

MARION MILITARY INSTITUTE



ANNUAL SECURITY REPORT

2009

CAMPUS SAFETY AND SECURITY
OFFICE OF THE COMMANDANT OF CADETS

PREPARED FOR:

CORPS OF CADETS, STAFF, FACULTY, ADMINISTRATION, AND
THE SURROUNDING COMMUNITY-AT-LARGE

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INFORMATION ABOUT THIS REPORT

This report is prepared annually and contains information addressing campus security policies, procedures, and programs indexed by categories for cadets (students) and others to report or respond to criminal actions or other emergencies on campus. In general, the report will focus on policies and practices unique to Marion Military Institute (MMI) in regards to:

- How students and employees should report criminal actions or other emergencies occurring on campus;
- Security of and access to facilities; and
- Campus law enforcement/security.

The number one priority of every member of the faculty, administration, and staff at MMI is to ensure a safe and healthy environment for cadets (students) to learn and live. Academic, financial, and geographical considerations along with a safe and secure environment are factors in the decisions students and their families make when choosing a postsecondary institution for their education.

The *Crime Awareness and Campus Security Act* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965* (HEA) was enacted by the U.S. Congress in 1990. This act required all postsecondary institutions to disclose campus crime statistics and security information. The act was amended further in 1992, 1998, and again in 2000. The amendments of 1998 renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*, (known as “The Clery Act”). The act is intended to provide accurate, complete, and timely information about campus safety and security to students, their families, as higher education consumers so they can make informed decisions.

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SUMMARY OF THE JEANNE CLERY ACT

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Violators can be "fined" up to \$27,500 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.



The Clery Act, originally enacted by Congress and signed into law by President George Bush in 1990 as the **Crime Awareness and Campus Security Act of 1990**, was championed by Howard & Connie Clery after their daughter Jeanne (pictured to the left) was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

TIMELY WARNINGS

Timely notification of personnel on campus and the surrounding community can be issued for threats to property, as well as threats to persons. All of us want to be alerted to potentially dangerous situations near our homes or workplaces so necessary precautions can occur. The Marion Police Department keeps MMI informed on an immediate basis that might require timely warnings.

Warnings are issued as soon as appropriate and/or when reliable information is available. The intent for any warning to be “timely,” it is to accurately alert the campus community of threats concerning any aspect which compromises safety and security to enable them to protect themselves. Decisions are made on a case-by-case basis in light of all the facts surrounding the circumstances, including factors such as the nature of the threat, the continuing danger to the campus community, and the possible risk of inhibiting law enforcement response(s).

Circumstances for which a warning would be issued include situations such as: fire evacuation, lockdown, safety of an individual or group of individuals, active/random shooter (or threat), intruder, bomb threat, or severe weather, to name a few. The only safety or security issues exempt from timely warnings are those reported to professional counseling staff. This is the only exception.

Alert systems and general communication resources in the event of a crisis or emergency situation affecting the campus at MMI is the combined responsibility of every person available to take immediate action. The Commandant of Cadets has oversight of Campus Safety and Security and has primary responsibility in issuing timely warnings. However, issuing timely warnings is also a shared responsibility of the Campus Emergency Response Team (CERT). This team is comprised of the following:

- President
- Vice President/Academic Dean
- Commandant of Cadets
- Chief Financial Officer
- Superintendent of Buildings and Grounds
- Chief, Campus Safety and Security
- Director/Coordinator of Public Information
- Director of Information Technology

In the event a situation arises, either on or off campus, that, in the judgment of the senior CERT team member on campus, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. Depending on the circumstances, especially in all situations that could pose an immediate threat to the community and individuals, the Director/Coordinator of Public Information may also post a notice on the main page of the Institutes website. Alert and communication systems used to disseminate timely warnings are driven by circumstances. The following systems (along with a brief description of each) are available to members of the CERT at Marion Military Institute.

Alert Systems

Public Address (PA) System- The MMI public address system is the primary means to issue timely warnings and provide verbal instructions.

City/County Weather Siren- the City of Marion and Perry County maintain weather alert sirens audible throughout MMI's campus. This system is activated from the Marion Police Department in the event that a tornado warning has been issued in the immediate vicinity, or when a sighting has occurred.

