



**CHATTAHOOCHEE VALLEY**

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COMMUNITY COLLEGE

# **Annual Security Report 2020**

IN COMPLIANCE WITH THE JEANNE CLERY DISCLOSURE OF CAMPUS  
SECURITY POLICY AND CRIME STATISTICS ACT

**Chattahoochee Valley Community College Campus Location:**

2602 College Drive  
Phenix City, Alabama 36869  
(334) 291-4900

**Campus Law Enforcement Authority**

CVCC has partnered with the Russell County Sheriff's Department to provide evening and weekend security on campus. As sworn law enforcement officers, these individuals have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If minor offenses involving College rules and regulations are committed by a College student, these campus safety officers may also refer the individual to the Dean of Students and Campus Services for a code of conduct review.

The CVCC Security Chief has the authority to ask persons for identification and to determine whether individuals have lawful business at CVCC. The CVCC Security Chief does not possess arrest powers. Criminal incidents are referred to local law enforcement officers who have jurisdiction on campus. The CVCC Security Chief maintains a highly professional working relationship with the Phenix City Police Department and the Russell County Sheriff's Department.

**Chattahoochee Valley Community College Relationship with Federal, State, and Local Law Enforcement Agencies**

CVCC is partnered with Russell County Sheriff's Department to provide evening and weekend security on campus. CVCC has a strong relationship with both state and federal law enforcement agencies.

**Reporting Criminal Actions or Other Emergencies**

It is the policy of CVCC that any criminal act or threat of violence, injury, destruction of college or personal property, or other situation that occurs on college property and that may constitute an emergency, a danger to the health, safety, or property of any person, or a threat to public order be reported immediately. An emergency is hereby defined as any event that is disruptive to the normal affairs of the college. Members of the campus community should be alert to emergency situations and make immediate reports as outlined below. In reporting an emergency, the caller must: (a) state name; (b) state type of emergency; (c) state location of emergency; and (d) remain in the area until assistance arrives.

**Security and Access**

During business hours, the College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance via Campus Security. In the case of periods of extended closing, any employees on campus should immediately notify the Campus Security officer on duty of their presence on campus.

Some facilities may have individual hours, which may vary at different times of the year. Examples are Key Hall, the Sports Complex, and Owen Hall. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. Normal business hours:

Sunday: The Learning Resource Center is open from 2:00 p.m. to 6:00 p.m.  
Other campus buildings are closed.  
Monday – Thursday: 8:00 a.m. – 6:00 p.m.  
Fridays: 8:00 a.m. to 2:30 p.m.  
Saturday: Closed unless weekend classes or athletic events are scheduled

**Security of Personal Property**

The college cannot be responsible for personal property, nor can the college assume responsibility for the protection of vehicles or their contents. The campus police recommend that students conceal books, supplies, and other valuables in the trunks of their cars or keep valuables in their possession at all times. Items such as purses, handbags, book bags, and knapsacks should not be unattended.

**We encourage all victims to promptly and accurately report all crimes or emergencies:**

**In an Emergency call 911**

Campus Security 334-291-4950  
The Chief of Security, Keith Manual, is located in the Security Kiosk at the entrance to the College.  
Russell County Sheriff’s Office 334-298-6535

**Medical Emergencies: Dial 911**

**Non-Law Enforcement Campus Security Authorities**

**Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the College conduct system or the criminal justice system, you may want to consider making a confidential report. Confidential reports can be made to any Campus Security Authority. These reports allow the allegation to be included in our Annual Security Report and assist the college in prevention of further crimes. All reports to Campus Security Authority’s will remain confidential unless the victim request otherwise.

**Victims that do not want to report crimes to law enforcement may contact the following Campus Security Authorities:**

| <b>Name</b>       | <b>Position</b>                      | <b>Contact Number</b> | <b>Office</b>    |
|-------------------|--------------------------------------|-----------------------|------------------|
| Dr. Sherri Taylor | Dean of Students and Campus Services | 334-214-4865          | Wallace Hall 203 |
| Stephen Nesmith   | Student Information Clerk            | 334-291-4900          | Wilson Hall      |
| Reggie Gordy      | Evening Coordinator                  | 334-291-4947          | Wallace Hall 201 |

Please note that a CSA is not responsible for determining authoritatively whether a crime took place that is the function of Campus Safety and/or law enforcement personnel. A CSA should not try to apprehend the alleged perpetrator of the crime. This is the responsibility of law enforcement. It is also not the responsibility of a CSA to try to convince a victim to contact law enforcement if the victim chooses not to do so.

### **Reporting Crimes Off-Campus**

Victims and witnesses to criminal activity occurring off campus should contact the appropriate agency for the jurisdiction:

Russell County Sheriff's Office    334-298-6535  
Phenix City Police Department    334-448-2800

### **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimized hazardous conditions. Physical plant personnel and security personnel report any unsafe conditions that are observed during their rounds to the appropriate maintenance personnel for repair or correction. All members of the CVCC community are encouraged to report and submit maintenance requests for equipment problems or unsafe conditions to the Maintenance Department.

### **Security Awareness Programs for Students and Employees**

During New Student Experience (April, July, and November) and student orientation classes, students are informed of services offered by Campus Security. Video and slide presentations outline ways to maintain personal safety and security.

In addition, students are told how to report concerning or suspicious behavior during presentations in required orientation classes. Similar information is presented to new employees during new employee orientation as well. Sexual assault prevention and awareness information is disseminated in orientation classes. Similar training is offered to employees at its annual harassment training. In addition to seminars, information is disseminated to students and employees through student-led awareness campaigns. The Russell County Crisis Center is often our lead partner for these campaigns.

### **Crime Prevention Programs for Students and Employees**

Crime prevention programs on personal safety and theft prevention are sponsored by various campus departments. These programs will be offered each fall and spring semester during local professional development. Topics will vary depending upon the needs of the campus at the time but include personal self-defense, active shooter response, sexual assault awareness, etc. These programs will be offered to both students and employees.

### **Emergency Operation Training and Drills**

CVCC has a well-developed process for significant emergencies or dangerous situations involving an

immediate threat to the health and safety of students, employees, and visitors. The process is detailed in the CVCC Emergency Operations Plan (EOP), which includes information about the College’s operating status parameters; incident priorities; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. The EOP is designed to take an all hazards approach to both natural and human caused hazards. Divisions, departments, offices and individuals are encouraged regularly to familiarize themselves with information in this plan.

The College conducts emergency response exercises each year, which may include one or more activities, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. CVCC staff have received training in the Incident Command System and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, CVCC utilizes relationships with local, state and federal resources to provide an appropriate response. The CVCC with a variety of local, state and federal agencies annually to enhance their response capabilities.

| Type of Exercise or Drill | Date             | Was Campus Notified of Drill or Exercise? |
|---------------------------|------------------|---|
| Shelter In-Place Drill    | March 12, 2020   | Yes – Cancelled due to COVID-19           |
| Bus Fire Drill            | October 13, 2020 | Yes                                       |
| IPAC Fire Drill           | November 4, 2020 | Yes                                       |

**Emergency Procedures:**

**Criminal Acts**

All criminal acts will be investigated by the Russell County Sheriff’s Department. To report a crime, call 911.

**Medical Emergencies**

Fire and Rescue responds to emergency medical calls at CVCC. To report a medical emergency, call 911

**Automated External Defibrillators**

Automated External Defibrillators (AED) devices are located in various places on campus such as the Security Kiosk, Switchboard, Nursing Office, Library, Gymnasium, Baseball Field Concession, and the IPAC atrium. These devices deliver life-saving jolts of electricity for those having a medical emergency with the cardio-vascular system.

**Fire**

Fire and Rescue responds to all fire related emergencies at CVCC.  
 Fire Extinguishers are maintained on all floors of campus buildings.  
 Fire and sprinkler systems are maintained as required by the Code of Alabama.

To report a fire, call 911.

### **Building Evacuation**

In the event it becomes necessary to evacuate a building, all occupants are expected to vacate the facility as directed by the signage located in each building. During fire events, do not use elevators. In the event of a building evacuation, a rally point will be identified in the emergency evacuation warning.

### **Fire Evacuation**

In the event of a campus fire, you will hear a continuous horn. You should safely evacuate to the nearest building where no danger is present. You should also receive verbal directives from campus officials. If you discover the fire, you should evacuate the area, close the doors, activate the alarm, and return to extinguish the fire only if it is safe to do so. You should also dispatch someone to direct the Fire Department to the location of the fire.

### **Tornado Warning**

In the event of inclement weather such as a tornado warning, you will hear weather siren if you are outdoors. This siren indicates you must find shelter immediately. Campus officials will also be providing directions to find shelter. Acceptable shelter locations are outlined on the Emergency Response flyer. These flyers should be posted in each classroom and common area on campus. You should remain in shelter until a campus official delivers a message of “all- clear.”

### **Lock Down**

First, in the event of a campus Lock Down, you will receive a campus e-notification and/or face-to-face directive from a campus official. In the absence of a verbal directive from a campus official, we ask that you remain where you are and secure the door until an all-clear is delivered via the e-notification system and/or campus official.

### **All-Clear**

In the event the campus officials call for action to lock down, evacuate or shelter, they will also deliver a message of all- clear. This message can be delivered verbally through face to face communication, email, voicemail, e-notification, and/or all of the above.

### **Emergency Notification System**

In the event of a campus lockdown, evacuation, shelter, weather emergency or any other emergency that warrants immediate notification, the College will notify students and employees through SchoolCast, an emergency notification system. Employees and students are automatically placed on the notification list upon being hired or enrolled at the College. Employees and students may log into SchoolCast and update their information as needed with the information provided to them by the College.

## **Campus Safety and Covid-19**

In response to the Department of Education's issued guidance suggested that COVID-19 is a significantly "dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus," CVCC provides students and employees a single notification through the regular means of communicating emergency notifications informing them about COVID-19 and necessary health and safety precautions, as well as encouraging them to obtain information from health care providers, state health authorities, and the CDC's COVID-19 website. The College follows the guidance of the Centers for Disease Control, Alabama Department of Public Health, and the Alabama Community College System. Information about COVID-19 and a link to the CDC website may be found at [www.cv.edu](http://www.cv.edu).

## **Monitoring Campus, Non-Campus and Public Property for Criminal Activity**

The Campus Security Department maintains a list of all reports of crimes that occur on CVCC property. Between January and July of each calendar year, letters of inquiry, or emails, are sent to local police jurisdictions inquiring about specific Clery crimes associated with each address during those specific dates/times. These letters are sent by certified mail, and their associated certification labels are included in the Campus Safety Office correspondence file. When these letters are answered, their contents are analyzed, and any crime deemed to be within the exact Clery geography of that location is added to the crime data for that year.

## **Daily Crime Log**

CVCC maintains a Daily Crime Log that records the date the incident was recorded, the type of incident, the general location of the incident and the disposition of the complaint. The department post criminal incidents on the Crime Log within two business days of receiving a report of an incident. These records are available for public inspection at any CVCC Security Department anytime that the campus is open for business.

## **Crisis and Other Urgent Communications**

**Clery Timely Warning Notices** are specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a serious crime has been reported and/or may be repeated--so that campus community members can protect themselves or their property. The Clery Act identifies specific crimes that require a timely warning notice to be issued. When crimes are reported to a CSA or the police and the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property immediately contiguous to the campus.

## **Timing, Content, and Decision Criteria for Issuing a Crime Alert:**

- The Clery Act does not define what is *timely*. However, the warning should be issued as soon as pertinent information is available, because the intent of a Clery timely warning is to alert the campus community of a criminal event and any continuing threats that are believed to exist.
- Clery Act regulations do not specify what should be included in a timely warning. However, the warning should include information that would promote actions to encourage security awareness.

- The issuance of a Crime Alert should be decided on a case-by-case basis in light of all of the facts surrounding a crime. These include factors such as the nature of the crime, a continuing danger to the community, and the possible risk of compromising law enforcement efforts to apprehend the suspect(s) if certain information is made public.
- Generally, the Alert should specify the type of reported crime, the time and location where the crime occurred, and specific advice to the community regarding steps to take to avoid becoming a victim of similar crimes.

The decision to issue a Crime Alert is made by the Dean of Students and Campus Services or her designee, at times after consulting with The President. The Crime Alert may be issued by any of the Public Information Officers.

