Dalton State College 9/2022

650 College Drive

Dalton, GA 30721

**RIGHT S & OPTIONS GUIDE**

# DID YOU KNOW?

Student and employee victims of dating violence, domestic violence, sexual assault, and stalking are afforded specific rights and options under the Clery Act, a federal law that guides campus prevention and response.

# YOUR RIGHTS & OPTIONS:

Institutions must provide awareness campaigns and primary prevention programs to all students and employees on:

* dating violence,
* domestic violence,
* sexual assault, and
* stalking.

These programs will explore the community’s role in prevention.

You will receive information on how and to whom to report an incident.

You have the right to:

* notify campus authorities and law enforcement,
* be assisted by campus authorities in notifying law enforcement, and
* decline to notify such authorities.

The institution will:

* protect confidentiality of victims in public records, like a timely warning or crime log.

**CONFIDENTIALITY**

**PREVENTION**

* maintain as confidential any accommodations or protective measures provided to you (to the extent that it does not impair the ability of the institution to provide them).

**REPORTING**

You will receive important information in writing, such as:

**WRITTEN INFO**

* the importance of preserving evidence and how to do so,
* on and off campus resources available to you,
* possible accommodations,
* information on orders of protection or other similar orders, and
* procedures for disciplinary action.

You have the right to:

* changes to academic, living, transportation, and working situations, and
* protective measures,

if requested and reasonably available, regardless of whether you choose to report the crime to campus police or law enforcement.

You have the right to:

* a prompt, fair, and impartial process,
* conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking.

Both the complainant and the respondent have the right to:

* have others present,
* be accompanied to any related meeting or

proceeding by an advisor of their choice, and

* receive simultaneous notification of results.

**ACCOMMODATIONS**

**DISCIPLINARY PROCEDURES**

If a student, employee or visitor has been the victim of crime, specifically an incident of sexual assault, domestic violence, dating violence, or stalking they should immediately report it to the Department of Public Safety at 706-272-4461.

* Students may also report to the Student Conduct Administrator in Pope 237 or by phone 706-272-2999.
* Employees may report to the Director of Human Resources, in the James E. Brown Center, Office 315 or by calling 706-272-2034.

Other offices have also been designated as reporting locations and will assist any victim of sexual assault, domestic violence, dating violence, and stalking in notifying law enforcement, including campus police, if they elect to do so;

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| --- | --- | --- |
| **Official** | **Campus Address** | **Phone Number** |
| Campus Police & Public Safety | Health Professions Building Suite 300 | 706-272-4461 24hrs/7 days |
| Provost and Vice President for Academic Affairs | Westcott Hall, Office 166 | 706-272-2491 |
| Director of Human Resources | Brown Hall, Office 315  | 706-272-2034 |
| Assistant Director of Student Conduct  | Pope Student Center, Office 235 | 706-272-2999 |
| Dean of Students  | Pope Student Center, Office 223 | 706-272-2505 |
| The Office of Residence Life | Mashburn Hall  | 1-706-712-8228 |
| VP for Student Affairs and Enrollment Management | Westcott Hall, Office 109 | 706-272-4475 |

Victims are not required to report to law enforcement in order to receive assistance from or pursue any options with Dalton State.

The Public Safety Department or designated offices can assist a victim in obtaining a restraining order, or medical assistance after being involved in an incident.

The designated offices will provide the victim with a copy of these rights and options regardless of whether the incident occurred on campus. Also, the victim can get information on counseling, mental health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims. Also, changes may be made to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports the incident to law enforcement.

**Procedures Victims Should Follow-**

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs it is important to preserve evidence so that a successful criminal prosecution or obtaining a protective order remains an option. The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam – which is important both to address any health issues that may arise and evidence collection. Any clothing removed should be placed in a paper, not plastic, bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented by taking a photograph. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered. These offenses should be reported immediately to a Campus Security Authority (CSA) listed above. These Campus Authorities can assist the victim with reporting the incident to the Dalton State Public Safety Department if the victim wishes to pursue criminal action. The Campus Authority also can make the required reporting to the Public Safety Department if the victim does not wish to pursue criminal action. The CSAs can also provide direction in obtaining a protective order.