Megaphones- Hand-held megaphones are available to the CERT to augment communications during crisis management and assist in timely warnings.

Communication Systems

Telephone (611) Intercom System- This is another primary method to issue timely warnings. Additionally, the traditional telephone system is also available for on-campus and off-campus communications.

IT Network- Campus e-mail and website postings are effective methods of providing critical information to personnel on-campus and to the campus community and parents.

SchoolCast- The SchoolCast System has the capability to instantaneously post text messages and e-mails on select groups of cellular phones and computers.

Two-way Radio- Communications between campus officials and local and regional emergency management responders are used as situations warrant.

Weather Radios- Emergency weather radios are located in several locations across campus with primary and constant monitoring in the Commandant's Office (the location of the Chief, Campus Safety and Security).

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information, in case of an emergency, can be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of campus law enforcement to issue a timely warning, FERPA is not implicated, as those records are not protected by FERPA.

ANNUAL DISCLOSURE OF CRIME STATISTICS

The Assistant Commandant for Support and Chief, Campus Safety and Security within the Office of the Commandant, prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report (to include statistics) can be located on our website at <http://www.marionmilitary.edu/about-mmi/about-mmi-security.da>. You will also be able to connect to this page by accessing our main webpage at <http://www.marionmilitary.edu/admin/index.da>. This report is prepared in cooperation with local law enforcement agencies surrounding campus, Assistant Commandant for Operations, and the Director of Institutional Research. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to the Chief, Campus Safety and Security, designated campus officials (including but not limited to directors, department heads, VP/Academic Dean, designated Commandant of Cadet staff [Teach, Advise, Counsel- TAC Officers], advisors to students/student organizations, athletic staff), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled cadets, staff, faculty, and administration personnel that provide the web site to access this report. Copies of the report may also be obtained at the Office of the Commandant, Assistant Commandant for Support, Building two (2) or by calling (334) 683-2325. All prospective employees may obtain a copy from Human Resources in Building 10 or by calling (334) 683-2363. A separate link on the Institutes website contains the year's crime statistics report as an external and stand-alone document.

REPORTING CRIMINAL OFFENSES

To report a crime, an unsafe act, or issue related to the safety and security of any person at any time:

Contact the Chief, Campus Safety and Security (334) 683-2330 or (334) 683-2324 (non-emergencies), dial 9-1-1, (334) 683-9071 for the Marion Police, or (334) 683-6534 for the Sheriff's Department (emergencies). Any suspicious activity or person(s) seen in parking lots, loitering around vehicles, inside buildings, or in and around any barracks, should be reported to the Chief, Campus Safety and Security or to the following:

OFFICE	PHONE NUMBER AND LOCATION
Office of the Commandant	(334) 683-2322 Commandant's Office/Guard House, Building 2
Vice President/Academic Dean	(334) 683-2303 Administration, Building 3
Chief Financial Officer	(334) 683- 2314 Administration, Building 3
Superintendent, Buildings and Grounds	(334) 683-2367 Buildings and Grounds Operations Center (behind Soccer Field)

Victims or witnesses of crimes may report incidents to any of the above personnel at any time. Additionally, information may be reported on a voluntary and confidential basis for inclusion in this annual security report to:

OFFICE	PHONE NUMBER AND LOCATION
Director, Counseling Services	(334) 683-22354 The Campus Center/Bookstore, Building 13

SECURITY AND ACCESS TO CAMPUS FACILITIES

During normal business hours, the Institute (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non business hours access to most facilities is by key, if issued, or by admittance via the Chief, Campus Safety and Security, the Officer-in-Charge, or designated personnel on the Commandant of Cadets staff. In the case of periods of extended closing, the Institute will admit only those with prior written approval. It is also during extended periods when classes are not in session (i.e., spring break, Christmas exodus, during summer break, to name a few), the barracks will be secured around the clock and will be equipped with a lock separate from the regular key issued to staff having oversight of the Cadets. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Ireland Athletic Center, Alumni Gym, Baer Memorial Library, and the Campus Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. Areas found to be problematic are reviewed on a case-by-case basis with analysis of the situations and circumstances that warrant such. Administrators from the Vice President/Academic Dean's Office, Buildings and Grounds, Director of Institutional Research, the Commandant of Cadets, and other relevant persons review issues regularly. These case-by-case analyses examine security issues such as locks, alarms, lighting, and communications. Additionally, during the academic year, the Supervisor, Buildings and Grounds, Vice President/Academic Dean, Commandant of Cadets, and other key personnel conduct weekly executive staff meetings and discuss issues of pressing concern.