A **CRIME ALERT** may be disseminated campus-wide using a variety of methods that include official CVCC e-mail, advisory posters placed at building entrances and inside locations frequented by members of the campus community, the Security Department web page, and via social media such as Facebook and Twitter. Sometimes an alert may be isolated to certain areas of the campus because the threat to the entire campus is negligible.

### **Emergency Notifications**

If a potentially life-threatening emergency exists that necessitates an urgent notification to the campus community, such as a tornado warning or active shooter, the institution's e2-campus Emergency Notification System will be used. This message will be promulgated through text messages, and emails. The e-2 Campus Notification System also integrates messages with Facebook and Twitter. The way an individual gets e-2 Campus messages, is entirely their decision. Emergency notifications can be sent by the Police Department Dispatcher when deemed appropriate

### **Sex Offender Registration**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the Dean of Students and Campus Services provides a link to the Alabama Department of Public Safety Sex Offender Registry. This act also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of Alabama, convicted sex offenders must register with local law enforcement who then forward the information on to the Alabama Bureau of Investigation. Follow the link below to access the Alabama Department of Public Safety Community Information Center website <https://app.alea.gov/Community/default.aspx>.

### **Disclosure of Crime Statistics**

The Dean of Students and Campus Services prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. National campus safety data is located through a link on our website at Student Resources > Campus Security > Security and Emergency > Campus Safety and Security Report (<https://ope.ed.gov/campussafety/#/>.) This report is prepared in



cooperation with the local law enforcement agencies surrounding our campus. Campus crime, arrest, and referral statistics include those reported to the CVCC Security Office, designated campus officials (including but not limited to directors, deans, department heads, advisors to students/student organizations, and athletic coaches) and local law enforcement agencies. Data is gathered for the academic year from Aug. 1 through Jul 31. For this year, data has been collected through the adjusted dates provided by the United States Department of Education.

Each year, notification is made to all enrolled students providing the web site to access this report and national campus safety data. Faculty and staff receive similar notification via email.

Copies of the report may also be obtained at the Security Kiosk or by calling 334-291-4950. All prospective employees may obtain a copy from Human Resources in Wallace Hall or by calling 334-214-4848, and the website address will be posted with the employment application under the Employment Link. A partial version of this report is located in the College Catalog and Student Handbook.

### **Definitions of crimes which must be defined by the Clery Act are:**

**Domestic Violence** - Defined under federal law (42 U.S.C. 13925(a)) as any felony or misdemeanor crime of violence committed by:

1. Current or former spouse, or intimate partner, of the victim
2. Person whom the victim shares a child with
3. A person who has or is cohabitating with the victim as a spouse or intimate partner
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred or
5. By any other person against an adult or youth victim who is protected from domestic or family violence laws of the jurisdiction, in which the crime of violence occurred.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant’s statement, length of the relationship, type of relationship, and the frequency of interactions between the person(s) involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. For the purpose of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

**Sexual Assault** - Can include any form of actual or attempted sexual activity perpetrated upon a person without that person’s consent, including sexual behavior coerced through physical or verbal threats, force or other forms of manipulation and sexual behavior when one person cannot give consent due to incapacitation.

**Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim. This definition includes any gender of victim or perpetrator.

**Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his / her age or temporary or permanent mental or physical incapacity.

**Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Consent** - Knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. The request of consent must be specific to each act and should be obtained with each new level of physical and/or sexual contact/conduct in any given interaction, regardless of who initiates it. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct. Consent is the act of willingly and verbally agreeing to engage in specific sexual contact or conduct. Obtaining consent is an ongoing process in any sexual interaction.

**Stalking** - Stalking, defined as intentionally and repeatedly harassing or following a person and intentionally or unintentionally placing the person being followed or harassed in fear of physical harm to one's self or property or physical harm to another person or another's property. A person engages in stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

1. He or she intentionally and repeatedly harasses or repeatedly follows another person; and
2. The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and
3. The stalker either intends to frighten, intimidate, or harass the person; or knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.
4. If he or she attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed. That constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

## **Confidentiality**

CVCC encourages anyone who is the victim or witness to any crime to promptly report the incident.

Because police reports are public records under state law, Russell County Sheriff's Department cannot hold reports of crime in confidence. Anonymous reports to Campus Safety Authorities may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of the College to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, CVCC reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide "timely warning notification" as well as inclusion in the annual crime statistics.

### **Arrest Statistics Relating to Alcohol, Drugs and Weapons**

For compliance with the Campus Security Act, institutions must also report the numbers of arrests for liquor law violations, drug abuse violations, and weapons possession.

Definitions of crimes for which arrests must be reported also as defined by the National Association of College and Universities Attorneys College Law Digest are:

- Liquor law violations: violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages (with the exception of "driving under the influence" or "drunkenness").
- Drug abuse violations: violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use.
- Weapons possessions: violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### **Crime Statistics**

The following crime statistics are compiled for all on-campus property, the public property immediately adjacent to campus, and off-campus locations at which the College has written agreements to provide services. Crime statistics include information collected from the daily crime log, student discipline records, and local law enforcement agencies.

|                                      | On Campus |      |      | Non-Campus |      |      | Public Property |      |      | Unfounded Cases |
|--------------------------------------|-----------|------|------|------------|------|------|-----------------|------|------|-----------------|
|                                      | 2017      | 2018 | 2019 | 2017       | 2018 | 2019 | 2017            | 2018 | 2019 |                 |
| <b>Type of Clery Crime</b>           |           |      |      |            |      |      |                 |      |      |                 |
| Murder / Non-negligent Manslaughter  | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Negligent Manslaughter               | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Rape                                 | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Fondling                             | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |                 |
| Incest                               | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Statutory Rape                       | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Robbery                              | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Aggravated Assault                   | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Burglary                             | 0         | 0    | 1    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Motor Vehicle Theft                  | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Arson                                | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| <b>VAWA Offenses</b>                 |           |      |      |            |      |      |                 |      |      |                 |
| Domestic Violence                    | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Dating Violence                      | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Stalking                             | 1         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| <b>Arrest</b>                        |           |      |      |            |      |      |                 |      |      |                 |
| Liquor / Alcohol Law Violation       | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Drug Abuse Violation                 | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Weapons, Carrying, Possessing, etc.  | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| <b>Campus Disciplinary Referrals</b> |           |      |      |            |      |      |                 |      |      |                 |
| Liquor / Alcohol Law Violation       | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Drug Abuse Violation                 | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |
| Weapons, Carrying, Possessing, etc.  | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0               |

### Hate Crimes

**Hate Crimes** – Includes all of the crimes listed under reportable crimes that manifest evidence that the

victim was chosen based on one of the categories of bias listed below, plus the following crimes:

**Larceny/Theft** – Includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

**Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism to Property (except Arson)** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

The categories of Bias included in Hate Crime reporting include: **race, gender, gender identity, religion, sexual orientation, ethnic / national origin, and disability.**

| <b>Year</b> | <b>Offense</b> | <b>Number of Offenses</b> | <b>Bias</b> |
|-------------|----------------|---------------------------|-------------|
| 2020        | NONE           | 0                         | NA          |

### **Notification to Victims of Crime of Violence**

CVCC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of the crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purpose of this paragraph.

According to Section 16 of title 18 of the United States Code, the term “crime of violence” means:

- a. an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- b. any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- c. The results of a disciplinary proceeding means – only the institutions final determination with respect to the alleged sex offense and any sanctions that is imposed against the accused.

### **Sex Offender Registry**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000 and the Adam Walsh

Child Protection and Safety Act of 2006 (42 U.S.C. 16921) requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. Information about sex offenders in Alabama can be found at <https://www.alea.gov/node/270>.

## **Sexual Offenses**

CVCC State places a high priority on the safety of all students, employees and visitors. Any type of sexual misconduct is strictly forbidden at CVCC. Both college disciplinary procedures and criminal charges may be applied to sexual offenses.

## **Educational Programs**

Education programs aimed at making the CVCC community free from sex offenses are administered by Campus Security and include:

- a. Presentations at orientation sessions by Campus Security,
- b. Presentations by Campus Security as requested by the college community, and
- c. Posters throughout the campus community to heighten awareness of sexual assault.

## **Sanctions**

Upon determination that a student or employee has committed rape, acquaintance rape or another sexual offense, the following sanctions are available:

- Criminal charges
- Probation
- Suspension from college and/or employment
- Expulsion from college
- Termination of employment
- Ban from college property

## **Sexual Assault Elimination Act**

Enacted in March 2013, the Campus Save Act is the most recent, and far reaching, in a long line of laws that protect students from sexual violence and harassment. The act requires students, faculty and staff to be trained in the appropriate response to sexual violence and harassment. These programs will include a discussion of what constitutes sexual harassment and sexual violence, the school's policies and disciplinary procedures, and the consequences of violating these policies.

## Policy

CVCC places a high priority on the safety of all students, employees and visitors. Any type of harassment, abuse, physical violence or intimidation is forbidden. Both college disciplinary procedures and criminal charges may be applied to these offenses.

## Student Bill of Rights

1. Complainants have the right to assistance by all faculty and staff in reporting allegations of harassment, abuse, physical violence, sexual violence or intimidation.
2. Complainants have the right in choosing the manner in which the complaint is filed.
  - a. The complainant may report the crime to law enforcement.
  - b. The complainant may request a school disciplinary inquiry.
  - c. The complainant may choose both options.
  - d. The complainant may choose not to report the incident.
3. Complainants have the right to confidentiality when reporting allegations of harassment, abuse, physical violence, sexual abuse or intimidation.
4. Complainants have the right to a thorough and professional investigation that protects the rights of both the accused and the accuser.
5. Complainants have the right to know that criminal sanctions include probation, fines, imprisonment or counseling.
6. Victims have the right to know that school disciplinary sanctions include probation, suspension, expulsion, counseling, termination of employment and ban from college property.
7. Complainants have the right to assistance in obtaining orders of protection, no contact orders and restraining orders by the Campus Police concerning offenses that occur on campus, when requested and when probable cause exists.
8. Complainants have the right to know that there will not be a monetary charge for filing criminal or school disciplinary complaints.
9. Complainants have the right to a prompt, fair, and impartial investigation, conducted by properly trained individuals conducted by officials who receive annual training.
10. Accusers and accused have the right to simultaneous written notification of outcome at each stage in the process.
11. Accusers and the accused both have the right to appeal code of conduct decisions.
12. Complainants have the right to assistance with accommodations regarding academic and work scheduling when requested and reasonably available; whether or not the offense was reported to law enforcement. The location of the offense does not affect this right.

13. CVCC will not allow any form of retaliation against a complainant for making an allegation of harassment, abuse, physical violence, or intimidation.

### **Instructions for Sexual Assault Victims**

In the event you or another person is the victim of sexual assault, it is important to remember details, follow procedures and notify the proper departments. The single most important thing a victim of rape or sexual assault can do is tell someone - the police, a friend, a medical professional, etc. Rape or sexual assault, whether by a stranger or someone you know, is a violation of your body, your trust and your right to choose. The following are recommended procedures to follow:

- A. Do not shower, wash or change your clothes.
- B. Do not brush your teeth.
- C. Preserve any evidence such as clothing, used condoms, towels, tissue or other items which may be useful for investigation purposes.
- F. Seek medical attention immediately. Local emergency medical services can be contacted by dialing 911.
- G. Seek counseling to assist with mental and emotional trauma. Information concerning counseling services available through various agencies can be obtained in the Campus Security Office.

### **Resources for Sexual Assault Victims**

#### **Preventing and Responding to Sexual Offenses**

The College educates the student community about sexual assaults and date rape through various outlets each academic year. Literature on date rape education, risk reduction, and College response is available through the Office of the Dean of Students and Campus Services.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Campus Security strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a College officer. Filing a report with a College officer will not obligate the victim to prosecute nor will it subject the victim to scrutiny or judgmental opinions from officers. However, filing a police report will ensure that a victim of sexual assault receives necessary medical attention at no expense to the victim;

- provide the opportunity for collection of evidence for prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet or change clothing prior to a medical/legal exam); and
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts Campus Security or another College administrator, the local police



will not be notified unless the victim requests that this be done. If the victim is a student, the Dean of Students and Campus Services will be notified. If the victim is an employee, the Director of Human Resources will be notified. A student who is the victim of a sexual violence may choose for the investigation to be pursued through the criminal justice system, the College conduct process, or both.

