

## RIGHTS & 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:

<p>Institutions must provide awareness campaigns and primary prevention programs to all students and employees on:</p> <ul style="list-style-type: none"><li>• dating violence,</li><li>• domestic violence,</li><li>• sexual assault, and</li><li>• stalking.</li></ul> <p>These programs will explore the community's role in prevention.</p>	<p>The institution will:</p> <ul style="list-style-type: none"><li>• protect confidentiality of victims in public records, like a timely warning or crime log.</li><li>• 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).</li></ul>	<p>You have the right to:</p> <ul style="list-style-type: none"><li>• changes to academic, living, transportation, and working situations, and</li><li>• protective measures, if requested and reasonably available, regardless of whether you choose to report the crime to campus police or law enforcement.</li></ul>
<p>You will receive information on how and to whom to report an incident.</p> <p>You have the right to:</p> <ul style="list-style-type: none"><li>• notify campus authorities and law enforcement,</li><li>• be assisted by campus authorities in notifying law enforcement, and</li><li>• decline to notify such authorities.</li></ul>	<p>You will receive important information in writing, such as:</p> <ul style="list-style-type: none"><li>• the importance of preserving evidence and how to do so,</li><li>• on- and off-campus resources available to you,</li><li>• possible accommodations,</li><li>• information on orders of protection or other similar orders, and</li><li>• procedures for disciplinary action.</li></ul>	<p>You have the right to:</p> <ul style="list-style-type: none"><li>• a prompt, fair, and impartial process,</li><li>• conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking.</li></ul> <p>Both the complainant and the respondent have the right to:</p> <ul style="list-style-type: none"><li>• have others present,</li><li>• be accompanied to any related meeting or proceeding by an advisor of their choice, and</li><li>• receive simultaneous notification of results.</li></ul>

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;

<b>Official</b>	<b>Campus Address</b>	<b>Phone Number</b>
Campus Police & Public Safety	Health Professions Building Suite 300	706-272-4461 24hrs/7 days
Provost and Vice President for Academic Affairs	Westcott Building, Office 166	706-272-2491
Director of Human Resources	James E. Brown Center, Office 315	706-272-2034
Assistant Director of Student Conduct	Student Center, Office 237	706-272-2999
Dean of Students	Student Center, Office 236	706-272-2505
The Office of Residence Life	Mashburn Hall	1-706-712-8228
VP for Student Affairs and Enrollment Management	Westcott, 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.

## **I. 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.

## **II. 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.

Brenda Hoffmeyer	Victim/Witness Coordinator	706-826-1300
DSC Counseling Services		706-272-4430
Hamilton Medical Center		911 or 706-272-6000
Northwest Georgia Family Crisis Center		706-278-6595

## **III. 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 the Title IX Coordinator at 706-272-2034 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.

#### IV. 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*

#### V. Student Conduct

The Dean of Students Office is responsible for administering the Student Code of Conduct, which articulates the behavioral standards and the equitable procedures used by the college to respond to allegations of student misconduct. The Code of Conduct may be accessed at: [https://www.daltonstate.edu/skins/userfiles/files/Dalton%20State%20College%20Student%20Code%20of%20Conduct\(2\).pdf](https://www.daltonstate.edu/skins/userfiles/files/Dalton%20State%20College%20Student%20Code%20of%20Conduct(2).pdf)

##### Disciplinary Procedures

1. **Throughout the student conduct disciplinary procedures, accused students shall be afforded the following rights:**
  - A. To receive notice of alleged violations
  - B. To be provided an opportunity to respond to alleged violations
  - C. To seek information from the Student Conduct Administrator or a hearing officer about the review and resolution processes
  - D. To be accompanied by one advisor of his/her choice to conduct meetings and hearings (For further information on advisors, see section IV.7)
  - E. To present relevant information on his/her behalf
  - F. To request relevant witnesses in his/her behalf
  - G. To remain silent during any investigations and/or hearing and have no interference of responsibility drawn from such silence. (If the respondent chooses to remain silent, the investigation may still proceed, and policy violation charges may still result, and any charges may be resolved regarding the respondent)
  - H. To have unrelated charges and cases resolved separately, unless the respondent consents to having them aggregated
  - I. To be informed of any disciplinary outcomes in writing
  - J. To appeal decisions on specific grounds (For further information on appeals, see section X)
  - K. To attend classes and required College functions until a hearing is held and a decision is rendered. Exceptions can be made when an interim suspension is imposed. (For further information on interim suspension see Section IX)

## VI. 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.

## VII. 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 (college officials; deans, directors, coaches, etc.) 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.

## VIII. 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 written 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 written instructions on how to apply for Protective Order.
  - Institution will provide written 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 written instructions on how to apply for Protective Order.
  - Institution will provide written 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 written instructions on how to apply for Protective Order.

- Institution will provide written 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.