CAMPUS LAW ENFORCEMENT

Marion Military Institutes Chief, Campus Safety and Security have the authority to ask persons for identification and to determine whether individuals have lawful business at MMI. The Chief, Campus Safety and Security, along with the Transportation Officer, Officer-in-Charge, and other designated personnel on the Commandant's staff, have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Safety and Security officers **do not** possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Campus Safety and Security Office at Marion Military Institute maintains a highly professional working relationship with the Marion Police Department and surrounding police jurisdictions. All crime victims and witnesses are strongly encouraged to report incidents immediately to the Campus Safety and Security Office and the appropriate police agency will be notified. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Chief, Campus Safety and Security (CCSS) or any member of the Commandant's Office in a timely manner. To report a crime or an emergency on the campus of Marion Military Institute, call the CCSS at extension 330 or, from outside the campus phone system, (334) 683-2330. To report a non-emergency security or public safety related matter, call the CCSS at extension 330 or, from outside the Campus phone system, (334) 683-2330. All MMI incident reports are forwarded to the Commandant of Cadets and the Vice President/Academic Dean for review and any follow-on action(s) by staff, administration, or the Cadet Honor Council.

CONFIDENTIAL REPORTING PROCEDURES

Because of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and therefore; are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; when they deem it appropriate, to inform persons counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. The rulemaking committee defines counselors as:

Pastoral Counselor

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Marion Military Institute Counseling Services are located in The Campus Center, Building 13 and may be contacted by dialing extension 354 or 391 from an on-campus telephone, or (334) 683-2354/2391 from outside the campus phone system.

SAFETY AND SECURITY AWARENESS PROGRAMS

During in-processing/orientation in August, students are provided their own copy of the Marion Military Institute Cadet Manual (referred hereafter as The Cadet Manual). Safety and security procedures and services are addressed in the Cadet Manual as such:

- A.** Cadets at MMI have the responsibility to help contribute to the safety and security of the campus. Individuals and organizations should take reasonable precautions for the safety and well-being of all members of the MMI community.
- B.** Possession of weapons by cadets is not permitted anywhere on campus. See the Firearms, Knives, Ammunition, or other Weapons subsection of this Manual.
- C.** Disciplinary action will be taken for:
 - 1)** The misuse of fire extinguishers or other safety equipment.
 - 2)** The possession or use of ammunition, firearms, or weapons on MMI property.
 - 3)** Conduct that endangers the health and safety of other persons on campus.
 - 4)** Possessing, igniting, or detonating any explosive device, firework, liquid, or object which is flammable and/or could injure persons, damage property, or disrupt campus activities.
- D.** See the Motor Vehicles; Fireworks or Explosives; and Fires or Bomb Threats; Severe Weather Procedures subsections, and the Barracks Standard Operating Procedures section of this Manual.

Each semester, new cadets participate in the four-week Recruits On Campus (ROC) program. Throughout this period, new students are required to learn and demonstrate their understanding of key information outlined in the Cadet Manual by reciting from memory. Additionally, designated staff presentations outline ways to maintain personal safety and residence hall security as well as the following topics: hazing, sexual harassment/assault, drug and alcohol awareness program, health/hygiene and sexual transmitted disease prevention. Students informed about crime on-campus and in surrounding neighborhoods and specific “off-limits” areas. Similar information is presented to new employees, which can be found in the Staff and Faculty Handbook. Periodically during the academic year, the Commandant’s Staff present crime prevention and awareness sessions on sexual assault (rape and acquaintance rape), prescription medication abuse, theft, and vandalism, as well as educational sessions on personal safety and barracks security.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to these presentations, information is disseminated to students and employees through, safety and security alert posters, electronic mail, and verbally at Corps of Cadet formations. When time is of the essence, information is released to the MMI community through security alerts posted prominently throughout campus, through computer memos sent through the institute’s electronic mail system, a telephonic broadcasting system, and campus public address system. Marion Military Institute does not have specific on-going crime prevention programs on personal safety and theft prevention as many traditional non-military institutions do, however; we plan to continue to educate all cadets with the methods described above while we create even more informative and regular programs in the near future.