An employee who is the victim of sexual violence may choose for the investigation to be pursued through the College Grievance Process, through the criminal justice system or both.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is defined as a “individual who observes or witnesses’ conditions that perpetuate violence. They are not Directly involved but have the choice to intervene, speak up, or do something about it.” CVCC want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do in the event we want to help. The link below provides useful information to help bystanders make informed decisions:

<https://www.nsvrc.org/bystander-intervention-online-learning-opportunities>.

- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling or being physically abusive toward another person and it is not safe for you to interrupt.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

### **Risk Reduction**

With no intent to victim blame and recognize that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).

### **Protection from Abuse Orders**

CVCC complies with Alabama law in recognizing protection from abuse orders. Any member of the campus community that obtains such order should notify the Campus Security. The Campus Security will assist the complainant with developing a Safe Action Plan. The purpose of this plan is to reduce the risk of harm to the complaint while on campus or traveling to and from campus.

## **Student Code of Conduct**

The Student Code of Conduct contains the policies regarding:

- alcoholic beverages and underage drinking law,
- illegal drugs and applicable federal and state drug laws, and
- policies and procedures addressing additional student conduct issues.

## **STUDENT CODE OF CONDUCT**

### **Philosophy**

Student conduct emphasizes a developmental approach toward discipline that is educational and proactive and allows for maximum student growth. CVCC embraces the concept of a student-centered college committed to developing and establishing programs designed to enhance lifelong learning opportunities, foster a climate of personal growth and development, set high expectations for personal integrity and assist students in the development of an informed set of values, ethics and beliefs. A student-centered college embraces a campus climate in which civility and respect among members of the campus community are viewed as vital to the overall ethical development of its students.

### **Statement on Conduct**

Chattahoochee Valley Community College students are expected to obey federal, state and local laws, to respect the rights of members of the campus community and to accept responsibility for the consequences of their behavior. In the event students fail to demonstrate such behavior, CVCC reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include pursuing disciplinary sanctions for violations of College rules, regulations and policies as well as violations of Federal, State and local laws that occur on-campus or on the Internet which adversely affects the educational interest of the College.

CVCC's student conduct system is not a court of law. The Student Code of Conduct is not written with the specificity of a criminal statute. In cases where civil or criminal proceedings also involve a violation of the Student Code of Conduct, the College reserves the right to take appropriate disciplinary action against the student. Such action will be regarded as separate and distinct from proceedings in criminal or civil court and may be scheduled according to timelines that serve the interest of the College.

### **Student Conduct Authority**

The Dean of Students and Campus Services, Dr. Sherri Taylor, develops policies for the administration of the student conduct program and the procedural rules for the conduct of hearings that are not inconsistent with the provisions of the Student Code of Conduct.

The Dean of Students and Campus Services, in consultation with the members of the CVCC Cabinet, determines the composition of the Student Discipline Committee.

The Dean of Students and Campus Services ensures that the Student Discipline Committee is

representative of College's students, faculty and administrative staff members who are willing and able to offer fair and thoughtful consideration of each case heard.

## Definition of Terms

- a. The term **“College”** means Chattahoochee Valley Community College.
- b. The term **“student”** includes all persons taking courses at Chattahoochee Valley Community College, either full-time or part-time. Persons who are not currently enrolled, but who were previously enrolled, would be considered to have a continuing relationship with the College so long as they are eligible to enroll. Individuals who are admitted, but whose degree is not yet conferred, are considered students.
- c. The term **“faculty member”** means any person employed by Chattahoochee Valley Community College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of the faculty.
- d. The term **“college official”** includes any person employed by Chattahoochee Valley Community College performing assigned administrative or professional responsibilities.
- e. The term **“college premise”** includes any property that is owned, controlled or leased by Chattahoochee Valley Community College.
- f. The term **“college event”** includes any activity conducted, sponsored or authorized on behalf of CVCC, whether on college premise or off.
- g. The term **“organization”** means a student organization who has complied with the formal requirements for recognition.
- h. The term **“Student Discipline Committee”** refers to any person designated by the Vice President/Dean of Student and Administrative Services to be responsible for the management of the student conduct program. The committee members are authorized to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
- i. The term **“policy”** is defined as the written regulations of the College as found in, but not limited to, the Student Code of Conduct, the College Catalog and Student Handbook and all official publications of the College, whether in print or published on the Internet.

## Student Conduct Code Violations

The following list of 31 violations of the Student Code of Conduct is an example of behaviors that may result in disciplinary action by the College. It is not to be regarded as all-inclusive. In the event that there arises ambiguity, inconsistency or a need for further clarification regarding what constitutes a violation of the Student Code of Conduct, the Dean of Students and Campus Services shall make the final determination. Any student or student organization found to be responsible for misconduct is subject to College sanctions.

### 1. Academic Dishonesty Cheating

- a. submitting material that is not yours as part of your course performance;
- b. using information or devices that are not allowed by the faculty;
- c. obtaining and/or using unauthorized materials;
- d. fabricating information, research and/or results;

- e. violating procedures prescribed to protect the integrity of an assignment, test or other evaluation;
- f. collaborating with others on assignments without the faculty's consent;
- g. cooperating with and/or helping another student to cheat or
- h. demonstrating any other forms of dishonest behavior.

### **Plagiarism**

- a. directly quoting the words of others without using quotation marks or indented format to identify them;
- b. using information (published or unpublished) without identifying the source;
- c. paraphrasing materials or ideas without identifying the source or
- d. unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material.

## **2. Alcohol Possession and Use**

- a. manufacturing, distributing, dispensing, possessing or using alcoholic beverages on College premises;
- b. manufacturing, distributing, dispensing, possessing or using alcoholic beverages during a College event or
- c. being in a state of alcohol intoxication on any College premises or at any College event.

## **3. Assault**

- a. any intentional physical contact of an insulting or provoking nature or
- b. any physical abuse, intentional injury or physical harm of another person.

## **4. Classroom Copyright Infringement**

- a. any recording or transmission of classroom lectures and discussions by students without prior written permission from the class instructor and without all students in the class as well as the guest speaker(s) being informed that audio/video recording may occur (it is not a violation if student has educational accommodations through the Office of Student Development and Success) or
- b. uploading any recordings of lectures and/or class presentations to publicly accessible web environments.

## **5. Classroom Disruption**

- a. any classroom behavior that obstructs teaching or research activities.

## **6. Damage or Destruction of Property**

- a. any damage or destruction of College property or another person's property.

## **7. Dating or Relationship Misconduct**

- a. engaging in any form of misconduct, harassment, intimidation or bullying directed to a member of the College community with whom the student has, had or seeks to initiate a dating, interpersonal or sexual relationship;
- b. engaging in any form of misconduct, harassment, intimidation or bullying directed to any present or former housemate, roommate, spouse or person with whom the student shares custody or parenthood of a child or
- c. a pattern of behavior in which one person in a current or former relationship purposely uses abuse, coercion or threats to gain power and maintain control over their intimate partner.

## **8. Deception**

- a. any misuse of college records, forms or documents through forgery, unauthorized alteration, reproduction or other means;
- b. any giving or receiving of false information to the College or to any College official, administrator or administrative unit;
- c. providing false information to law enforcement officials;
- d. possession of any fake, altered or any other identification that belongs to another person or
- e. any attempt to perpetrate a fraud against the College or a member of the College community.

## **9. Disorderly Conduct**

- a. all lewd, obscene or indecent behavior or other forms of disorderly conduct;
- b. any abuse or unauthorized use of sound amplification equipment or
- c. any conduct which materially interferes with the normal operation of the College or with the requirements of appropriate discipline.

## **10. Disorderly/Improper Assembly**

- a. any assembly for the purpose of causing a riot, destruction of property or disorderly diversion which interferes with the normal operation of the College or
- b. any obstruction to the free movement of other persons about campus or the interference with the use of College facilities.

## **11. Disruptive Behavior**

- a. behavior which persistently or grossly interferes with academic or administrative activities;
- b. behavior which actively inhibits students' ability to learn, instructors' ability to teach and/or the regular operations of the campus or
- c. behavior which may threaten or endanger the physical or psychological health, safety or welfare of others.

**12. Domestic or Intimate Partner Violence**

- a. any physical, sexual or psychological harm against an individual by a current or former partner or spouse of a student or
- b. willful intimidation, battery or sexual assault committed by a family member, household member, domestic partner or intimate partner.

**13. Drug Possession and Use**

- a. manufacturing, distributing, dispensing, possessing or using controlled or illegal substances and/or drug paraphernalia on College premises;
- b. manufacturing, distributing, dispensing, possessing or using controlled or illegal substances and/or drug paraphernalia during a College event or
- c. being in a state of drug intoxication on any College premises or at any College event.

**14. Failure to Comply**

- a. failing to respond to an official directive by properly identified College officials or law enforcement officials in the performance of their duties;
- b. failing to report for a conference, meeting or appointment with any College official or faculty member;
- c. failing to comply with any disciplinary condition imposed on a person by the Student Disciplinary Committee or any College official or
- d. fleeing from law enforcement or College officials.

**15. False Representation**

- a. any unauthorized claim to speak and/or act in the name of Chattahoochee Valley Community College or any organization, student, College officials or faculty members.

**16. Fire Safety**

- a. any failure to evacuate or immediately respond to a fire alarm;
- b. participation in creating or causing a false fire alarm;
- c. participation in tampering, disconnecting or altering any fire alarm system, equipment or component;
- d. failure to follow the instructions of college officials and emergency personnel during fire alarms;
- e. the possession, use, manufacture and/or sale of any incendiary device;
- f. participation in setting or causing to be set any unauthorized fire or
- g. the possession and/or use of any type of fireworks.

**17. Gambling**

- a. engaging in any form of gambling that is in violation of the law.

**18. Harassment**

- a. language, behavior or other activity which has the intent or effect of unduly demeaning, embarrassing or discomforting another person or
- b. creating an environment which is unduly demeaning, embarrassing or discomforting to any person(s) of reasonable sensitivity.

**19. Hazing**

- a. any act which endangers the emotional, mental or physical health or safety of a student, with or without their expressed permission, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization;
- b. any act intended to cause or actually causing physical discomfort, embarrassment and/ or ridicule of another person for the purposes mentioned above or
- c. apathy or acquiescence in the presence of hazing.

**20. Sexual Assault**

- a. any sexual conduct that takes place without the victim's consent, including any penetration of the vagina, anus or mouth by the perpetrator's penis or by any other object.
- b. sexual conduct deemed to be without the victim's consent when:
  - 1. the victim has instructed the perpetrator not to engage in the conduct;
  - 2. the victim is forced to submit to the act;
  - 3. the victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;
  - 4. the victim is unable to give consent or permission or is unable to resist because of intoxication with drugs or alcohol or
  - 5. the victim is unable to give consent or permission or is unable to resist because of any mental or physical disability.

**21. Sexual Harassment**

- a. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:
  - 1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic success;
  - 2. submission or rejection of such conduct by an individual is used as a basis for an employment or academic decision affecting the person submitting to or rejecting such conduct;
  - 3. such conduct has the purpose of effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, academic or living environment or
  - 4. such conduct denies, limits, provides different or conditions the provision of aid, compensation benefits or services provided to students or employees by CVCC.

## **22. Sexual Misconduct**

- a. intentional touching of the victim's intimate parts (the primary genital area, groin, inner thigh, buttock or breast) without or against the victim's consent;
- b. touching is either directly on the body part or on the clothing covering that body part;
- c. forcing the victim to touch the intimate areas of another person;
- d. sexual conduct deemed to be without the victim's consent when:
- e. the victim has instructed the perpetrator not to engage in the conduct;
- f. the victim is forced to submit to the act;
- g. the victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act or
- h. the victim is unable to give consent or permission or is unable to resist because of intoxication with drugs or alcohol or due to mental or physical disability.