The following information provides steps to follow should a sexual assault occur:

* Get to a safe place as soon as possible!
* Try to preserve all physical evidence – The victim should not bathe, shower, brush teeth, douche, use the toilet, or change clothing until s(he) has a medical exam. Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or police department. Advocates from the Greenhouse Sexual Assault Center can be available to the victim to provide support 706-278-4769. Preserving evidence will assist in the prosecution of the crime and may help in obtaining a protection order.
* Get medical attention as soon as possible – An exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120 hours) to help prevent pregnancy from occurring as a result of the rape. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for 6-8 hours after ingestion.
* Contact campus police – Sexual assault is a crime; it is vital to report it. It is important to remember report a crime is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Final decision to prosecute is determined by the District Attorney.
* A report may also be made to a Campus Security Authority (CSA) detailed earlier.
* Consider talking to a counselor – Seeing a counselor may be important in helping the victim understand his/her feelings and begin the process of recovery.

**On & Off Campus Resources-**

Both Dalton State and our local community offer other important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize. Whitfield County Victim/Witness Assistance Office is available to assist any student or employee free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue. A victim need not make a formal report to law enforcement or Dalton State to access these resources. Dalton State will provide written notification of these resources to victims.

Resources:

Whitfield County Victim Services 706-876-1322

DSC Counseling Services 706-272-4430

Hamilton Medical 911 or 706-272-6000

Northwest Georgia Family Crisis Center 706-278-6595

**Accommodations/Interim Measures**

Interim measures may be implemented at any point after the institution becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the Dalton State College community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community, or deter sexual misconduct and retaliation. Whether or not a student or employee reports to law enforcement and or pursues any formal action if they report an incident of sexual assault, domestic violence, dating violence, or stalking, Dalton State is committed to providing them as safe a learning or working environment as possible. Upon request Dalton State will make any reasonably available change to a person's academic, living, transportation, any protective measures, and or working situation regardless of whether the person chooses to report the crime to campus police. Students and employees may contact the Title IX Coordinator at 706-272-2504 for assistance. If a person reports to law enforcement, they may more easily assist them in obtaining a no-contact/restraining order from a criminal court. Written notice will be provided to all persons of their rights and options. Dalton State is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property and is also committed to protecting individuals from any further harm. The College may issue an institutional no-contact directive. Dalton State will provide written notification of possible accommodations/interim measures.

**Temporary Protective Order**

A temporary protective order (TPO) in Georgia, commonly known as a restraining order, is a civil court order that provides protection if someone is hurting you, threatens to hurt you, or is stalking you. Protective orders are court orders that prevent individuals from contacting you (both directly or indirectly), from harassing you, from threatening you, etc. Under Georgia law, there are three types of protective orders: family violence protective orders, stalking protective orders and employer protective orders. If you’re a victim or potential victim, you must apply to a judge for a protective order. You must convince the judge that it's necessary to prevent continuing or imminent harm. In a domestic violence situation, however, the judge may issue a temporary order immediately, then later hold a hearing to determine whether to make the restraining order final. Contact the Whitfield County Magistrate Court for more information:

*205 N Selvidge Street*

*Dalton GA 30720*

*(706) 278-5052*

Dalton State also has the option to issue a campus no-contact order through the Title IX Coordinator. Dalton State enforces all issued protective orders and will assist victims in applying for one. Forward a copy of any orders to the Department of Public Safety publicsafety@daltonstate.edu or by dropping off a copy to the Health Professions Building. Dalton State will provide victims written notification concerning obtaining a Protective Order.

