

# Academic Catalog

CSU Maritime Academy 2022-2023 Catalog [ARCHIVED CATALOG] ▼

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## Privacy Rights of Students In Education Records

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and regulations adopted thereunder (34 C.F.R. 99) set out requirements designed to protect students' privacy in their records maintained by the campus. The statute and regulations govern access to certain student records maintained by the campus and the release of such records. The law provides that the campus must give students access to most records directly related to the student, and must also provide opportunity for a hearing to challenge the records if the student claims they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing under this law does not include any right to challenge the appropriateness of a grade determined by the instructor. The law generally requires the institution to receive a student's written consent before releasing personally identifiable data about the student. The institution has adopted a set of policies and procedures governing implementation of the statute and the regulations. Copies of these policies and procedures may be obtained at the Office of the Registrar. Among the

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types of information included in the campus statement of policies and procedures are: (1) the types of student records maintained and the information they contain; (2) the official responsible for maintaining each type of record; (3) the location of access lists indicating persons requesting or receiving information from the record; (4) policies for reviewing and expunging records; (5) student access rights to their records; (6) the procedures for challenging the content of student records; (7) the cost to be charged for reproducing copies of records; and (8) the right of the student to file a complaint with the Department of Education. The Department of Education has established an office and review board to investigate complaints and adjudicate violations. The designated office is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

The campus is authorized under the Act to release "directory information" concerning students. "Directory information" may include the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors, and awards received, and the most recent previous educational agency or institution attended by the student. The above-designated information is subject to release by the campus at any time unless the campus has received prior written objection from the student specifying what information the student requests not be released. Written objections should be sent to the Provost and Vice President of Academic Affairs.

The campus is authorized to provide access to student records to campus officials and employees who have legitimate educational interests in such access. These persons have responsibilities in the campus's academic, administrative or service functions and have reason for accessing student records associated with their campus or other related academic responsibilities. Student records will be disclosed to the Chancellor's Office of the California State University in order to conduct research, to analyze trends, or to provide other administrative services on behalf of the CSU. Student records may also be disclosed to other persons or organizations under certain conditions (e.g., as part of the accreditation or program evaluation; in response to a court order or subpoena; in connection with financial aid; or to other institutions to which the student is transferring).

# NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES

**Protected Status: Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, and Veteran or Military Status.**

The California State University does not discriminate on the basis of age, genetic information, marital status, medical condition, nationality, race or ethnicity (including color and ancestry), religion (or religious creed), and veteran or military status - as these terms are defined in CSU policy - in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act, prohibit such discrimination. Ingrid Williams, Associate Vice President of Human Resources has been designated to coordinate the efforts of Cal Maritime to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at 200 Maritime Academy Drive, Vallejo, CA 94590, (707) 654-1135. CSU Executive Order 1097 Revised October 5, 2016 ([www.calstate.edu/EO/EO-1097-rev-10-5-16.html](http://www.calstate.edu/EO/EO-1097-rev-10-5-16.html))(or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

## Protected Status: Disability

The California State University does not discriminate on the basis of disability (physical and mental) 0 as this term is defined in CSU policy - in its programs and activities, including admission and access. Federal and state laws, including sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, prohibit such discrimination. Ingrid Williams, Associate Vice President of Human Resources has been designated to coordinate the efforts of [CAMPUS] to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to this person at 200 Maritime Academy Drive, Vallejo, CA 94590, (707) 654-1135. CSU Executive Order 1097 Revised October 5, 2016 ([www.calstate.edu/EO/EO-1097-rev-10-5-16.html](http://www.calstate.edu/EO/EO-1097-rev-10-5-16.html)) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

## Protected Status: Gender (or sex), Gender Identity (including transgender), Gender Expression and Sexual Orientation

The California State University does not discriminate on the basis of gender (or sex), gender Identity (including transgender), gender expression or sexual orientation - as these terms are defined in CSU policy - in its programs and activities, including admission and access. Federal and state laws, including Title IX of the Education Amendments of 1972, prohibit such discrimination. Ingrid Williams, Associate Vice President of Human Resources has been designated to coordinate the efforts of Cal Maritime to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at 200 Maritime Academy Drive, Vallejo, CA 94590, (707) 654-1135. The California State University is committed to providing equal opportunities to all CSU students in all campus programs, including intercollegiate athletics. CSU Executive Order 1097 Revised October 5, 2016 ([www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf](http://www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf)) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation *made by students* against the CSU, a CSU employee, other CSU students or a third party.