CRIMINAL ACTIVITY OFF CAMPUS

When a Marion Military Institute cadet (student) is involved in an off-campus offense, Chief, Campus Safety and Security along with the Commandant of Cadet staff may assist with the investigation in cooperation with local, state, or federal law enforcement. The Marion police and law enforcement agencies in surrounding municipalities routinely work and communicate with the MMI Chief, Campus Safety and Security on any serious incidents occurring off-campus or on-campus as well as in the immediate neighborhood and business areas surrounding campus. Marion Military Institute operates no off-campus housing or off-campus student organization facilities. While Marion police have primary jurisdiction in all areas both on-campus and off campus, MMI Chief, Campus Safety and Security and Commandant Staff can and do respond to student-related incidents. MMI Chief, Campus Safety and Security have direct radio communications with the city police, fire department, and ambulance services to facilitate rapid response in any emergency.

CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES

MMI Alcohol and Drug Policy and Alabama state law govern the possession, sale, or the furnishing of alcohol on the Marion Military Institute campus. The [Alabama Department of Alcohol and Beverage Control \(ABC\)](#) controls the laws regarding the possession, sale, consumption, or furnishing of alcohol. However, the enforcement of alcohol laws on-campus is the primary responsibility of the Commandant of Cadets and the Chief, Campus Safety and Security. The MMI campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted in any facility on campus. Some circumstances in which alcoholic beverages are permitted include events hosted by and/or approved by the Institute President and consumption is authorized only for non-cadets of legal age. These events are always organized and sponsored by the Institute and NOT any cadet organization or cadet athletic event. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the MMI Commandant of Cadets, Chief, Campus Safety and Security, the Commandant’s Staff, as well as the Marion Police Department. Violators are subject to MMI disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to any person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. This prohibition also applies to the MMI Golf Course, includes possession of empty containers and is a violation of the MMI Drug and Alcohol Policy (a Category II offense) under the disciplinary rules and regulations outlined in The Cadet Manual. Cadets who are 21 years of age or older are permitted by state law to consume alcohol, but ONLY when off campus and NOT in uniform. Cadets suspected of alcohol abuse will be subject to a breath test administered by school authorities and additional actions as the circumstances dictate.

A violation of any law regarding alcohol is also a violation of the Institute’s Cadet Manual (Student Code of Conduct) and will be treated as a separate disciplinary matter

ILLEGAL DRUGS

The MMI campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted (see previous section on “Consumption and Possession of Alcoholic Beverages”). The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by MMI staff, faculty, and administration. Violators are subject to Institute disciplinary action, criminal prosecution, fine and imprisonment.

ALCOHOL AND SUBSTANCE ABUSE EDUCATION

PREVENTION PROGRAMS

The Institute has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and disciplinary actions. However, many educational services are available from other areas of the institution. These include:

Alcohol and Drug Education: Cadet Health Center, Human Resources.

Counseling Services: Director, Counseling Services, Transfer Services Coordinator, College Nurse.

Referral Services: Director, Counseling Services, Transfer Services Coordinator, Commandant’s Staff.

Disciplinary Actions: Commandant’s Office, Cadet Honor Council.

LOCAL, STATE & FEDERAL LEGAL SANCTIONS

Legal Sanctions – Laws Governing Alcohol

The State of Alabama sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the [Alcohol Policy Information System](#).

A violation of any law regarding alcohol is also a violation of the Institute’s Cadet Manual (Student Code of Conduct) and will be treated as a separate disciplinary matter

CADET EDUCATION OBJECTIVES (excerpt from the [MMI 2009-2010 Cadet Manual](#))

MMI offers drug, including alcohol, education to cadets. Drug education includes the distribution of information about types and possible effects of drugs, legal sanctions under local, State and Federal law, and available counseling services.