## **23. Stalking**

- a. willful and repeated in a course of conduct directed at another individual that reasonably or seriously alarms, harasses, torments or terrorizes the victim;
- b. any behavior or activity that places another individual in fear of personal harm or intended to cause emotional distress to another individual or
- c. behaviors such as following or waiting on the victim; repeated unwanted, intrusive or frightening communications from an individual by phone, mail or e-mail; damaging the victim's property; making direct or indirect threats to harm the victim or the victim's family members, friends or pets; sending unwanted gifts or harassing through the Internet (cyber stalking).

## **24. Theft**

- a. taking, possessing or attempting to sell or distribute any property that is the property of another person, organization or entity (including but not limited to the College) without the owner's permission.

## **25. Threats**

- a. an expression of intention to inflict injury or damage or
- b. to cause another person to feel fear for their safety or well-being.

## **26. Tobacco**

- a. use of any tobacco product on College premise.

## **27. Unauthorized Entry**

- a. unauthorized entry into any College building, office, parking lot, motor vehicle or other facilities or
- b. remaining in any College building after normal closing hours without proper authorization.



**28. Unauthorized Use**

- a. unauthorized use of college equipment or
- b. unauthorized use or duplication of keys.

**29. Unauthorized Use of Computer Resources**

- a. use of a computer when not currently enrolled in a class requiring the use of a computer or without the written permission from the appropriate College official;
- b. inspection and/or modification of data or programs that were not specifically assigned to, owned by or created by the modifier;
- c. use of another's account number without permission;
- d. interference, electronically or otherwise, with other users of the computers;
- e. unauthorized use of computer resources for personal gain;
- f. use of another's programs or data without permission;
- g. viewing, printing or transmitting obscene, sexually suggestive, vulgar or offensive messages on websites;
- h. unnecessary use (waste) of computing supplies;
- i. physical abuse of hardware;
- j. harassment of any kind;
- k. transmitting messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference;
- l. transmitting messages with abusive, profane or offensive language;
- m. using computer resources for any purpose that is illegal, against College policy or contrary to the College's best interest;
- n. using computer resources to participate in Internet games, contests or chat rooms or
- o. transmitting e-mail or other electronic communications that hides or misrepresents the identity of the sender.
- p. violation of copyright(s): Copyrighted materials may not be transmitted by individuals using the College's email/Internet system. Users may not copy, retrieve, modify or forward copyrighted or licensed materials, except with the owner's permission or as a single copy for reference only.

**30. Violations of Law**

- a. any act that violates a provision of the laws of the United States; the laws of any state in which such act occurs; the ordinances of any county, city, municipality or other political subdivision or the laws of another nation or political subdivision thereof in which such act occurs is deemed to be a violation of the Student Conduct Code when that act:
  - i. occurs on any college premises;
  - ii. occurs in the context of any college event;
  - iii. occurs at any intercollegiate athletic event in which one of the College's teams is participating home or away;
  - iv. involves more than one member of the College community or
  - v. otherwise adversely affects the College.

### **31. Weapons and Firearms**

- a. keeping, using, possessing, displaying or carrying any rifle, shotgun, handgun or other lethal or dangerous device capable of launching a projectile by air, gas, explosion or mechanical means (including BB guns, air-soft guns, stun guns and paintball guns) on the College premise unless specifically authorized by the administration or as part of a College-sanctioned event or
- b. using, possessing, displaying or carrying any toy weapon which resembles a real weapon, any swords, any illegal knives, any explosives (including fireworks and sparklers), any martial arts weapons or any devices which are used to threaten the safety and well-being of a person on the College premise unless specifically authorized by the administration or as part of a College-sanctioned event.

### **Student Notification Process for Student Code of Conduct Violations**

When a student is charged with a violation of the Student Code of Conduct, the student will be notified to appear for a meeting with the Dean of Students and Campus Services to respond to the charges in the following manner:

- a. Except in the case of an interim suspension, a notification will be sent via certified mail to the address on file with the Office of Admissions. Interim suspension notices will be delivered to the student in person by a campus security officer.
- b. If a student does not respond to this request as instructed, a hearing will be held in the student's absence and action will be taken as warranted by the facts in the case, which may include disciplinary probation, suspension or expulsion. The decision from a hearing held in a student's absence will be final. The student will not be afforded an appeal.
- c. Students will not be permitted to enroll in subsequent semesters until their disciplinary case is resolved.

### **Student Withdrawals during the Student Conduct Process**

A student withdrawal from the College does not absolve the student from student conduct responsibility. Students who withdraw before their case is closed will have their cases adjudicated according the hearing procedures outlined in this document.

### **Conduct Procedures**

College conduct procedures assure the student's right to procedural and substantive due process and to safeguard personal and confidential information concerning the student. In the interest of student welfare and confidentiality, procedures and rules have been developed to assure a fair hearing and appeal. These procedures may differ from court procedures.

The Dean of Students and Campus Services confers with involved parties to make disciplinary decisions at the administrative level and refers appropriate appeals to the College Discipline Committee for an

appeal hearing. The Dean of Students and Campus Services coordinates disciplinary procedures and maintains appropriate records of student conduct and disciplinary actions.

To initiate a disciplinary review, alleged violations of College regulations must be filed in writing with the Dean of Students and Campus Services. Any student, faculty member or staff member may register a complaint with the Dean of Students and Campus Services. The Dean of Students and Campus Services will then inform the accused in writing, request a conference and deliver a decision to the student regarding the case in question. The decision will be one of the following:

1. Find the accused student not responsible and dismiss the charges.
2. Refer the student to a counselor for additional services.
3. Find the student responsible as charged and apply the appropriate sanction stated under Section IX.
4. Refer the case directly to the College Discipline Committee for a hearing.

### **Standards of Evidence**

The evidentiary standard to be used by the Committee will be the “Preponderance of Evidence” standard rather than the “Beyond a Reasonable Doubt” standard. That is to say that the Dean of Students and Campus Services and/or the College Discipline Committee will determine, strictly upon the information presented, whether it was more likely than not that the allegation(s) made against the accused student was (were) true in terms of which of the information was more credible and convincing to the reasonable mind.

The Dean of Students and Campus Services and/or College Discipline Committee will inform the parties that the rules relating to the admissibility of evidence will be similar to but less stringent than those which apply to civil trials in the courts of Alabama. Generally speaking, irrelevant or immaterial and privileged information (such as personal medical or attorney- client communications) will be excluded. However, hearsay information and unauthorized documentary information may be admitted if the Dean of Students and Campus Services and/or Committee Chair determines that the information offered is of the type and nature commonly relied upon or taken into consideration by a responsible, prudent person in conducting his/her affairs.

In the event of an objection by any party to any information offered at the hearing, the Dean of Students and Campus Services and/or Committee Chair will have the authority to rule on the admissibility of the information and this ruling shall be final and binding.

### **Sanctions**

- A student or student organization found responsible for violating the Student Code of Conduct, with the exception of violations related to academic dishonesty, may receive one or more of the sanctions listed below, as determined by the Dean of Students and Campus Services after review of the findings of fact.
- Prior to issuing a sanction, the Dean of Students and Campus Services will determine if the accused student or student organization has any previous violations of the Student Code of Conduct. This may have an effect on the type and level of the sanction(s) to be imposed.

- When a student organization engages in an act of misconduct, the College reserves the right to take actions not only against the organization but also against the individual student members of the organization.
- The following list of sanctions is intended to show the range of sanctions that may be imposed on a student or student organization either individually or in combination.
- This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed. Other College policies and regulations may impose specific penalties for specific violations and nothing in this Section is intended to limit the imposition of those specific sanctions.

**Disciplinary Reprimand.** This may be an oral or written warning. It notifies a student that any further violation of College regulations may subject the student to more severe disciplinary actions.

**Disciplinary Probation.** This is designated to encourage and require a student to cease and desist from violating College regulations. Students on probation are notified in writing that any further misconduct will lead to more severe action. The duration of Disciplinary Probation will be for the remainder of the existing semester and for all of the following semester of attendance.

**Educational Sanction.** An educational sanction may consist of the assignment of specific projects to be performed by a student or student organization such as writing a research paper on a specific topic, performing community service hours, attending an educational program and/or writing reaction papers on a specified topic.

**Loss of Privileges.** Denial of specific privileges for a designated period of time.

**Payment of Damages.** Charges will be assessed against students for the amount necessary to repair damage caused by their misconduct.

**Organizational Sanctions.** Loss of privileges including College recognition for a specific period of time or permanently. Loss of privileges may include, but is not limited to, a prohibition on social events or fund-raising projects. In addition, the completion of community service hours and special projects may be required.

**Deferred Suspension.** A student may be required to complete several sanctions or conditions. If any assigned sanction or condition is not met within the time allotted, suspension will be added as a sanction. In order to be considered to return to CVCC after suspension, the student must complete all sanctions and conditions originally assigned.

**Disciplinary Suspension.** This excludes a student from the College for a designated period of time, usually not more than two terms. While on suspension, a student will not be allowed to take any courses at the College. At the end of the designated period of time, the student must make formal reapplication for admission.

**Class Suspension.** A student may be suspended from attending one or more courses for misconduct. Course suspensions are for the remainder of the term and the student will be assigned a letter grade of “F” for each course from which he/she is suspended.

**Library Suspension.** A student may be suspended from using the library for misconduct in the Library. Library suspension will be for the remainder of the term.

**Disciplinary Expulsion.** This is the strongest disciplinary action. This category of severe penalty generally indicates the recipient may not return to the College. Disciplinary expulsion normally would be the least-used disciplinary action and would be applied only to students who are responsible for chronic misbehavior or a major misconduct. The College reserves the right, but has no duty, to lift prohibition against re-enrollment if the student submits a written application for readmission showing that he/she has demonstrated an ability and readiness to comply with all College rules and regulations. The College will not consider such a request until at least one year from the date of expulsion.

### **Interim Suspension**

1. In certain circumstances, the Dean of Students and Campus Services may impose a College suspension prior to a hearing. Interim suspension may be imposed only:
  - a. to ensure the safety and well-being of members of the College community or preservation of College property;
  - b. to ensure the student's own physical or emotional safety and well-being;
  - c. if a student poses a threat to themselves or others, or
  - d. if a student poses a threat of disruption of or interference with the normal operations of the College.
2. During an interim suspension, students may be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible. The student will be responsible for working with faculty members to make-up any missed work (if possible).
3. If an interim suspension is imposed, the hearing should follow within ten (10) business days.

### **Student Disciplinary Committee**

1. Committee
  - a) is composed of three faculty members (one of whom serves as chairperson), a member of the Student Government Association and one non-faculty staff member;
  - b) may hear charges and evidence concerning alleged student misconduct and determine the disciplinary action to be taken in cases appealed by students and referred to the Committee by the Dean of Students and College Services;
  - c) may review and make recommendations to the Dean of Students and College Services on student disciplinary policies and procedures.
2. Procedure
  - a) Hearings will be held in a private, confidential area.
  - b) Access will be limited to persons officially involved. This might include Discipline Committee members, the Dean of Students and College Services or his/her designee, the student who is the subject of the hearing and his/her advisor, appropriate staff members, a recorder and

- witnesses for both parties.
- c) Witnesses will be present only when providing information to the Committee.
  - d) One student advisor, who may be (but does not have to be) an attorney, can be present during the hearing. The advisor may not address the hearing to give evidence on behalf of the student. However, in answering or asking questions, the student may seek advice from the advisor before proceeding.
  - e) Minutes of the proceedings will be recorded and will be filed in the office of the Dean of Students and College Services and will be kept confidential.
  - f) The order of the hearing will be:
    - (i) Opening remarks by the Chair of Discipline Committee.
    - (ii) Review of charges and action taken by the Dean of Students and College Services.
    - (iii) Opening statement by the Dean of Students and College Services his/ her designee (not more than ten minutes).
    - (iv) Opening statement by the accused student (not more than ten minutes).
    - (v) Presentations of evidence by parties including testimony and questioning of witnesses.
      - (i) Witnesses for the College will present testimony first. Both parties to the action and the members of the Discipline Committee have the right to question witnesses. Following the testimony of all College witnesses, the student may call his/her witnesses.
    - (vi) Closing statement by the student.
    - (vii) Closing statement by the Dean of Students and Campus Services or his/ her designee.
    - (viii) The Discipline Committee will conduct its deliberation in a closed and confidential session and, after reaching a decision, orally inform the parties of the decision.
      - (i) Each party will subsequently be provided a written summary of the findings of the Committee.
    - (ix) The Discipline Committee will determine the total time to be allotted for the hearing and may limit the time for any or all aspects of the hearing.