Title IX of the Education Amendments of 1972 protects all people regardless of their gender, gender identity or gender expression from sex discrimination, which includes sexual harassment and violence:

**Gender discrimination** means an adverse act taken against an individual because of gender or sex (including sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 (Title IX); California Education Code §66250 et seq., and/or California Government Code §11135.

**Sexual harassment**, a form of sex discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities

- available at or through the University; or
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or
  3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Executive Order 1097 covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to this policy. Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on Gender.

**Sexual misconduct:** All sexual activity between members of the University community must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity is sexual misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence or stalking also constitutes sexual misconduct. Sexual misconduct may include using physical force, violence, threat or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking

advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

**Sexual assault** is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

**Sexual battery** is a form of sexual misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

**Rape** is a form of sexual misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent.

The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

**Acquaintance rape** is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website.

**Affirmative consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent. Affirmative consent must be voluntary, and given without coercion, force, threats or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute

affirmative consent.

- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- A person who is incapacitated cannot give affirmative consent. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/ or mental ability to make informed, rational decisions. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving legal consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following

circumstances:

- The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent;
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

**Consensual relationships:** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to discrimination, harassment, retaliation, sexual misconduct, dating or domestic violence, or stalking.

- A University employee shall not enter into a consensual relationship with a student or employee over whom s/ he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each campus shall develop a procedure to reassign such authority to avoid violations of policy.
- This prohibition does not limit the right of an employee to make a recommendation on the personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

**Domestic violence** is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to

himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

**Dating violence** is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

**Stalking** means a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his/her or others' safety or to suffer substantial emotional distress. For purposes of this definition:

- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property;
- Reasonable person means a reasonable person under similar circumstances and with the same protected status as the complainant;
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

See further information in Cal Maritime's sexual violence prevention and education statement, Title IX Notice of Nondiscrimination (which includes facts and myths about sexual violence), and Victim's Rights and Options Notice, at <https://www.csum.edu/web/title-ix>.

## **WHO TO CONTACT IF YOU HAVE COMPLAINTS, QUESTIONS OR CONCERNS**

Title IX requires the university to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance.

The campus Title IX Coordinator is available to explain and discuss the right to file a criminal complaint (for example, in cases of sexual misconduct); the university's complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. If you are in the midst of an emergency, please call the

police immediately by dialing 9-1-1.

**CAMPUS TITLE IX COORDINATOR:**

*Kimberly Anderson*  
*Interim Title IX Coordinator*  
*200 Maritime Academy Drive*  
*Vallejo, CA 94590*  
*kanderson@csum.edu*  
*(707) 654-1460*

**UNIVERSITY POLICE:**

*Chief Donny Gordon*  
*200 Maritime Academy Drive*  
*Vallejo, CA 94590*  
[dgordon@csum.edu](mailto:dgordon@csum.edu)  
*(707) 654-1175*

U. S. Department of Education, Office for Civil Rights (OCR): (800) 421-3481 or (415) 486-5555 or (800) 833-8339 (TDD) or  
[ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

If you wish to fill out a complaint form online with the OCR, you may do so at: [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html).

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of gender discrimination complaints, including sexual harassment and misconduct as well as provide training, education and preventive measures related to sex discrimination. CSU Executive Order 1097 ([www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf](http://www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf)) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

Except as provided below under confidentiality and sexual misconduct, dating violence, domestic violence, and stalking, **any** University employee who knows or has reason to know of allegations or acts that violate University policy shall promptly inform the Title IX Coordinator. These employees are required to disclose all information including the names of the parties, **even where the person has requested that his/her name remain confidential**. The Title

IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident (see confidential reporting options outlined below).