- A. Types of Drugs and Possible Effects
1. Stimulants speed up actions of the central nervous system.
 - a) Amphetamines may cause hallucinations. Tolerance, psychological, and sometimes-physical dependence can develop. Continued high doses can cause heart problems, malnutrition, or death.
 - b) Cocaine may cause confusion, depression, and hallucinations. Tolerance and physical dependence can develop. Effects are unpredictable convulsions, coma, and death. Nasal membranes may be destroyed.
 2. Depressants relax the central nervous system. Barbiturates, Tranquilizers, and Methaqualone may cause confusion and loss of coordination. Tolerance, physical and psychological dependence can develop. An overdose can cause coma and death. Depressants taken in combination with alcohol are especially dangerous.
 3. Cannabis alters mood and perception. Marijuana and Hashish may cause confusion and loss of coordination. Long-term use may cause moderate tolerance and physical dependence.
 4. Hallucinogens temporarily distort reality.
 - a) Lysergic Acid Diethylamide (LSD) may cause hallucinations and panic. Effects may recur (“flashbacks”) even after use is discontinued.
 - b) Phencyclidine (PCP) may cause depression, hallucinations, confusion, and irrational behavior. Tolerance develops. An overdose can cause convulsion, coma, and death.
 - c) Mescaline, MDA, DMT, STP, and Psilocybin. “Designer Drugs” have effects similar to LSD.
 5. Narcotics increase pain tolerance. Heroin, Morphine, Codeine, and Opium may cause lethargy, apathy, loss of judgment and self-control. Tolerance and physical and psychological dependence can develop. An overdose can cause convulsions, coma, and death. Risks of use include malnutrition, infection, and hepatitis.
 6. Deliriums cause mental confusion. Aerosol Products, Lighter Fluid, Paint Thinner, Amyl Nitrate and Other Inhalants may cause loss of coordination, confusion, and hallucinations. An overdose can cause convulsions and death. Psychological dependence can develop. Permanent damage to the lungs, brain, liver, and bone marrow may result.
 7. Alcohol is a powerful depressant. Long-term, heavy drinking is linked to cancer, heart and liver damage, and other serious illnesses. Tolerance and physical and psychological dependence can develop. Even small amounts affect judgment, reaction time, and depth perception.

A violation of any law regarding alcohol is also a violation of the Institute's Cadet Manual (Student Code of Conduct) and will be treated as a separate disciplinary matter

- B. Legal Sanctions Under Local, State, and Federal Law for the unlawful possession or distribution of illicit drug and alcohol beverages may include:
1. Possession, use, or distribution of alcoholic beverages
 - a) It is unlawful for persons under twenty-one years of age to purchase, consume, possess, or transfer alcoholic beverages within the State of Alabama. Penalties for conviction of such charges may include confinement.
 - b) Public intoxication, driving under the influence of alcohol or the unlicensed sale of alcoholic beverage is also unlawful. Penalties for such convictions may include suspension of driver's license, requirement to complete alcohol rehabilitation program, fines, community service, and confinement.
 2. Possession of controlled or illicit drugs.
 - a) Possession of a small amount of marijuana for personal use is a misdemeanor punished by a prison sentence up to one year or a fine of up to \$2,000 or both.
 - b) Possession of marijuana for other than personal use, or a second conviction for personal use only, is a felony punishable by a prison sentence of at least one but not more than ten years or a fine of up to \$5,000 or both.
 - c) Possession of more than 2.2 pounds of marijuana is considered "drug trafficking" punishable by a minimum prison sentence of three years and a fine of at least \$25,000.
 3. Sale of controlled or illicit drugs.
 - a) Sale of any controlled substance (e.g., Adderall, Ritalin) is a felony punishable by a prison term of two to twenty years or a fine of up to \$10,000 or both.
 - b) Sale or distribution (even for not charge) of a controlled substance by a person over the age of 18 is a felony punishable by prison term of ten years to life imprisonment or a fine of up to \$20,000 or both.
 - c) Sale of large amounts of drugs is considered "drug trafficking" punishable by a prison term of at least three years and fines from \$50,000 to \$500,000.
 - d) Sale or distribution (even for no charge) of a controlled substance within three miles of any school (including college) is punishable by a mandatory sentence of five years in addition to the penalties listed above.