## Appeals

The purpose of an appeal is to review the procedures of the hearing in order to determine if there has been any error. Students have the right to appeal decisions made by the Dean of Students and Campus Services or the Student Discipline Committee provided relevant grounds for an appeal are cited.

All appeal requests and responses in this process are transmitted in writing. When informing the student of the original decision in a hearing, the Dean of Students and Campus Services or Student Discipline Committee Chair will also explain the student's right to appeal the situation to the Student Discipline Committee or the College President, respectively. If the student wishes to appeal the case, he/she must send a written request, stating the reason(s) for the appeal, to the Dean of Students and Campus Services or the College President within five (5) working days from receipt of the notice. The Dean of Students and Campus Services will then have 48 hours to refer the case to the Student Discipline Committee along with his/her recommended sanctions. The Committee will conduct a hearing under the guidelines in "Hearing Procedures" portion of Section XII and will submit its decision in writing to the Dean of Students and Campus Services and the accused student. The President will have five (5) working days

from the date of the appeal to render a decision and provide that decision to the student in writing. The President's decision may be appealed to the Alabama Community College System using the Student Complaint Process described at the end of this document.

The student will not be granted an appeal if the case has been heard in the student's absence.

### **Appeal Guidelines**

3. Purpose
  - a) the purpose of an appeal is to review the procedures of the hearing in order to determine if there has been any error.
4. Grounds for Appeal
  - a) a violation of due process;
  - b) evidence of prejudicial treatment by the original hearing body;
  - c) evidence that does not support a finding;
  - d) sanction(s) inappropriate for the nature of the violation or
  - e) evidence that becomes available during the review process that was not previously available during the original hearing.
5. Appeal Outcomes
  - a) Affirm the original decision.
  - b) Change the sanctions imposed.
  - c) Refer the case for rehearing before another hearing body.
  - d) Find the accused student not responsible and terminate the proceedings.

### **Student/Student Organization Rights**

A student or student organization of CVCC charged with a violation of the Student Code of Conduct has the following rights:

1. To receive a written statement of the charges.
2. To receive a fair and impartial hearing.
3. To know the nature of the evidence against them and the names of witnesses scheduled to appear.
4. To present evidence and witnesses in their own behalf.
5. To be accompanied at a hearing by an advisor.
6. To be present at the hearing during the presentation of any evidence or material on which a recommendation will be made. If a student/student organization fails to attend the hearing, it will be held in their absence.
7. To refuse to answer questions.
8. To ask questions of witnesses.
9. To receive a decision based solely on the evidence presented.
10. To have a record made of the hearing.
11. To receive a written notice of the decision and an explanation of the decision and sanctions.
12. To appeal decisions.

Students or organizations may waive these rights by agreeing to administrative adjudication. No student is required to agree to administrative adjudication.

## **Victim's Rights**

Students who feel they are a victim of either a violation of the law or of the Student Code of Conduct have the following rights:

1. Regardless of whether an act is in violation of the law, the victim may file a charge against the student with a violation of the Student Code of Conduct.
2. To have a person of their choice accompany them throughout the student conduct process.
3. To submit a victim impact statement prior to a penalty being imposed.
4. To have past unrelated behavior excluded from the hearing.

## **Sexual Violence Consideration and Rights**

Consideration and rights to be afforded to all campus community members who are victims of sexual assault:

1. The right to have all sexual assaults against them treated with seriousness and the right to be treated with dignity.
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurs and the right to the full and prompt cooperation and assistance of campus personnel notifying the proper authorities.
3. The right to be free from pressure that would suggest that the victim not report crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials or to report crimes as lesser offenses than the victim perceives them to be.
4. The right to be free from suggestions that sexual assault victims not report or under-report crimes because:
  - a. victims are somehow “responsible” for the commission of crimes against them;
  - b. victims were contributorily negligent or assumed the risk of being assaulted or
  - c. by reporting crimes they would incur unwanted personal publicity.
5. The right to the full and prompt cooperation from campus personnel in responding to the incident.

Consideration and additional rights will be afforded to campus community members who are victims of sexual assaults which occur on College property. After campus sexual assaults have been reported, the victims of such crimes shall have:

1. The right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent unwanted contact or proximity with alleged assailants;
2. The right to be informed of the disciplinary proceedings as well as the outcome of such proceedings and
3. The same right to assistance or ability to have others present which is afforded to the accused during any campus disciplinary proceedings.



## **Confidentiality and Assurance Against Retaliation**

Every effort possible shall be made to ensure confidentiality of information received as a part of an investigation. Complaints will be handled on a “need to know” basis with a view toward protecting the interest of all parties involved. The College will do everything consistent with enforcement of this policy and with the law to protect the privacy of all parties involved and to ensure that all involved are treated fairly.

A student bringing a complaint or assisting investigating a complaint will not be adversely affected as a result of being involved in said complaint. Any act of reprisal, including interference, coercion or restraint by a student, employee or anyone acting on behalf of the College violates this policy and will result in appropriate disciplinary action.

## **Alcohol and Drug Abuse Prevention Policy**

### **Drug and Alcohol-Free Campus**

As required by Section 22 of the Drug Free Schools and Communities Act of 1989 (Public Law 101-226) and in recognition of this institution’s responsibility to serve as a beneficial influence on its students, its employees, and the community at large, CVCC is designated as a drug and alcohol-free campus and will comply with all the provisions of Public Law 101-226:

1. CVCC prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use or sale of alcoholic beverages, controlled substances, and illegal drugs on campus. The impairment by alcohol or drugs of any student or employee while participating in the academic or workplace setting is also prohibited. CVCC employees, students and visitors are required to abide by all federal and state laws, local ordinances, and other related state and federal requirements regarding the consumption or possession of alcoholic beverages, controlled substances and illegal drugs.

### **Student Policy on Parental/Guardian Notification**

The College may notify the parents of students who are under the age of 21 on the date of adjudication of any violations of College policies involving the use, possession or distribution of alcohol or drugs.

## **3. Resources**

The treatment facilities listed below provide either alcohol (A) drug (D) or alcohol and drug (A/D) treatment on an outpatient, residential or inpatient basis. Outpatient care generally consists of counseling and other therapy on a periodic basis, such as twice a week. Inpatient services include such treatment as detoxification and short-term hospital care. Residential services include residing (generally from one to six months) at a treatment facility and participating in such therapeutic activities as lectures, group counseling, individual counseling and self-analysis. Some of the listed facilities are private and some are public. In most instances, the care offered at a public facility is less expensive than similar services offered at private facilities. However, many health and hospitalization insurance policies include coverage for substance abuse treatment. There are also situations in which private facilities are provided public funding to offer services to eligible clients who would not otherwise be able to afford such services.

|  |  |
|--|--|
| Phenix City Area Court Referral Program 1517 5th Avenue, Phenix City, AL 334-448-4466          | Agape Center<br>214 8th Street, Columbus, GA<br>706-327-0156                   |
| Alcohol and Drug Counseling of Columbus 2901 University Avenue # 41, Columbus, GA 706-507-9010 | Substance Abuse Day Services 4411 Rosemont Drive, Columbus, GA<br>706-571-8936 |

National Toll-free Hotlines & Websites

|  |   |
|--|---|
| Treatment Facility Locator 1-800-662-HELP<br><a href="http://findtreatment.samsha.gov">http://findtreatment.samsha.gov</a> | Drug Help <a href="http://www.drughelp.org">http://www.drughelp.org</a>                                 |
| Cocaine Anonymous <a href="http://www.ca.org">http://www.ca.org</a>  | Marijuana Anonymous <a href="http://www.marijuana-anonymous.org">http://www.marijuana-anonymous.org</a> |
| Narcotics Anonymous <a href="http://www.na.org">http://www.na.org</a>  | Alcoholics Anonymous <a href="http://aa.org">http://aa.org</a>  |

**Student Possession, Use and Sale of Alcoholic Beverages**

CVCC promotes a drug-free campus. The college has a vital interest in maintaining a safe, healthy, and productive work and academic environment for its employees, students, and the public. As such, CVCC complies with the federal Drug Free Schools and Communities Act, the Drug Free Schools and Campuses Regulations, the Drug Free Workplace Act, the Controlled Substances Act, the drug regulations mandated by the federal highway administration of the US Department of Transportation, and other applicable federal state and local laws and regulations. CVCC prohibits the unlawful manufacture, distribution, dispensation, possession, use and/or sale of any controlled substance, including illicit drugs, marijuana, of any kind or any amount.

Employee’s that violate this policy are subject to the following disciplinary action upon completion of due process hearings:

- Probation
- Suspension from college
- Expulsion from college
- Criminal Prosecution
- Ban from college property
- Recognized Student Organizations

**Employee Possession, Use of Alcohol and Drugs at CVCC**

CVCC College promotes a drug-free campus. The college has a vital interest in maintaining a safe, healthy, and productive work and academic environment for its employees, students, and the public. As such, CVCC complies with the federal Drug Free Schools and Communities Act, the Drug Free Schools and Campuses Regulations, the Drug Free Workplace Act, the Controlled Substances Act, the drug regulations mandated by the federal highway administration of the US Department of Transportation, and other applicable federal state and local laws and regulations. CVCC prohibits the unlawful manufacture, distribution, dispensation, possession, use and/or sale of any controlled substance, including illicit drugs,

marijuana, of any kind or any amount.

Employee's that violate this policy are subject to the following disciplinary action upon completion of due process hearings:

- Probation
- Suspension
- Termination of employment
- Criminal Prosecution
- Ban from college property

## **Federal Drug Offenses and Penalties**

**Possession of Controlled Substances:** Federal drug possession penalties generally consider only the drug violation history of the offender. With one exception (when the possession is for personal use for which a civil penalty up to \$10,000 may be imposed if first offense), federal penalties for a person convicted of possession of any type or amount of a controlled substance can be:

- up to one year in prison and a minimum fine of \$1,000 for a first offense;
- a minimum of 15 days and a maximum of two years in prison and a minimum fine of \$2,500 for a second drug offense; and
- a minimum of three months and a maximum of three years in prison and a minimum fine of \$5,000 for a third drug offense.

Persons convicted of possession of certain amounts of a mixture or substance containing cocaine base such as crack cocaine face much stiffer penalties under mandatory minimum sentencing, including at least five years in prison, not to exceed 20 years and fined a minimum of \$1,000 or both, if:

- a) first conviction and the amount of crack possessed exceeds five grams;
- b) second crack conviction and the amount of crack possessed exceeds three grams; or
- c) third or subsequent crack conviction and the amount of crack possessed exceeds one gram (21 U.S.C. 844(a)).

**Federal Drug Trafficking:** Federal drug trafficking penalties consider the type and amount of the drug involved, the offender's drug violation history, and other factors. The US Drug Enforcement Administration (DEA) maintains a list of penalties for federal trafficking offenses, a copy of which is incorporated below. Generally, for each drug, there is a threshold amount that brings the offender under the mandatory minimum sentencing structure. When death or serious bodily injury results from use of the drugs, first time offenders are subject to a sentence of 20 years to life, and repeat offenders are subject to a mandatory life sentence. A first offense of distributing to persons under age 21 may be punishable by twice the maximum sentence, and three times for second offenses (21 U.S.C. §859). If the trafficking is on premises in which a person under age 18 is present or resides, an additional penalty up to 20 years imprisonment may be imposed (21 U.S.C. § 860a). Persons convicted of trafficking within 1,000 feet of a school or college face penalties twice as high as the maximum penalties, with a mandatory one-year prison sentence for first offenses, and three times as high for second offenses (21 U.S.C. § 860).

**Drug Paraphernalia:** Any person who sells, offers to sell, transports, exports or imports drug paraphernalia is subject to three years imprisonment (21 U.S.C. § 863).