Regardless of whether an alleged victim of gender discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or misconduct, violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any gender discrimination/harassment/misconduct, prevent its recurrence, and remedy its effects.

## **SAFETY OF THE CAMPUS COMMUNITY IS PRIMARY**

The University's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for gender discrimination, harassment or misconduct; therefore, victims should not be deterred from reporting incidents of sexual misconduct out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual misconduct shall not be subject to discipline for related violations of the Student Conduct Code.

## **INFORMATION REGARDING CAMPUS, CRIMINAL AND CIVIL CONSEQUENCES OF COMMITTING ACTS OF SEXUAL VIOLENCE**

Individuals alleged to have committed sexual misconduct may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline at the university, up to including suspension or expulsion. Employees may face sanctions up to and including dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are charged by the University with gender discrimination, harassment or misconduct will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1098 at [www.calstate.edu/EO/EO-1098-rev-6-23-15.pdf](http://www.calstate.edu/EO/EO-1098-rev-6-23-15.pdf) or any successor executive order) and will be subject to appropriate sanctions. In addition,

during any investigation, the University may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include but not be limited to: immediate interim suspension from the University; a required move from university-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident.

## **CONFIDENTIALITY AND SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING**

The University encourages victims of sexual misconduct, dating violence, domestic violence, or stalking (collectively sexual misconduct) to talk to someone about what happened - so they can get the support they need, and so the University can respond appropriately.

## **PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS**

### **Physicians, Psychotherapists, Professional Licensed Counselors,**

### **Licensed Clinical Social Workers and Clergy** - Physicians,

psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off campus, acting solely in those roles or capacities as part of their employment, and who provide medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in their centers and offices) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to victims, if applicable.

### **Sexual Assault and Domestic Violence Counselors and Advocates** -

Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault

centers, victim advocacy offices, women's centers, gender equity centers, or health centers) may talk to a victim without revealing any information about the victim and the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal his/her identity or that a victim disclosed an incident to them. However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a physician, professional licensed counselor, licensed clinical social worker, clergy member, sexual assault counselor, domestic violence counselor or advocate; and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if retaliation occurs.

**EXCEPTIONS:** Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive

conduct (including sexual misconduct, domestic violence, and dating violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

## **REPORTING TO UNIVERSITY OR LOCAL POLICE**

If a victim reports to local or university police about sexual misconduct crimes, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that his/her identity be kept confidential, his/her name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

## **REPORTING TO THE TITLE IX COORDINATOR AND OTHER UNIVERSITY EMPLOYEES**

Most university employees have a duty to report incidents of sexual misconduct when they are on notice of it. When a victim tells the Title IX Coordinator or another university employee about an incident of sexual misconduct, the victim has the right to expect the university to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the university strongly encourages victims to report incidents of sexual misconduct directly to the campus Title IX Coordinator. As detailed above, in the "Privileged and Confidential Communications" section of this policy, all university employees except physicians, licensed professional counselors, licensed clinical social workers, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any incidents of sexual misconduct of which they become aware. The university will need to determine what happened - and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other university employees will be shared only with individuals responsible for handling the university's response to the incident. The university will protect the privacy of individuals involved in a sexual misconduct violence incident except as otherwise required by law or university policy. A report of sexual misconduct may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, university policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual misconduct. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on "Privileged and Confidential Communications" above, no university employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another university employee that his/her identity remain completely confidential, the Title IX Coordinator will explain that the university cannot always honor that request or guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the university

must weigh that request against the university's obligation to provide a safe, non-discriminatory environment for all students, employees, and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the university has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the university's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited. See Executive Order 1095 (or any successor executive order) for further details around confidential reporting, and other related matters (<http://www.calstate.edu/eo/EO-1095-rev-6-23-15.pdf>).