**Conduct Proceedings for Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

Dalton State College expressly prohibits sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking consistent with the requirements of Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the University System of Georgia policy. In addition to facing criminal investigation and prosecution, students, employees and other affiliates may also face disciplinary action by the College. Individuals found responsible for having committed such a violation face permanent expulsion, termination of employment, suspension, probation, or educational sanctions. Specific sanction information is contained in the preceding protective me section. Incidents involving accused students will be handled by Student Conduct, and Incidents involving accused employees/affiliates will be handled by the Director of Human Resources. All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair and impartial investigation and resolution. All investigations and proceedings shall be conducted by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability. Investigations shall be conducted in a reasonable time unless there are mitigating circumstances in which case the accuser and accused shall be notified, providing an explanation, and the amount of additional time required. Determinations shall be made within a reasonable time unless there are mitigating circumstances in which case the accuser and accused shall be notified, providing an explanation, and the amount of additional time required. Determinations shall be made by Student Conduct using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred).

In all proceedings, including any related meetings or hearings, both the accused and

accuser is entitled to the same opportunities to have others present. This includes the

right to be accompanied by an advisor of their choice. The Institution may only establish restrictions regarding the extent to which the advisor may participate. Both the accused and accuser shall simultaneously be informed in writing of the outcome of the proceeding, of procedures and timeframe, for appealing the results of the outcome, of any change to the results that occurs prior to the time that they become final, and when such results become final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties. A decision of suspension or expulsion reached by the student conduct board may be appealed by the accused student to an Appellate Board within (5) business days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President for Student Affairs and Enrollment Management, Jodi Johnson jjohnson@daltonstate.edu. The Vice President will compose a committee to review the decision and the committee decision will be final as far as the Dalton State is concerned. These results will become final approximately 10 business days from the request, unless otherwise stated. Dalton State will provide students and employees notification about: existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other service available for victims, both within the institution and in the community. When a student or employee becomes a victim of dating violence, domestic violence, sexual assault, or stalking they will be provided explanation of their rights and options as detailed.

For additional information about student conduct proceedings please consult the

student handbook at:

<http://catalog.daltonstate.edu/>

For additional information about employee conduct proceedings please consult the

Director of Human Resources located in the James E. Brown Center, Office 315 or Phone at 706-272-2034.

Student Conduct Complaints may be filed at:

<https://publicdocs.maxient.com/incidentreport.php?DaltonStateCollege>

**Student Conduct for Title IX Offenses**

Title IX offenses include dating violence, domestic violence, sexual assault, and

stalking.

Complaints to Dalton State College regarding any of these offenses can be

 made online:[https://publicdocs.maxient.com/reportingform.php?DaltonStateCollege&layout\_id=3](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcm.maxient.com%2Freportingform.php%3FDaltonStateCollege%26layout_id%3D3&data=02%7C01%7C%7C31878507309a446f8de008d6253d8912%7Cb7e81e5d72424dff8f1e47d691148e41%7C0%7C0%7C636737343552138469&sdata=jQ%2FwnYuVQvCQgzsIpMg9sJeuciWve58ojAE4hZIixQQ%3D&reserved=0)

or in person to the Executive Director of Health & Wellness, Title IX Coordinator Garret Burgner, by phone 706-272-2504. The proceedings will provide a prompt, fair, and impartial investigation and resolution.

Procedures: Complaints of these matters involving student on student incidents follow the Student Code of Conduct and Disciplinary Procedures. The respondent shall have the option of having the charges resolved either by (1) a single hearing officer in an administrative hearing, or (2) by multiple hearing officers conduct panel, or (3) the alleged victim (where applicable) and respondent may have the option of selecting informal resolution as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs and Enrollment Management (or his/her designee) or the System Director. All cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel comprised of only staff and/or faculty. The investigators and hearing panelists are trained to deal with Title IX concerns. The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witnesses and/or evidence, etc. in a particular case.  When the timeframe will extend past the reasonable timeframe, the parties will be informed of the delay and the reason for the delay. The investigator shall; keep the parties informed of the status of the investigation, provide both parties the results of the proceeding, provide both parties procedures for appeal, provide both parties with any changes and the results

