturday, Sunday, or academic holiday as that term is defined in Section 42800 of Title 5 of the California Code of Regulations.
9. **“Crime of violence”** includes arson, assault offenses, burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible and non-forcible sex offenses.
10. **“Deadly weapon”** means any instrument or weapon of the kind commonly known as blackjack, sling shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, and knife having a blade longer than five inches, and razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
11. **“Behavior”** includes conduct and expression.
12. **”Hazing”** is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current or perspective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6), and in addition any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current or perspective student of any school, community college, college, university or other educational institution. The term “hazing” does not include customary athletic events or school sanctioned events.
Neither the express or implied consent of a victim of hazing, or the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.

3. By Order of the President of The California Maritime Academy, the following conduct is also prohibited

- (A) Violation of CMA Policy on Use of Alcoholic Beverages, including unauthorized possession, use, manufacturing, distribution of alcoholic beverages, public intoxication while on campus, at a University related activity or aboard the training ship or any other craft owned, operated or otherwise in the custody of the California Maritime Academy. Furnishing alcohol to any student less than 21 years of age.

- (B) Violation of CMA Drug Testing Policy and Procedures, including failure to pass a drug or alcohol test, refusal to test, or specimen adulteration. For additional information, please refer to Policy Section: Drug Testing Policy.
- (C) Failure of the Academy Professional Development Training Program by exceeding the Academy demerit limit by accumulating more than 75 demerits in a given semester or 125 demerits in an academic year, or a totally of 350 demerit during the academic career of any student.
- (D) Violation of the Student Housing License Agreement by on campus residents. (See CMA Guide to On-Campus Living)
- (E) Any policy of the campus duly promulgated within the Student Handbook, Academic Catalog, or Policy Manual.

8. SANCTIONS

- (F) Disciplinary Probation – A designated period of time during which the privileges of continuing in student status are conditioned upon future behavior. Conditions may include, for example, the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate any university rule during the probationary period. Additionally, while on a probationary status, participation in commercial cruise, co-op or internship programs may be restricted.

10. CONFIDENTIALITY

Records created during the student disciplinary process are “education records” under the Family Educational Rights and Privacy Act of 1974 and protected from production to third parties without the consent of the student charged. FERPA allows a campus to notify an alleged victim of “a non-forcible sex-offense” or a “crime of violence,” as it defines that term, of any disciplinary action. However, the California Information Practices Act prohibits the disclosure of all “personal information” without the consent even in a student disciplinary proceeding.

2. The following changes to Section 2: Student Conduct Proceedings is effective commencing September 2, 2008:

1. INVESTIGATION

- (A) Whenever it appears that the Standards of Conduct for Students has been violated, a complaint should be directed to the Student Conduct Administrator or Facilitator as soon as possible after the events take place. The complaint can be oral or in writing.
- (B) The Student Conduct Administrator ensures the investigation of each complaint submitted and determines whether it is appropriate to charge a student with violation of the Standards of Conduct for Students. The Student Conduct Administrator is not prohibited from initiating and investigation if a formal complaint has been files; he/she may investigate any matter in which he/she believes there may have been a violation of the student conduct code.

6. APPEALS

(A) RIGHT TO APPEAL

The right to appeal the decision or disciplinary sanction is provided for as follows:

1. The appeal must be executed in writing, on a form provided by the Student Conduct Administrator for that purpose, within three working days of receipt of the decision of the hearing board. The petition must state that exact grounds for appeal, and provide sufficient documentation to permit a determination of the merits of the appeal. The appeal timeline aboard the TSGB Cruise is reduced to 24 hours.
2. The designated appeals board or appeals officer shall determine within five working days of its receipt whether the appeal meets the procedural requirements of this section in terms of form, notice, and grounds. An appeal failing to meet these requirements shall be terminated, with the appellant being notified of this action.

(B) GROUNDS FOR APPEAL

1. Grounds for appeal of the decision of a hearing board or the imposition of a disciplinary sanction by a hearing board are limited exclusively to the following:
 - (a) The hearing board (or one or more of its members) was substantially biased toward the accused, making a fair hearing unlikely;
 - (b) There is significant new evidence supporting the accused that was not available for presentation at the time of the hearing (Note: evidence that was available but not presented at the hearing is not new evidence);
 - (c) The hearing board failed to follow prescribed procedures, making a fair hearing unlikely; or,
 - (d) The disciplinary sanction is unreasonable and/or inconsistent with past disciplinary actions of the Academy.
2. When the disciplinary sanction of a hearing board includes a suspension and expulsion, the grounds for appeal of the decision may also include the consideration of extraordinary personal circumstances in mitigation or extenuation.

(C) APPEAL PROCEDURES

The Student Conduct Administrator shall set a review date for the appeal within a reasonable period of time of its receipt. The procedure of the appeal board is as follows.

1. Determine whether or not appeal meets the procedural requirements of this section in terms of form, notice, and grounds.
2. Review the written appeal of the student and the hearing summary of the chairman.
3. Determine whether to interview the student concerning the appeal.

The appeals board shall then render decision within five working days of reviewing the appeal, and may:

1. Affirm, in whole or in part, findings and disciplinary sanctions of the body having jurisdiction over the case;
2. Reduce the severity of the penalty;
3. Overturn the findings; or
4. Order a new hearing.

In accordance with Section 1.4.(E)3., the President has final jurisdiction over actions of suspension and expulsion arising from the Discipline Review and Investigating Committee that have first been reviewed by the Academy Board (campus) or the Commanding Officer of the Training Ship (annual training cruise).

8. SANCTIONS

D. Parental Notification - The 1998 Higher Education Amendments added a new exception to FERPA and California Information Practices Act, allowing higher education institutions to disclose to a parents of a student under the age of 21 regarding a violation by their child of laws or University policy relating to alcohol or drug use or possession

3. As recommended by the Corps Executive Team and approved by the Uniform Committee, the following addition to Section 3: Uniform Regulations is effective commencing September 2, 2008:

(4) WORK UNIFORMS:

- (i) Approved Divisional Patches: Students are authorized to wear their approved divisional patch on work uniforms. The patch shall be worn as follows:
- (1) Sewn on the right sleeve of work uniforms and boiler suits only with the top of the patch 1 ¼ inches from the seam of the shoulder.
 - (2) No modifications are allowed to the authorized patch.
 - (3) The wearing of divisional patches is prohibited on any other uniform item.

All other provisions remain in effect.