**Other Penalties:** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and professional and commercial licenses for up to one year for a first offense and up to five years for subsequent offenses (21 U.S.C. § 862). Federal drug *trafficking* convictions may result in denial of federal benefits for up to five years for a first conviction; *possession* convictions may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions (21 U.S.C. § 862). In addition, for crimes punishable by more than one year in prison, the person will forfeit personal or real property related to the violation, including houses, cars, and other personal belongings (21 U.S.C. § 853 (a)(2) & 881(a)(7)), or vehicles, boats, or other conveyance used to transport or conceal controlled substances (21 U.S.C. § 881(a)(4)). Finally, persons convicted are ineligible to receive or purchase a firearm (18 U.S.C. 922(g)).

| FEDERAL TRAFFICKING PENALTIES FOR SCHEDULES I, II, III, IV, and V (EXCEPT MARIJUANA) |   |   |  |   |
|--|---|---|--|---|
| Schedule   | Substance/Quantity                                      | Penalty   | Substance/Quantity   | Penalty   |
| II   | Cocaine 500-4999 grams mixture                          | <b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life.  | Cocaine 5 kilograms or more mixture                                | <b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life.   |
| II   | Cocaine Base 28-279 grams mixture                       |   | Cocaine Base 280 grams or more mixture                             |   |
| IV   | Fentanyl 40-399 grams mixture                           | Fine of not more than \$5 million if an individual, \$25 million if not an individual.  | Fentanyl 400 grams or more mixture                                 | Fine of not more than \$10 million if an individual, \$50 million if not an individual.   |
| I  | Fentanyl Analogue 10-99 grams mixture                   |   | Fentanyl Analogue 100 grams or more mixture                        |   |
| I  | Heroin 100-999 grams mixture                            | <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. | Heroin 1 kilogram or more mixture                                  | <b>Second Offense:</b> Not less than 20 yrs., and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. |
| I  | LSD 1-9 grams mixture                                   |   | LSD 10 grams or more mixture                                       |   |
| II   | Methamphetamine 5-49 grams pure or 50-499 grams mixture |   | Methamphetamine 50 grams or more pure or 500 grams or more mixture | <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.   |
| II   | PCP 10-99 grams pure or 100-999 grams mixture           |   | PCP 100 grams or more pure or 1 kilogram or more mixture           |   |
| <b>Substance/Quantity</b>  |   | <b>Penalty</b>  |  |   |

|  |   |
|--|---|
| Any amount of other Schedule I & II substances   | <b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  |
| Any drug product containing Gamma Hydroxybutyric Acid                                    |   |
| Flunitrazepam (Schedule IV) 1 Gram   | <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.  |
| Any amount of other Schedule III drugs   | <b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual. |
| Any amount of all other Schedule IV drugs (other than one gram or more of Flunitrazepam) | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.  |
| Any Amount of all Schedule V drugs   | <b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.   |

|  |   |
|--|---|
| <b>FEDERAL TRAFFICKING PENALTIES FOR MARIJUANA, HASHISH AND HASHISH OIL, SCHEDULE I SUBSTANCES</b> |   |
| Marijuana<br>1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants           | <b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana<br>100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants                 | <b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.    |

|   |  |
|---|--|
| Marijuana<br>50 to 99 kilograms marijuana mixture,<br>50 to 99 marijuana plants   | <b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.<br><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual. |
| Hashish<br>More than 10 kilograms   |  |
| Hashish Oil<br>More than 1 kilogram   |  |
| Marijuana<br>less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)<br>1 to 49 marijuana plants | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.<br><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.   |
| Hashish<br>10 kilograms or less   |  |
| Hashish Oil<br>1 kilogram or less   |  |

### STATE OF ALABAMA DRUG OFFENSES AND PENALTIES

A list of Alabama statutes regarding controlled substances, marijuana and drug paraphernalia is incorporated below. Crimes involving controlled substances range from Class A to Class C felonies, punishable by substantial prison terms and/or fines, with enhanced penalties if controlled substances are sold to persons under 18 years of age or within a three-mile radius of campus boundaries of a college or school. Possession of marijuana for personal use is a Class A misdemeanor for the first offense, but elevated to a Class C felony for a second offense. Possessing drug paraphernalia is a Class C misdemeanor, but elevated to a more serious Class B felony if sold to a person under 18 years of age. The Department of Public Safety may suspend a driver’s license for six months for persons convicted of a drug offense.

*A drug conviction under state or federal law may make a student ineligible for federal financial aid (loans, grants, work study). For more information, see <https://studentaid.ed.gov/eligibility/criminal-convictions#drug-convictions>*

| STATE OF ALABAMA CONTROLLED SUBSTANCES/MARIJUANA VIOLATIONS AND PENALTIES   |   |                                 |
|---|---|---------------------------------|
| VIOLATION   | PENALTIES*  | AL CODE §                       |
| <b>CONTROLLED SUBSTANCES</b>  |   |                                 |
| <i>Trafficking</i> : Knowingly sells, manufactures, delivers or brings into state cannabis (in any of its forms), cocaine, heroin, morphine, opium, methaqualone, hydro morphine, methylenedioxy amphetamine, phencyclidine, lysergic acid diethylamide, methamphetamine, or LSD      | <i>Class A Felony</i> . Imprisonment & fines dependent on amounts Prison: Ranges from 3 years to mandatory life in prison without parole. Fine: Ranges from \$50,000 - \$250,000          | 13A-12-231                      |
| Sale of controlled substance by person over 18 to person under 18   | <i>Class A Felony</i> . Not eligible for suspended sentence or probation Prison: 10-99 years or life Fine: Not more than \$60,000   | 13A-12-215                      |
| Sale of controlled substance that is on the campus or within a 3-mile radius of campus boundaries of any public or private school, college, university or other educational institution or of public housing  | <i>Class A Felony</i> .<br>Prison: Add five years to penalty  | 13A-12-250<br>13A-12-270        |
| Engages in a criminal enterprise, in connection with 5 or more persons, to <i>traffic</i> in illegal drugs  | <i>Class A Felony</i> . Prison: 25 years to life w/o eligibility for parole; Fine: Not more than \$500,000; 2 <sup>nd</sup> offense: Prison: mandatory life Fine: \$150,000 - \$1,000,000 | 13A-12-233                      |
| <i>Manufacturing</i> controlled substance if 2 or more of following conditions are present: possession of firearm, use of booby trap, use of clandestine lab within 500 feet of a residence or school, the presence of someone under 17 years of age during the manufacturing process | <i>Class A Felony</i> . Not eligible for suspended sentence or probation<br>Prison: 10-99 years or life Fine: Not more than \$60,000  | 13A-12-218                      |
| <i>Manufacture</i> of a controlled substance  | <i>Class B Felony</i> . Prison: 2-20 years<br>Fine: Not more than \$30,000  | 13A-12-217                      |
| <i>Distribution</i> of controlled substances (furnished, sold, given away, manufactured, delivered or distributed)  | <i>Class B Felony</i> . Prison: 2-20 years<br>Fine: Not more than \$30,000  | 13A-12-211                      |
| <i>Possession</i> or receipt of controlled substances   | <i>Class C Felony</i> . Prison: 1-10 years<br>Fine: Not more than \$15,000  | 13A-12-212                      |
| Person convicted of attempt, criminal solicitation & criminal conspiracy to commit controlled substance crime   | Punishable the same as the crime itself   | 13A-12-202 (c); -203(c);-204(c) |
| <b>MARIJUANA &amp; DRUG PARAPHERNALIA</b>   |   |                                 |

|  |   |            |
|--|---|------------|
| Possession of marijuana in first degree (other than personal use or previously convicted of possession in second degree) | <i>Class C Felony</i> . Prison: 1-10 years<br>Fine: Not more than \$15,000  | 13A-12-213 |
| Possession of marijuana in second degree (for personal use only)   | <i>Class A Misdemeanor</i> . Jail: Not more than 1 year;<br>Fine: Not more than \$6,000   | 13A-12-214 |
| Use, possession, delivery, or sale of drug paraphernalia   | <i>Class B Felony for sale to one under 18 by one over 18</i> . Prison: 2-20 years;<br>Fine: Not more than \$30,000<br><i>Class C Felony for sale</i> . Prison: 1-10 years;<br>Fine: Not more than \$15,000<br><i>Class C Misdemeanor for possession</i> . Jail: Not more than 3 months;<br>Fine: Not more than \$500 | 13A-12-260 |

**STATE ALCOHOLIC BEVERAGE LAWS AND PENALTIES**

Various Alabama statutes address alcohol-related laws and penalties. Most offenses expose an individual to 30 days to six months in jail and a fine no greater than \$500. Penalties for DUI increase with the number of offenses, with the fourth DUI exposing a person to a felony charge, with imprisonment from 1-10 years and fine from \$4,100 to \$10,100. Significantly, the fourth DUI results in mandatory revocation of the person’s driver’s license for five years. Adults who authorize a party at a residence they control and allow the party to continue with persons under age 21 illegally possessing or consuming alcohol without taking reasonable action to prevent it expose themselves to a \$3,000 fine and up to six months in jail. Finally, in addition to criminal penalties, civil monetary damages are available through the Alabama Civil Damages Act and/or Alabama Dram Shop Act if injuries are caused by a minor who has consumed alcohol.

**HEALTH RISKS ASSOCIATED WITH USE OF CONTROLLED SUBSTANCES AND ABUSE OF ALCOHOL**

Substance abuse and drug dependency are problems of staggering proportions in our society today. They are the leading causes of preventable illness, disability, and death in the U.S. and afflict millions of Americans. This number increases dramatically when one considers the harm done to the families of substance abusers as well as to those injured or killed by intoxicated drivers or in drug-related work accidents. Alcoholism can develop in anyone. It tends to appear first between the ages of 20 and 40 and to be more prevalent in persons with a family history of alcoholism.

**ALCOHOL**

Alcoholism is a disorder that has profound psychological, biological, and societal effects. Directly, it affects over 18 million people; indirectly, it affects another 56 million. It is usually characterized by one of three different patterns:

1. Regular daily intoxication;
2. Drinking large amounts of alcohol at specific times; or
3. Periods of sobriety interspersed with periods of heavy daily drinking.



Alcoholism is usually progressive, and physical dependence can develop; if this happens, serious, sometimes life-threatening symptoms can develop when alcohol is withdrawn. Short term effects of alcohol use can include depression, gastritis, liver disease, automobile accidents, and domestic violence. Chronic alcohol abuse can produce irreversible health changes, including dementia, sexual impotence, cirrhosis of the liver, and heart disease. Death can occur either as a complication of one of these chronic problems, or acutely, secondary to alcohol intoxication by poisoning or to aspiration of vomitus, or as the result of any automobile accident while driving intoxicated.

## **MARIJUANA (CANNABIS)**

Though physiological consequences do depend on frequency, duration, and quantity of use, marijuana use has been linked to impairment of short-term memory, concentration, judgment, perception, and fine motor skills. Therefore, the use of this drug increases the risk of machinery or motor vehicle accident and injury for four to six hours after ingestion. Impairment of memory may last for three to six months, even if use of the drug is discontinued completely. The active chemical in marijuana (THC) remains stored in body fat cells long after ingestion. Marijuana use is associated with chronic anxiety, depression, and paranoid feelings. It can exacerbate or increase significantly underlying emotional problems. Frequent and/or ongoing use by children and adolescents may have long term developmental consequences resulting in lack of motivation, apathy, and difficulty managing current stresses and responsibilities, as well as making appropriate plans for the future. Pregnant women who use marijuana may be at a higher risk for giving birth to children with developmental or birth defects.

## **HALLUCINOGENS**

This category includes drugs such as lysergic acid diethylamino (LSD, also known as "acid"), mescaline, psilocybin (also known as mushrooms) and peyote. These drugs cause delusions, hallucinations, and impaired perception of time and space. Phencyclidine (PCP, or "angel dust") and amphetamine variants known as "ecstasy" are included in this category, though they rarely cause hallucinations in the true sense. They are, however, potent drugs that have mind-altering effects and impair perception and cognition. Hallucinogens can produce a "bad trip" with anxiety, agitation, hallucinations, and paranoia leading to impulsive behavior. After a "bad trip" the person can be subject to "flashbacks," which are recurrences of the experiences of the "bad trip" without taking any more of the drug. Psychosis and impaired thinking may result after long-term use.