ONLINE EDUCATIONAL RESOURCES

Numerous resources on the internet provide useful information for students, staff, administration, and parents regarding alcohol and drug abuse programs. The following are just a few resources:

- Alcohol Abuse Prevention (<http://alcoholfacts.org/>)
- American Council for Drug Education (<http://www.acde.org/>)
- National Institute on Drug Abuse (<http://www.nida.nih.gov/>)
- U.S. Department of Health and Human Services (<http://ncadi.samhsa.gov/>)

A violation of any law regarding alcohol is also a violation of the Institute's Cadet Manual (Student Code of Conduct) and will be treated as a separate disciplinary matter

SEX OFFENSES

Definition:

The FBI's National Incident-Based Reporting System (NIBRS) edition of the Uniform Crime Report (UCR) defines a sex offense in general as *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.*

SEXUAL ASSAULT PREVENTION AND RESPONSE

Marion Military Institute educates the student community about sexual assault and date rape throughout the year during our mandatory Honor and Respect Program. This program hosts guest speakers on a variety of topics to include those addressed in this report. Literature on date rape education and risk reduction is available through the Director, Counseling Services. If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Chief, Campus Safety and Security strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the Chief, Campus Safety and Security, Director, Cadet Health Center, Officer-in-Charge, and/or a Teach, Advise, Counsel (TAC) Officer. Filing a report with the Campus Safety and Security Office will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim,
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam),
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the Campus, Safety and Security Office, appropriate local law enforcement authorities will be notified as well as the Director, Cadet Health Center (on campus dial 378 and off-campus dial 334-683-3378), and the Director, Counseling Services. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the Cadet Honor Council, or only the latter. The Director, Counseling Services will guide the victim through available options and support the victim in his or her decision. Additional counseling and support services are available through local and regional support services. MMI disciplinary proceedings, as well as detailed guidelines regarding sexual assault, sexual misconduct, and sexual harassment can be referred to in the [MMI Cadet Manual](#) on pages 56-59. On the next page of this report, you will find these exact pages extracted for your convenience.

A student found guilty of violating these policies could be criminally prosecuted in the state courts and will be dismissed or expelled from the Institute. MMI *will* change a student victim's academic and/or living situations after an alleged sex offense, when the options for those changes are requested by the victim and are reasonably available.

SEXUAL ASSAULT (excerpt from the [MMI 2009-2010 Cadet Manual](#))

MMI is committed to creating a community, which promotes the mutual respect of its members and is supportive of students and employees who are subject to sexual assault. Rape is an offense that is committed against both men and women.

A. Definition

Sexual assault is defined as any form of sexual contact without the consent of all parties involved to include:

- 1) Sexual intercourse committed by physical force, coercion, threat or intimidation, actual or implied by a person, persons known, or unknown to the victim.
- 2) Attempted intercourse, sexual contact, or physical force of a threatening nature, expressed or implied, that places a person in fear of immediate death or physical injury known or unknown to the victim.
- 3) All other forms of sexual misconduct, which violate state and/or federal law now or subsequently in effect including, but not limited to, conduct defined as rape, sodomy, sexual abuse or sexual contact to include conduct contributing to the delinquency of a minor. A person may be deemed not to have knowingly and voluntarily consented if, at the time of the offense, the person is incapable of giving consent because of mental incapacitation, physical impairment, alcohol or drug consumption, or loss of consciousness. **To clarify, in some states, even if the “victim” consents to sexual intercourse, the act may still constitute rape if he/she is under the influence of alcohol or illegal drugs even if freely taken.**

B. Reporting Process

MMI strongly encourages individuals to report sexual assaults to the appropriate authorities and officials. Reporting an assault is the only way that action can be taken against the alleged attacker. Students may report their concerns to the President, Commandant of Cadets, TAC, the Director of Counseling, or the Vice President and Dean for Academic Instruction. Upon the person's request, these officials or their designees will assist in notifying proper law enforcement officers. In any case, the President will be notified immediately.