## **ADDITIONAL RESOURCES**

Cal Maritime's sexual misconduct prevention and education statement, which includes facts and myths about sexual misconduct, at the [Title IX website](#).

### **U.S. Department of Education, regional office:**

*Office for Civil Rights*

*50 United Nations Plaza San Francisco, CA 94102 (415) 486-5555*

*TDD (877) 521-2172*

### **U.S. Department of Education, national office:**

*Office for Civil Rights (800) 872-5327*

### **California Coalition Against Sexual Assault:**

*1215 K. Street, Suite 1850*

*Sacramento, CA 95814*

*(916) 446-2520*

*<http://calcasa.org/>*

### **Know Your Rights about Title IX**

[www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html](http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html)

### **Domestic and Family Violence, Office of Justice Programs, U.S. Department of Justice**

**National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, U.S. Department of Justice**

**National Domestic Violence Hotline: 1-800-799-SAFE (7233)**

**Office of Violence against Women, United States Department of Justice**

## Centers for Disease Control and Prevention: Intimate Partner Violence

## Defending Childhood, United States Department of Justice

### Local Community Resource Information:

- Rape Crisis Hotline: 707-258-8000
- Mental Health Crisis Line: 707-553-5332
- Victims of Crime Resources: 800-842-8467

## Student Complaint Procedure

The California State University takes complaints and concerns regarding the institution very seriously. If you have a complaint regarding the CSU, you may present your complaint as follows:

1. If your complaint concerns CSU's compliance with academic program quality and accrediting standards, you may present your complaint to the Western Association of Schools and Colleges (WASC) at [www.wscuc.org/](http://www.wscuc.org/). WASC is the agency that accredits the CSU's academic program. If you believe that your complaint warrants further attention after you have exhausted all the steps outlined by WASC, you may file an appeal with the Assistant Vice Chancellor, Academic and Student Affairs at the CSU Chancellor's Office.
2. If your complaint concerns an alleged violation by CSU of any law that prohibits discrimination, harassment or retaliation based on a protected status (such as age, disability, gender (or sex), gender identity, gender expression, nationality, race or ethnicity (including color or ancestry), religion or veteran or military status), you may present your complaint as described in Section XVI (Nondiscrimination Policy).
3. If your complaint concerns an alleged violation by CSU of a state law, including laws prohibiting fraud and false advertising, you may present your claim to the campus president or designee at [Ingrid C. Williams, AVP of Human Resources](#). See Procedure for Student Complaints- Executive Order No. 1063 for details regarding the complaint requirements and complaint process: [www.calstate.edu/eo/eo-1063.html](http://www.calstate.edu/eo/eo-1063.html). The president or designee will provide guidance on the appropriate campus process for addressing your particular issue.
4. Other complaints regarding the CSU may be presented to the campus dean of students, who will provide guidance on the appropriate campus process for addressing your particular issue.

This procedure should not be construed to limit any right that you may have

to take action to resolve your complaint.

## **Availability of Institutional & Financial Assistance Information**

The following information concerning student financial assistance may be obtained from the Director of Financial Aid, Student Services Building, (707) 654-1287:

1. A description of the federal, state, institutional, local, and private student financial assistance programs available to students who enroll at Cal Maritime;
2. For each aid program, a description of procedures and forms by which students apply for assistance, student eligibility requirements, criteria for selecting recipients from the group of eligible applicants, and criteria for determining the amount of a student's award;
3. A description of the rights and responsibilities of students receiving financial assistance, including federal Title IV student assistance programs, and criteria for continued student eligibility under each program;
4. The satisfactory academic progress standards that students must maintain for the purpose of receiving financial assistance and criteria by which a student who has failed to maintain satisfactory progress may reestablish eligibility for financial assistance;
5. The method by which financial assistance disbursements will be made to students and the frequency of those disbursements;
6. The way the school provides for Pell-eligible students to obtain or purchase required books and supplies by the seventh day of a payment period and how the student may opt out;
7. The terms of any loan received as part of the student's financial aid package, a sample loan repayment schedule, and the necessity for repaying loans;
8. The general conditions and terms applicable to any employment provided as part of the student's financial aid package;
9. The terms and conditions of the loans students receive under the Direct Loan and Perkins Loan Programs;
10. The exit counseling information the school provides and collects for student borrowers; and
11. Contact information for campus offices available for disputes concerning federal, institutional and private loans.