## **COCAINE**

The use of cocaine, an illegal stimulant drug, has risen dramatically in the United States. Other names for this drug are code, C., lady, and snow. Cocaine is a white powder that is snorted, injected into veins, or smoked freebase or as "crack." Crack is a crystalline form of cocaine that is also known as "rock", from its small, white rock-like appearance. "Speed balls" are cocaine mixed with heroin, which is a particularly dangerous combination. Crack produces the most intense cocaine high; addiction can occur after using it only once or twice. Cocaine highs are characterized by feelings of extreme happiness and a sense of limitless power and energy. However, the physical effects include high blood pressure and heart palpitations. A cocaine "crash" follows the high and includes symptoms of depression, dullness, great irritability, and paranoia. Serious medical complications occur with cocaine use, such as heart attacks (even in young

people), seizures, and strokes due to high blood pressure. The psychological effects of cocaine use include violence, paranoia, and personality changes as well as symptoms such as depression, anxiety, and confusion. Pregnant women using cocaine have increased risk of miscarriages and still-births. Newborns addicted to cocaine are irritable, unresponsive, they are prone to have malformed kidneys and genitals, and to have heart attacks and strokes. Addiction to cocaine controls aspects of the user's life, impinges on the lives of those closest to the user, and occurs in people of all ages, classes, and educational levels.

## **AMPHETAMINES, METHAMPHETAMINE AND OTHER STIMULANTS**

In addition to cocaine, a number of other drugs stimulate the nervous system and are very addictive. Most of them belong to the amphetamine family of drugs. Dexedrine (present in "diet" pills) may at times be prescribed by a physician, but its use as a legitimate medication is now infrequent. Street drugs of the amphetamine group include "ecstasy" and "ice." Ice is a smokable amphetamine compound that is very potent, and the effects are long-lasting and devastating. The health risks of these and other stimulants are similar to those of cocaine use.

## **NARCOTICS, INCLUDING HEROIN**

Various medications are taken to relieve pain. Most non-prescription pain relievers (such as aspirin, Tylenol, Motrin, and Nuprin) are not considered addictive. However, there is a class of stronger pain relievers, available by prescription only, which are referred to as narcotics and most of which are opiates. Examples of these drugs include morphine, codeine, Tylenol No. 3, Darvon, Darvocet, Percocet, Percodan, Demerol, and certain prescription cough medicines. These drugs differ from non-prescription pain relievers in their potential for abuse and dependence. With close medical supervision, these drugs may be safely used in specific medical circumstances for a limited time. However, addiction may occur, and the person may not want to stop the drug even when the pain has stopped. Tolerance to the drug is shown by an increase in the amount of drug necessary to relieve pain. This becomes progressive and leads to the craving or need for larger and larger doses, without which the person becomes extremely uncomfortable and physically ill. The time may come when the person "needs" such a large dose of the drug that it is poisonous or lethal. Under these circumstances, coma, suffocation, and death may ensue. The malignant course of this problem is similar to that of addiction to heroin. Although heroin is not available by prescription, it is a narcotic which belongs to the same chemical family as the above drugs. The use of heroin is mainly by injection into a vein, which carries the additional medical dangers of contracting AIDS and hepatitis from unclean needles and syringes.

## **SEDATIVES AND TRANQUILIZERS**

Barbiturates and benzodiazepines are two of the most commonly used classes of sedatives. Barbiturates (such as Phenobarbital, Seconal, and Amytal) are highly addictive and can be fatal if taken in excess. Although they still have medical uses, they have largely been replaced by benzodiazepines, used for relief of anxiety and to promote sleep. Benzodiazepines include such drugs as Valium, Librium, Ativan, Xanax, Dalmane, Halcion, and Restoril. While safe and effective at moderate doses for short periods of time (weeks), all benzodiazepines have a potential for physical and psychological dependence if used at higher doses for longer periods of time. Frequently, benzodiazepines are abused by adults who become dependent on them because of their anti-anxiety effects. Other tranquilizers which may be abused include methaqualone (Quaaludes), Doriden, and Equanil. Intoxication may result from benzodiazepine use and resembles

alcoholic drunkenness. Drowsiness, slurred speech, unsteady gait, and lack of coordination are common signs. The effects of benzodiazepines (barbiturates and other sedatives) add to those of alcohol; taken together, they can lead to coma and even death. Withdrawal from benzodiazepines resembles alcohol withdrawal and is most apparent if the drugs are stopped abruptly. Withdrawal takes place within hours to days of stopping the drug. Once a person is addicted to benzodiazepines, a physician should supervise the plan for gradually stopping them, to minimize serious effects of withdrawal.

## **IMPACT OF SUBSTANCE ABUSE ON FAMILIES**

Families are often gravely affected by a substance-abusing member. This can occur on many levels. As a very direct, physiological consequence, the infants of alcohol and cocaine-abusing mothers often have low birth weight and may suffer from malformations and a variety of developmental problems. In addition, abusers often affect the economic well-being of their families as their inability to hold down a job or, in some instances, their stealing from relatives, reduces the family's financial means and stability. In many cases substance abuse leads to violence at home. Substance abuse takes an emotional toll on the functioning of individual members and the family. Family members may actively deny the problem, may become symptomatic in an effort to deflect attention from the substance-abusing member, or may assume the abuser's responsibilities at home and even at work. On the other hand, very often the family's intervention with the user is an essential step in getting the abusing member to seek treatment. Support groups or family members, such as Al-Anon, Nar-Anon or COC-Anon, as well as family therapy can provide needed assistance to families as they confront the destructive effects of the user's addiction.

## **RECOGNIZING SIGNS AND SYMPTOMS OF ALCOHOL AND SUBSTANCE ABUSE**

Everyone occasionally has days when they exhibit behavior not normally associated with an educational or work environment nor characteristic of himself or herself. Unusual behavior during times of stress can be understood and accepted. However, when unusual behavior is displayed on a gradually increasing scale accompanied by general decline in work habits over a period of time, it indicates that an individual needs professional help. Below are some of the more common signs or symptoms of unusual behavior.

### **ABSENTEEISM AND TARDINESS**

- Arriving late and leaving early
- Absences before and after payday or holidays
- Sporadic but significant use of sick time
- Taking frequent breaks
- Unexplained absences
- Friday and Monday absences
- Absences due to accidents both on and off the work site

### **IMPAIRED JOB PERFORMANCE**

- Increasing operating errors
- Lost time on the job
- "Putting things off"
- Irresponsibility in completing tasks

- Faulty decision making
- Increased accident rates
- Wasted materials or damaged equipment
- High performance that slowly declines over time
- Job performance that becomes focused on a specialized, repetitious activity (rather than the entire array of job duties)
- Irregular or non-existent office hours
- Sudden, extreme gaps in performance (missing a grant deadline, unexpected missing of final exams)

### **UNUSUAL INTERPERSONAL INTERACTIONS**

- Sudden emotional outburst including anger, tears, laughter
- Mood swings, especially early or late in the work day
- Overreactions to criticism
- Blaming others for poor performance
- Making inappropriate statements
- Rambling or incoherent speech
- Isolation from co-workers or increasing social withdrawal

### **DECLINING PHYSICAL APPEARANCE (SUDDEN OR GRADUAL)**

- Poor personal hygiene (e.g. body odor or dirty hair, nails, and skin)
- Less interest in dress and appearance (or a noticeable decline from previous meticulousness)
- Glazed or red eyes
- Slurred speech
- Poor coordination, staggering
- Tremors, poor eye-hand coordination
- Frequent gastrointestinal distress
- Deterioration of oral hygiene
- Legal problems, such as arrest for driving under the influence (DUI)
- Domestic situation, including children's drug use (children of alcoholics sometimes have drug abuse problems)
- Financial concerns, such as high debt load, bad loans, wages garnished, unusual spending patterns

### **Communication**

To ensure all employees are aware of their critical roles in this, they receive a summary of the Alcohol- and Drug-Free Workplace policy, along with a link to the complete document, health risks, and legal implications during the annual notification of policies. CVCC will make good faith efforts to have and maintain an alcohol and drug-free workplace.

### **Preventing and Responding to Sexual Offenses**

The College educates the student community about sexual assaults and date rape through various outlets each academic year. Literature on date rape education, risk reduction, and College response is available through the Office of the Dean of Students and Campus Services.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Campus Security strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a College officer. Filing a report with a College officer will not obligate the victim to prosecute nor will it subject the victim to scrutiny or judgmental opinions from officers. However, filing a police report will:

- ensure that a victim of sexual assault receives necessary medical attention at no expense to the victim;
- provide the opportunity for collection of evidence for prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet or change clothing prior to a medical/legal exam); and
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts Campus Security or another College administrator, the local police will not be notified unless the victim requests that this be done. If the victim is a student, the Dean of Students and Campus Services will be notified. If the victim is an employee, the Director of Human Resources will be notified. A student who is the victim of a sexual violence may choose for the investigation to be pursued through the criminal justice system, the College conduct process, or both. An employee who is the victim of sexual violence may choose for the investigation to be pursued through the College Grievance Process, through the criminal justice system or both.

## **Title IX Sexual Harassment Complaint Procedures**

Chattahoochee Valley Community College is committed to providing a workplace and campus community free of sexual misconduct and harassment. As required by Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs and activities. This includes discrimination affecting employees of the college and applicants for employment, students and applicants for admission, or members of the public. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others, whether on college premises or at any College owned off campus location and while participating in any educational program or activity of the College.

Sexual harassment, which includes sexual misconduct and sexual assault, is a form of sex discrimination which is prohibited under Title IX of the Education Amendments of 1972 and the Violence Against Women Act. This policy is intended to reaffirm the College's commitment to address sexual harassment and take steps to prevent its reoccurrence and preserve or restore equal access to the College's education programs and activities. Dating violence, domestic violence, and stalking may also be considered forms of sexual discrimination. Due to the seriousness of these offenses, the College has adopted specific policies and procedures, outlined in the Student Handbook, employment policies, and webpage, to address alleged instances of sexual harassment, sexual misconduct, sexual assault, dating violence, domestic violence, and stalking. The College believes that no person should bear the effects of sexual harassment alone. When such conduct occurs, the College's paramount concern is for the safety and well-being of those impacted. To support and assist students, the College provides a range of resources that include a trained counselor.

Under Title IX, individuals reporting allegations related to sexual harassment and/or sexual violence, have the right to a resolution of their complaint, to have the college conduct a prompt, thorough and impartial investigation, and to receive supportive measures to ensure the safety and wellbeing of the individuals involved and the college community.

When allegations of sexual harassment and/or sexual violence in any form are brought to the attention of the Title IX Coordinator, and if a responding party is found to have violated this policy, serious sanctions will be used to prevent its reoccurrence. Chattahoochee Valley Community College does not tolerate or condone retaliation. Individuals wishing to report reporting sexual harassment and/or sexual violence and/or to make inquiries concerning the application of Title IX at the College may contact:

**Ms. Debbie Boone (Employees)**  
**Director of Human Resources**  
**Wallace Hall, Suite 201**  
**2602 College Drive, Phenix City, AL 36869**  
**Phone: 334-291-4927**  
**Email: [debbie.boone@cv.edu](mailto:debbie.boone@cv.edu)**

**Ms. Vickie Williams (Students)**  
**Associate Dean, Student Development and Success**  
**Wilson Hall, Student Services**  
**2602 College Drive, Phenix City, Alabama 36869**  
**Phone: 334-214-4803**  
**Email: [vickie.williams@cv.edu](mailto:vickie.williams@cv.edu)**

and/or

**Assistant Secretary**  
**U.S. Department of Education**  
**Office for Civil Rights**  
**Lyndon Baines Johnson Department of Education Building**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-1100**  
**Telephone: 800-421-3481**  
**Fax: 202-453-6012; TDD: 800-877-8339**  
**Email: [OCT@ed.gov](mailto:OCT@ed.gov) ([mailto: OCR@ed.gov](mailto:OCR@ed.gov))**

Information regarding the Title IX Coordinator and their role will be provided to all faculty, staff, students, applicants for admissions, and applicants for employment. Also, this information is available on the College website at [www.cv.edu](http://www.cv.edu) under the Title IX webpage.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the

benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Many terms are used in the context of sexual harassment. The following will provide some common definitions and examples.

**Actual knowledge:** The notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College shall be deemed actual knowledge on the part of the College.

**Complainant:** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. For the purposes of this procedure a Complainant may be an individual applying for admission or employment, an employee, a student or an individual otherwise participating in or attempting to participate in the College’s education programs and activities.

**Respondent:** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal complaint:** is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. Note: At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an educational program or activity of the College at which the formal complaint is filed.

