

650 College Drive
Dalton, GA 30721

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>PREVENTION</p> <p>Institutions must provide awareness campaigns and primary prevention programs to all students and employees on:</p> <ul style="list-style-type: none"> • dating violence, • domestic violence, • sexual assault, and • stalking. <p>These programs will explore the community's role in prevention.</p>	<p>CONFIDENTIALITY</p> <p>The institution will:</p> <ul style="list-style-type: none"> • protect confidentiality of victims in public records, like a timely warning or crime log. • 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). 	<p>ACCOMMODATIONS</p> <p>You have the right to:</p> <ul style="list-style-type: none"> • 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.
<p>REPORTING</p> <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"> • notify campus authorities and law enforcement, • be assisted by campus authorities in notifying law enforcement, and • decline to notify such authorities. 	<p>WRITTEN INFO</p> <p>You will receive important information in writing, such as:</p> <ul style="list-style-type: none"> • 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. 	<p>DISCIPLINARY PROCEDURES</p> <p>You have the right to:</p> <ul style="list-style-type: none"> • 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. <p>Both the complainant and the respondent have the right to:</p> <ul style="list-style-type: none"> • have others present, • be accompanied to any related meeting or proceeding by an advisor of their choice, and • receive simultaneous notification of results.

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;

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.

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.

Greenhouse Sexual Assault Center	706-278-4769
DSC Counseling Center	706-272-4430
Hamilton Medical Center 24/7	706-272-6150
Northwest Georgia Family Crisis Center 24/7	706-278-5586

III. Accommodations

Accommodations or 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 706-272-2034 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.

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/campus_life/student-conduct-about.cms

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 is 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 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 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. 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 on Page 19.

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 or in person to the Director of Human Resources, Title IX Coordinator located in James E. Brown Center, Office 315 or by phone 706-272-2034. 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.

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 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.