for the proceeding. Sanctions are possible disciplinary actions which may be imposed upon a student or organization who is determined to be responsible for a violation of the Code through an administrative hearing or student conduct panel. In determining the severity of sanctions or corrective actions, the following should be considered: the frequency, severity, and/or nature of the offense(s), history of past conduct, an offender’s willingness to accept responsibility, previous institutional response to similar conduct, strength of the evidence, and the wellbeing of the Dalton State College community. The student conduct panel or hearing officer will determine sanctions and issue notice of the sanctions in an outcome letter.

**Disciplinary Procedures in Sexual Misconduct Incidents**

If you have been sexually assaulted, you have options for addressing such conduct. You may wish first to discuss the problem privately with a counselor in The Dalton State Counseling Center or another confidential counselor. The Public Safety Department is always available to assist a victim with getting the support she/he requests.

The College’s Student Conduct process is designed to afford a complainant (the person who is bringing a charge) and a respondent (the person who is answering a charge) a fair, prompt, and appropriate resolution process. The process is designed to help persons who need support as they address these incidents.

The Student Conduct Administrator manages the resolution proceeding in which a student is the alleged perpetrator. For more information on student conduct proceedings:

<https://www.daltonstate.edu/campus_life/student-conduct-about.cms>

Sexual Misconduct Policy:

<https://www.daltonstate.edu/skins/userfiles/files/DSC-Sexual-Misconduct-Policy.pdf>

Human Resources is responsible for managing proceedings for those cases in which an employee is the respondent.

In determining whether the alleged conduct constitutes sexual harassment or assault, the full context in which the alleged incident occurred must be considered. In any case, both the accuser and the accused are entitled to the same opportunities to have others present during any disciplinary proceeding. Both the accuser and the accused will be informed of the outcome of any proceeding.

During any sexual assault complaint proceeding, Dalton State has a range of sanctions available. Those sanctions may range from probation to expulsion, depending upon the nature and circumstances of the specific incident.

**Dalton State’s Procedures for Responding to Clery Offenses:**

* **Procedure Institution Will Follow for Reports of Sexual Assault:**
	+ Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care.
	+ Institution will assess immediate safety needs of complainant.
	+ Institution will assist complainant with contacting local police if complainant requests and complainant will be provided with contact information for local police department.
	+ Institution will provide complainant with referrals to on and off campus mental health providers.
	+ Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties.
	+ Institution will provide a Criminal Trespass Warning to accused party if deemed appropriate.
	+ Institution will provide instructions on how to apply for Protective Order.
	+ Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.
	+ Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
* **Procedure Institution Will Follow for Reports of Stalking:**
	+ Institution will assess immediate safety needs of complainant.
	+ Institution will assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department.
	+ Institution will provide instructions on how to apply for Protective Order.
	+ Institution will provide information to complainant on how to preserve evidence.
	+ Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
	+ Institution will provide a Criminal Trespass Warning to accused party, if deemed appropriate.
* **Procedure Institution Will Follow for Reports of Dating Violence:**
	+ Institution will assess immediate safety needs of complainant.
	+ Institution will assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department.
	+ Institution will provide instructions on how to apply for Protective Order.
	+ Institution will provide information to complainant on how to preserve evidence.
	+ Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
	+ Institution will provide a Criminal Trespass Warning to accused party, if deemed appropriate.
* **Procedure Institution Will Follow for Reports of Domestic Violence:**
	+ Institution will assess immediate safety needs of complainant.
	+ Institution will assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department.
	+ Institution will provide instructions on how to apply for Protective Order.
	+ Institution will provide information to complainant on how to preserve evidence.
	+ Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
	+ Institution will provide a Criminal Trespass Warning to accused party, if deemed appropriate.