Information concerning the cost of attending Cal Maritime is available from the Director of Financial Aid, Student Services Building, (707) 654-1287, and includes tuition and fees; the estimated costs of books and supplies; estimates of typical student room, board, and transportation costs; and, if requested, additional costs for specific programs.

Information concerning the refund policies of Cal Maritime for the return of unearned tuition and fees or other refundable portions of institutional charges is available from the Cashier's Office, Administration Building, (707) 654-1030, option 6.

Information concerning policies regarding the return of federal Title IV student assistance funds as required by regulation is available from Director of Financial Aid, Student Services Building, (707) 654-1287.

Information regarding special facilities and services available to students with disabilities may be obtained from Disability Services Office, Student Engagement and Academic Support, Laboratory Building, (707) 654-1283.

Information concerning Cal Maritime policies, procedures, and facilities for students and other to report criminal actions or other emergencies occurring on campus may be obtained from Cal Maritime Police Services, Police Services Building, (707) 654-1176..

Information concerning Cal Maritime annual campus security report and annual fire safety report may be obtained from Cal Maritime Police Services, Police Services Building, (707) 654-1176.

Information concerning the prevention of drug and alcohol abuse and rehabilitation programs may be obtained from the Student Health Center, (707) 654-1174 or from the Dean of Student Development, Student Center, (707) 654-1190.

Information regarding student retention and graduation rates at Cal Maritime and, if available, the number and percentage of students completing the program in which the student is enrolled or has expressed interest may be obtained from the Director of Institutional Research, Administration Building, (707) 654-1224.

Information concerning athletic opportunities available to male and female students and the financial resources and personnel that Cal Maritime dedicates to its men and women's teams may be obtained from Director of Athletics, Athletics and Aquatics Center, (707) 654-1050.

Information concerning grievance procedures for students who feel aggrieved

in their relationships with the university, its policies, practices and procedures, or its faculty and staff may be obtained from the Associate Vice President of Human Resources, Administration Building, (707) 654-1135.

Information concerning student activities that Cal Maritime provides, must be easily accessible on the [campus website](#).

Information concerning student body diversity at Cal Maritime, including the percentage of enrolled, full-time students who are (1) male, (2) female, (3) Pell Grant recipients, and (4) self-identified members of a specific racial or ethnic group, must be obtained from the Director of Institutional Research, Administration Building, (707) 654-1224.

The federal Military Selective Service Act (the "Act") requires most males residing in the United States to present themselves for registration with the Selective Service System within 30 days of their 18th birthday. Most males between the ages of 18 and 25 must be registered. Males born after December 31, 1959, may be required to submit a statement of compliance with the Act and regulations in order to receive any grant, loan, or work assistance under specified provisions of existing federal law. In California, students subject to the Act who fail to register are also ineligible to receive any need-based student grants funded by the state or a public postsecondary institution.

Selective Service registration forms are available at any U.S. Post Office, and many high schools have a staff member or teacher appointed as a Selective Service Registrar. Applicants for financial aid can also request that information provided on the Free Application for Federal Student Aid (FAFSA) be used to register them with the Selective Service. Information on the Selective Service System is available and the registration process may be initiated online at [www.sss.gov](http://www.sss.gov).