C. Medical and Counseling Support Services

It is very important to obtain immediate medical care following a sexual assault to provide for the victim's well-being and to document, collect, and properly preserve physical evidence. Individuals should seek medical care immediately, whether or not the crime is reported. In addition to care of obvious injuries, medical attention is needed to protect the victim from sexually transmitted diseases or the possibility of pregnancy.

D. What to do if Sexually Assaulted

- 1) Get to a safe place immediately. After experiencing a traumatizing event such as rape, it is important to find a place where you feel comfortable and safe from harm. This location could be a friend's room, the police station, or the local hospital (Selma).
- 2) Call the police as soon as possible. If you are on campus and call 9-911, the local police will come to the Guardhouse. If you are off campus and call 911, the local police will respond to your call. By calling the police, you are reporting the crime that was committed against you, as well as seeking the protection of the police.
- 3) Call someone who can be with you. If you do not want to call a friend to accompany you to the hospital or police station, call the TAC, Director of Counseling or a faculty or staff member.
- 4) Preserve all physical evidence. If possible do not bathe, douche, eat, drink, smoke, urinate, brush your teeth, or change your clothes. Do not disturb anything in the area where the assault occurred. If you have changed your clothes, take the clothes you were wearing at the time of the rape to the hospital in a bag.
- 5) Seek medical attention. You may have sustained injuries from the attack or contracted a sexually transmitted disease. Therefore, the sooner you seek medical attention the better. The Cadet Health Center (CHC) will be able to assist you with making appointments. During non-business hours or for the purpose of evidence collection, the local hospital emergency room is preferred. Emergency room personnel can treat you not only for injuries and sexually transmitted diseases, but also can administer a Physical Evidence Recovery Kit (PERK), which gathers the physical evidence in the event criminal and/or civil charges are filed.
- 6) Seek follow-up counseling. Whether or not you report the assault or prosecute, a trained counselor can help deal with the emotional trauma of an assault.

E. MMI Disciplinary Procedures

In addition to charges being brought in criminal or civil court, MMI will seek recourse through the MMI disciplinary process. To bring charges of sexual battery or rape against another cadet, a cadet must initiate the process by contacting the President, Commandant of Cadets, the Director of Counseling, Vice President and Dean for Academic Instruction, or TAC. If the accused is found guilty of the alleged sex offense, dismissal, or expulsion from MMI will occur.

SEXUAL HARASSMENT

MMI has a moral obligation to the Corps of Cadets, staff and faculty to provide an environment that is free of sexual harassment. Sexual harassment will not be tolerated or condoned. Violation of this policy will result in disciplinary action up to and including dismissal or termination when involving employees of MMI. Sexual harassment is an offense that is committed against both men and women.

A. Definition

For general purposes, sexual harassment is defined as unwelcomed or unwanted sexual advances or conduct be they verbal, visual, or physical in nature. Harassment occurs when submission to or rejection of this conduct is used as a basis for decisions affecting a cadet's

standing, reputation, evaluation, position or promotion. It also occurs when unwelcomed sexual conduct interferes or creates an intimidating hostile or offensive working, or learning environment for cadets, staff, or faculty.

Examples of sexual harassment include, but are not limited to:

- 1) direct or implied demands for sexual favors in exchange for preferential treatment
- 2) sexual flirtations
- 3) propositions
- 4) repeated sexual teasing
- 5) joking
- 6) touching
- 7) pinching
- 8) leering
- 9) whistling
- 10) brushing against another's body
- 11) assault or forced sexual acts
- 12) verbal abuse of a sexual nature such as:
 - commenting about an individual's body sexual prowess
 - desires or deficiencies
 - displaying objects, drawings, or photographs that are sexual in nature
 - offense in language or gestures

Sexual harassment, whether committed by a student, employee, or non-employee, is unacceptable behavior at MMI on or off campus and will be dealt with by the President.

Consequences will be serious!

B. Incidents Involving Sexual Harassment

MMI encourages any cadet who believes he/she is being sexually harassed, regardless of who the offender is, to firmly address the offender stating that the behavior is offensive and unacceptable. This confrontation permits an informal resolution. In situations where a cadet is subordinate or direct confrontation is ineffective or unlikely given the circumstances, the cadet should immediately, without hesitation, report the incident to the President, Commandant of Cadets, Director of Counseling, Vice President and Dean for Academic Instruction, or TAC.

