

## **Written Notification of Victim's Rights and Options**

Dalton State College is committed to providing a safe learning and working environment. In compliance with federal laws, policies and procedures have been adopted to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking involving members of our campus community. These guidelines apply to all students, faculty, staff, contractors, and visitors and they are required to be provided to victims of crime.

### **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

A sexual assault is 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, as well as incest or statutory rape. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

### **Reporting an Incident**

If a student, employee or visitor has been the victim of an incident of sexual assault, domestic violence, dating violence, or stalking they should immediately report it to the Department of Public Safety in room 300 in the Health Occupations Building or by phone at 706-272-4461. Students may also report to the Student Conduct Administrator in Pope 113 or by phone 706-272-2999. Employees may report to the Director of Human Resource Faith Miller, in Memorial Office 122 or by calling 706-272-2034. The Office of Student Life, Residence Life, and other offices 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. 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 can assist a victim in obtaining a restraining order, or medical assistance after being involved in an incident.

Our Title IX Coordinator can provide the victim with a copy of their 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 to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports the incident to law enforcement. Dalton State College's Title IX Coordinator is; Faith Miller, Memorial Building-Office 122, 706-272-2034, [fmiller@daltonstate.edu](mailto:fmiller@daltonstate.edu)

### **Crime Victims Bill of Rights**

The Georgia Crime Victims Bill of Rights, O.C.G.A. 15-17-1, et seq., provides individuals who are victims of certain crimes specific rights. These rights include:

- The right to reasonable, accurate, and timely notice of any scheduled court proceedings or any changes to such proceedings;
- The right to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused;
- The right not to be excluded from any scheduled court proceedings, except as provided by law;
- The right to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused;
- The right to file a written objection in any parole proceedings involving the accused;
- The right to confer with the prosecuting attorney in any criminal prosecution related to the victim;
- The right to restitution as provided by law;
- The right to proceedings free from unreasonable delay; and
- The right to be treated fairly and with dignity by all criminal justice agencies involved in the case.

*The Crime Victims Bill of Rights specifically applies to victims of the following crimes:*

- Homicide
- Assault and Battery
- Kidnapping, False Imprisonment and related offenses
- Reckless Conduct
- Cruelty to Children
- Feticide
- Stalking/Aggravated Stalking
- Cruelty to a Person 65 Years of Age or Older
- All Sexual Offenses
- Burglary
- Arson, Bombs and Explosives
- Theft
- Robbery
- Forgery, Deposit Account Fraud, Illegal Use of Financial Transaction Cards, Other Fraud Related Offenses, Computer Crimes, & Identity Theft
- Sale or Distribution of Harmful Materials to Minors
- Elder Abuse
- Homicide by Vehicle
- Feticide by Vehicle
- Serious Injury by Vehicle

In general, after the crime occurs and is reported, and upon initial contact with a victim, law enforcement and court personnel must advise him or her of the following:

- That it is possible that the accused may be released from custody prior to trial;
- That victims have certain rights during various stages of the criminal justice system;
- That victims have the right to refuse or agree to be interviewed by the accused, the accused's attorney, or anyone who represents or contacts you on behalf of the accused;
- That additional information about these stages can be obtained by contacting the pertinent state and/or local agency involved, or by contacting the Criminal Justice Coordinating Council at 404-559-4949;
- That victims may be eligible for monetary compensation for certain out-of-pocket losses incurred as a result of their victimization from the State's Crime Victims Emergency Fund (Crime Victims Compensation) which is administered by the Criminal Justice Coordinating Council;
- That victims may have available to them community-based victim service programs and that more information may be obtained by contacting the Governor's Victim Assistance Helpline at 1-800-338-6745.

### **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 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 in any way.

## **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 that include the following:

<b>Brenda Hoffmeyer</b>	<b>Victim/Witness Coordinator</b>	<b>706-826-1300</b>
<b>Travis McKie-Voerste</b>	<b>DSC Counseling and Career Services</b>	<b>706-272-4430</b>
<b>Hamilton Medical Center</b>		<b>911 or 706-272-6000</b>
<b>Northwest Georgia Family Crisis Center</b>		<b>706-278-6595</b>

## **Accommodations**

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 victim's academic, living, transportation, and or working situation. Students and employees may contact Faith Miller at 706-272-2034 or [fmiller@daltonstate.edu](mailto:fmiller@daltonstate.edu) for assistance.

If a victim reports to law enforcement, they may assist them in obtaining a no-contact/restraining order from a criminal court.

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 victims from any further harm, and the College may issue an institutional no-contact order.

## **Victim Confidentiality**

Dalton State recognizes the often-sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of any individual who makes a report. Different officials and personnel are, however, able to offer varying levels of privacy protection to victims. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the accused.

Reports made to Campus Security Authorities may be kept confidential, and identifying information about the victim may not be made public. Information about reports will only be shared with institutional personnel as needed to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. Reports made to medical professionals and licensed mental health counselors will not be shared with any third parties except in cases of imminent danger to the victim or a third party.

## **Education Programs**

Dalton State College is committed to increasing the awareness of and preventing violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that Dalton State prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents.

Ongoing prevention and awareness campaigns are also offered throughout the year. These programs include:

- Student orientation
- New employee orientation
- Residence Hall programs
- Poster campaigns
- Various Activities Sponsored by Public Safety and Student Life

## **Conduct Proceedings**

Dalton State College strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. 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. 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 are entitled to the same opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. 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 Enrollment Services, Jodi Johnson [jjohnson@daltonstate.edu](mailto: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 result 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.

For additional information about [student conduct proceedings](#) please consult the student handbook at:

<http://daltoncampuslife.com/code-of-student-conduct/>

For additional information about [employee conduct proceedings](#) please consult the Director of Human Resources located in the Memorial Building Office 122 or Phone at 706-272-2034.

[Student Conduct Complaints may be filed at:](#)

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