## **Procedure for the Establishment or Abolishment of Campus-Based Mandatory Fees**

The law governing the California State University provides that specific campus fees defined as mandatory, such as a student association fee and a student center fee, may be established. A student association fee must be established upon a favorable vote of two-thirds of the students voting in an election held for this purpose (Education Code, Section 89300). The campus President may adjust the student association fee only after the fee adjustment has been approved by a majority of students voting in a referendum established

for that purpose. The required fee shall be subject to referendum at any time upon the presentation of a petition to the campus President containing the signatures of 10 percent of the regularly enrolled students at the University. Student association fees support a variety of cultural and recreational programs, childcare centers, and special student support programs. A student center fee may be established only after a fee referendum is held which approves by a two-thirds favorable vote the establishment of the fee (Education Code, Section 89304). Once bonds are issued, authority to set and adjust student center fees is governed by provisions of the State University Revenue Bond Act of 1947, including, but not limited to, Education Code sections 90012, 90027, and 90068.

The process to establish and adjust other campus-based mandatory fees requires consideration by the campus fee advisory committee and a student referendum as established by Executive Order 1102, Section III. The campus President may use alternate consultation mechanisms if he/she determines that a referendum is not the best mechanism to achieve appropriate and meaningful consultation. Results of the referendum and the fee committee review are advisory to the campus President. The President may adjust campus-based mandatory fees but must request the Chancellor to establish a new mandatory fee. The President shall provide to the campus fee advisory committee a report of all campus-based mandatory fees. The campus shall report annually to the Chancellor a complete inventory of all campus-based mandatory fees.

For more information or questions, please contact the Budget Office in the CSU Chancellor's Office at (562) 951-4560.

## **Student Conduct**

### **TITLE 5, CALIFORNIA CODE OF REGULATIONS, § 41301. STANDARDS FOR STUDENT CONDUCT**

#### **Campus Community Values**

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community should choose behaviors that contribute toward this end. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and

university life.

### **Grounds for Student Discipline**

Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences. The following are the grounds upon which student discipline can be based:

1. Dishonesty, including:
  1. Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
  2. Furnishing false information to a University official, faculty member, or campus office.
  3. Forgery, alteration, or misuse of a University document, key, or identification instrument.
  4. Misrepresenting one's self to be an authorized agent of the University or one of its auxiliaries.
2. Unauthorized entry into, presence in, use of, or misuse of University property.
3. Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.
4. Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.
5. Willful, 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 activity.
6. Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.
7. Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
8. Hazing or conspiracy to haze. 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 prospective 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 prospective 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, nor 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.

9. Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.
10. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.
11. Theft of property or services from the University community, or misappropriation of University resources.
12. Unauthorized destruction or damage to University property or other property in the University community.
13. Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.
14. Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
15. Misuse of computer facilities or resources, 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 computing 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 computing facilities and resources to interfere with normal University operations.
  7. Use of computing facilities and resources in violation of copyright laws.
  8. Violation of a campus computer use policy.

16. Violation of any published University policy, rule, regulation or presidential order.
17. 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.
18. Any act chargeable as a violation of a 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 poses a significant threat of disruption or interference with University operations.
19. 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 discipline 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.
20. Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

## **PROCEDURES FOR ENFORCING THIS CODE**

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code. [Note: At the time of publication, such procedures are set forth in California State University Executive Order 1098 (Revised June 23, 2015), available at [calstate.edu/eo/EO-1098-rev-6-23-15.html](http://calstate.edu/eo/EO-1098-rev-6-23-15.html).

## **APPLICATION OF THIS CODE**

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is

pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus. Nothing in this Code may conflict with Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

## **TITLE 5, CALIFORNIA CODE OF REGULATIONS, § 41302. DISPOSITION OF FEES: CAMPUS EMERGENCY; INTERIM SUSPENSION.**

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated in Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of the California State University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

## **Civil and Criminal Penalties for Violation of Federal Copyrights Law**

Anyone who is found to be liable for copyright infringement may be liable for either the owner's actual damages along with any profits of the infringer or statutory damages of up to \$30,000 per work infringed. In the case of a willful

infringement, a court may award up to \$150,000 per work infringed. (See 17 U.S.C. §504.) Courts also have discretion to award costs and attorneys' fees to the prevailing party. (See 17 U.S.C. §505.) Willful copyright infringement can also result in criminal penalties, including imprisonment and fines. (See 17 U.S.C. §506 and 18 U.S.C. §2319.)



**California State University**  
**Maritime Academy**

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