Any cadet who feels he/she has been sexually harassed or is currently being harassed, should, in writing, document the offensive behavior in order to support allegations. This documentation should include the date, location, frequency, witnesses and details of the harassment. Confidentiality is necessary to protect the cadet who is reporting sexual harassment from intimidation, retribution, or discrimination from any other cadet who has knowledge of the harassment, and to protect the cadet, and the cadet's standing and reputation from being wrongly charged with sexual harassment. Any cadet who assists in coercion, retaliation or discriminating behavior against any cadet for reporting the incident or for assisting in an investigation is subject to the same discipline as the harassing cadet.

The process and investigation of a complaint will follow the investigation process and procedures outlined in the [Faculty and Staff Handbook](#).

SEX OFFENDERS

ADVISING THE CAMPUS COMMUNITY ABOUT SEX OFFENDERS

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, this amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne *Cleary Act* and the Family Educational Rights and Privacy Act of 1974, the Marion Military Institute Office of Campus Safety and Security is providing a link to the [Alabama Department of Public Safety Sex Offender Registry](#). This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the state of Alabama, the offenders are responsible for notifying local law enforcement of any changes in residency or employment. Each year, during the offender's birth month and six months after a form is mailed from the Alabama Bureau of Investigation (ABI) office to the last known address of the offender. Local law enforcement staff register the offenders and forwards the information to ABI for entry into the ABI state repository.

Additionally, institutions of higher education ARE required to inform the campus community where sex offender information can be *accessed*, however; the institution is NOT required to disseminate sex offender information throughout the community. The intention of this requirement is to afford our campus community the same availability of information about registered sex offenders as they would have in their home communities under Megan's Law. This information can be accessed at: <http://www.criminalcheck.com/>. The zip code to search is 36756.

WHAT ABOUT FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AS IT RELATES TO SEX OFFENDER INFORMATION?

The Federal Educational Rights and Privacy Act does not prohibit an educational institution from disclosing information about registered sex offenders without prior written consent or other consent from the individual.

MARION MILITARY INSTITUTE CAMPUS MAP

MMI's campus encompasses 126 acres including: a lighted football field and track, baseball and softball fields, nine-hole golf course, soccer field, six tennis courts, and twenty-six air-conditioned buildings. The campus (student) center contains a snack bar, wide-screen television room, pool tables, table tennis, video games, barber shop, mailroom, and MMI Thrift Store for the convenience of our students. A multipurpose athletic center houses a large stage for drama and other performances, a 25-meter indoor swimming pool, racquetball court, and weight room equipped with universal, nautilus and free weights, indoor rifle range, and a collegiate basketball court.



1- Oak View, President's Quarters	18- Calender-Davis Rappel Tower and Course
2- Commandant's Office, Guard House	19- Scott G. Davis Baseball Field
3- MMI Administration and Admissions	20- Soccer Field
4- Biology	21- Soldier's Field, <i>Softball</i>
5- Trustees Hall	22- Alumni Gymnasium
6- Wilkerson Hall	23- W.R. Ireland Athletic Center
7- North and South Academic Wings	24- Natatorium
8- Alumni Office	25- Golf Course, Football Stadium and Excess House

9- MMI Chapel	26- Johnson Hall, Health Center
10- Development Office and Human Resources Office	27- Lynn M. and Sherwood C. Middlebrooks Hall, Fine Arts
11- Computer Lab	28- Uniform Department
12- Murfee Hall, Q.M. and Barbershop	29- Lovelace Hall
13- The Campus Center, Bookstore	30- James W. Rane Hall
14- Athletic Annex	31- Dining Hall
15- Dr. John B. Montebaro Hall, Chemistry	32- Paul B. Anderson Tennis Complex
16- Baer Memorial Library	33- Reviewing Stands
17- Alabama Military Hall of Honor	34- Walter C. Givhan Parade Field

* The MMI Administration Building contains the following offices:

- Academic Dean's Office
- Admissions
- Board Room
- Business Office
- Financial Aid
- Informational Technologies Offices
- Institutional Research Office
- President's Office
- Registrar

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