**Consent:** “Consent” must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

**Incapacitation:** An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.

**Sexual Misconduct:** Committing sexual abuse, sexual assault, sexual harassment, sexual exploitation, or statutory rape, as defined below or under Alabama state law.

**Harassment:** The striking, shoving, kicking, or otherwise touching or making physical contact in regard to another for the purpose of harassing, annoying or alarming; and/or directing abusive or obscene language or making an obscene gesture toward someone for the purpose of harassing, annoying, or alarming. Example: Making or using persistent derogatory comments, epithets, or slurs that place a person

in a hostile or fearful environment or where the person's safety is in jeopardy.

**Sexual harassment:** Conduct on the basis of sex that satisfies one or more of the following:  
A school employee conditioning education benefits on participating in unwelcome sexual conduct (i.e. quid pro quo);

Unwelcomed conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or

Stalking, dating violence, or domestic violence.

Definitions of Sexually Based Offenses are listed below.

**Sexual abuse in the first degree:**

A person commits the crime of sexual abuse in the first degree if:

- a. He subjects another person to sexual contact by forcible compulsion; or
- b. He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

Sexual abuse in the first degree is a Class C felony (Alabama Code 13A-6-66).

**Sexual abuse in the second degree:**

- a. A person commits the crime of sexual abuse in the second degree if:
- b. He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or
- c. He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony (Alabama Code 13A-6-67).

**Rape in the first degree:**

A person commits the crime of rape in the first degree if:

- a. He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
- b. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
- c. He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.



Rape in the first degree is a Class A felony (Alabama Code 13A-6-61).

**Rape in the second degree:**

A person commits the crime of rape in the second degree if:

- a. Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.
- b. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.
- c. Rape in the second degree is a Class B felony (Alabama Code 13A-6-62).

**Sodomy in the first degree:**

A person commits the crime of sodomy in the first degree if:

- a. He engages in deviate sexual intercourse with another person by forcible compulsion; or
- b. He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
- c. He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

Sodomy in the first degree is a Class A felony (Alabama Code 13A-6-63).

**Sodomy in the second degree:**

A person commits the crime of sodomy in the second degree if:

- a. He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.
- b. He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

Sodomy in the second degree is a Class B felony (Alabama Code 13A-6-64).

**Domestic Violence:**

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (34 U.S.C.12291(a)(8)).

In Alabama, domestic violence includes felony and misdemeanor crimes of violence committed by a

current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant (Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees).

### **Dating Violence:**

Means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship will be determined based on a consideration of the following factors: The length of the relationship, The type of relationship, The frequency of interaction between the persons involved in the relationship (34U.S.C.12291(a)(10)).

In Alabama, dating violence is covered under Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees.

### **Stalking:**

Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress 34 U.S.C.12291(a)(30).

In Alabama, stalking is when a person intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm (13A-6-90 Stalking in the first degree) or a person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct (Section 13A-6-91 Stalking in the second degree).

### **Sexual Assault:**

Means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation 20 U.S.C.1092(f)(6)(A)(v).

### **Victims Option to Report**

Students and employees who are victims of crime including rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking, are encouraged by the College to report but do have the option not to report the incident to campus law enforcement, or local law enforcement. In those cases, the victim may still seek assistance confidentially from Crisis Services of North Alabama or any other victim service

agency of their choosing.

Below is the formal complaint process:

Any student or employee of the College or applicant for employment or admission who has a complaint against a student or a member of the College faculty, staff, or administration concerning sexual harassment (Title IX of the Educational Amendments of 1972) or has knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College should report the complaint to the campus Title IX Coordinator [[link to Title IX webpage](#)]. An educational program or activity of the College includes, but is not limited to locations, events or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes buildings owned or controlled by a student organization that is officially recognized by the College.

Any individual may report sexual harassment incident to Title IX Coordinator in person, by email, by telephone, or in writing. The report must include the names of the Complainant(s) and Respondent(s), approximate date of incident, facts of the incident, and contact information for the person submitting the complaint.

The Title IX Coordinator will respond in writing to the person submitting the complaint as soon as practicable, but not exceeding five (5) business days. If the person submitting the complaint is not the Complainant, the Title IX Coordinator will also contact the Complainant within five (5) business days.

If after a discussion with the Complainant, the Title IX Coordinator determines that the complaint does not qualify as a Title IX Complaint, the Title IX Coordinator will notify the Complainant in writing and may redirect the Complaint to the appropriate committee.

If after a discussion between the Complainant and the Title IX Coordinator, the Title IX Coordinator determines that the complaint meets the criteria of a Title IX Complaint and the Complainant requests to file a formal complaint, the Title IX Coordinator will initiate the formal complaint process.

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures will be offered to the Complainant within five (5) business days of receipt of the

complaint.

Supportive measures will be offered to the Respondent simultaneously with the Notice of Allegations. For the purposes of College Title IX procedures, the College will use a “preponderance of evidence” standard for determining responsibility. Preponderance of the Evidence means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole show that the fact sought to be proved is more probable than not.

A formal complaint must be submitted in electronic (email) or written format to the Title IX Coordinator and must be signed by the Complainant. In the event that under the circumstances a formal complaint should be pursued notwithstanding a Complainant’s desire not to file a formal complaint, the Title IX Coordinator may sign the complaint. The complaint must include the following:

- the date of the original complaint,
- names of Complainant and Respondent,
- facts and description of the complaint, and
- the request to investigate complaint.

A Complainant must be participating in or attempting to participate in a College sponsored program or activity at the time the complaint is filed.

The College may dismiss a formal complaint or allegations therein if:

- a. the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the formal complaint or allegations therein,
- b. the Respondent is no longer enrolled or employed by the school, or specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

The College must dismiss a formal complaint or allegations therein if: the allegations do not meet the definitions of sexual harassment; the alleged conduct did not occur within the United States, or the alleged conduct did not occur within a College sponsored program or activity.

If the College determines the formal complaint or allegations therein will be dismissed, the Title IX Coordinator will provide written notice to both parties of the dismissal of allegations, and the reason for dismissal within five (5) business days of the decision to dismiss the complaint.

The Title IX Coordinator will provide simultaneous written notice of allegations, including sufficient details, and intent to investigate to the Complainant and Respondent no later than ten (10) calendar days after receipt of the formal complaint. The Title IX Coordinator will also provide both parties with the formal complaint, grievance and appeal process, possible sanctions and remedies, and availability of advisors. The written notice shall include a statement that the respondent is presumed not responsible for the alleged conduct, that the parties and their advisors may review and inspect evidence, and advise the parties of the provisions of the College Code of Conduct relating to making false statements or submitting false information during the grievance process.

The Title IX Coordinator will additionally notify the Title IX investigator of the pending investigation and provide a copy of the formal complaint.

In addition to providing the Complainant and Respondent with written notice of allegations and intent to investigate, the Title IX Coordinator will inform the parties of the availability of advisors. Both parties shall have the right to retain, at the respective party's own cost, the assistance of legal counsel or other personal representative advisor. In the alternative, either or both parties may also request an advisor provided by the College.

Only an advisor may conduct cross-examination during the live hearing. Neither party may dismiss a College appointed advisor.

The Title IX investigator is responsible for conducting an investigation of the submitted formal complaint. The Title IX investigator will have received Title IX investigator training within the current academic year.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

The Title IX investigator will notify the Complainant and Respondent in writing of the intent to investigate within five (5) business days of receipt of the formal complaint and will commence interviews within ten (10) business days of receipt of the formal complaint. The Title IX investigator will notify the Complainant and Respondent and their respective advisors in writing of all individuals the investigator intends to interview.

Either party may identify other witnesses with relevant information for interview or other evidence for review by the investigator.

The Title IX investigator will conduct a factual investigation of the formal complaint and shall research applicable statutes, regulations, and/or policies, if any. The Title IX investigator will notify any interviewees in writing of the intent to interview. Interviewees will have at least five (5) business days' notice of an interview. Notice will include the participants, date, place, purpose, and time of the interview.

The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory (tending to establish fault or guilt) and exculpatory (clearing or tending to clear from alleged fault or guilt) evidence. Creditability determinations may not be based on a person's status as a complainant, respondent or witness.

The College will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in proceedings, as long as the restrictions apply equally to both parties.

The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including

the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal access opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Prior to the completion of the investigative report, the Title IX investigator will submit all reviewed evidence to the Title IX Coordinator. The Title IX Coordinator will provide copies of all evidence reviewed during the investigation to the Complainant, Respondent, and their respective advisors. All parties will have ten (10) business days to review the evidence and respond in writing to the Title IX Coordinator.

Subsequent to the ten (10) business day review period, the Title IX Coordinator will direct any responses from the Complainant, Respondent, or their respective advisors to the Title IX Investigator for additional review. The Title IX Investigator will submit a final report and the reviewed evidence to the Title IX Coordinator. At least 10 days prior to the live hearing, the Title IX Coordinator will simultaneously provide the Complainant, Respondent, their respective advisors, with the final report and all reviewed evidence for their review and written response. The President will select a Hearing Officer to conduct the live hearing. The Hearing Officer shall be provided a copy of the investigative report and reviewed evidence.

Upon receipt of the final investigative report, the Hearing Officer will convene a Decision Maker panel and schedule a live hearing. The panel will consist of three (3) individuals selected by the Hearing Officer who have completed Decision Maker training during the current academic year. The Hearing Officer will designate one of the Decision Makers as Primary Decision Maker. Hearing Officer will notify the Complainant, Respondent, their respective advisors, Title IX Coordinator, Title IX Investigator, witnesses named in the final report, and the Decision Makers of the live hearing date within five (5) business days of receipt of the final investigative report. The live hearing date must provide the Complainant, Respondent, and their respective advisors with no less than ten (10) business days to review the final investigative report and all supporting evidence.

The hearing must be a live, recorded hearing with the opportunity for both advisors to conduct cross-examinations. The hearing shall be recorded by either a court reporter or on audio or video tape or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

Upon request, the Complainant and Respondent may participate in the hearing via on-campus video conferencing provided that all parties, including the Decision-Making Panel, are able to see and hear the party or witness answering questions in real-time.

The Hearing Officer, Decision Makers, Complainant, Respondent, and their respective advisors will attend the hearing. The Title IX investigator, Title IX Coordinator and witnesses will be called to provide testimony if requested by the Decision Makers, parties or their respective advisors.

If a party does not have an advisor present at the live hearing, the College shall provide without fee or

charge to that party, an advisor of the College's choice, who may be, but is not required to be an attorney.

The hearing process will consist of the following:

- Opening statement by Hearing Officer
- Review of hearing procedures, formal complaint and notice of allegations by Hearing Officer
- Review of potential hearing outcomes and sanctions by Hearing Officer
- Complainant Testimony;
- Cross-examination of Complainant by Respondent advisor
- Testimony of Witnesses of Complainant
- Cross-examination of Complainant Witnesses by Respondent advisor
- Respondent Testimony;
- Cross-examination of Respondent by Complainant advisor
- Witnesses of Respondent Testimonies;
- Cross-examination of Respondent Witnesses by Complainant advisor;
- Decision Maker inquiries
- Review of appeal process by Hearing Officer
- Closing statement by Hearing Officer
- Dismissal of parties
- Decision Maker deliberations

At the hearing, the Hearing Officer shall read the hearing procedures, notice of allegations, formal complaint, potential hearing outcomes, and potential sanctions. After the Hearing Officer concludes opening statements, the Complainant shall have the opportunity to present such oral testimony and offer such other supporting evidence as deemed relevant to the formal complaint. Subsequent to Complainant testimony, the Respondent advisor may conduct cross-examination. The Decision Makers may question the Complainant after the cross-examination.

The Complainant may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Respondent advisor may conduct cross-examination of the witnesses. The Decision Makers may question the witnesses after the cross-examination.

The Respondent shall then be given the opportunity to present such testimony and offer such other evidence as deemed relevant to the Respondent's defense against the formal complaint. Subsequent to Respondent testimony, the Complainant advisor may conduct cross-examination. The Decision Makers may question the Respondent after the cross-examination.

The Respondent may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Complainant advisor may conduct cross-examination of the witnesses. The Decision Makers may question the witnesses after the cross-examination.

Only relevant cross-examination and other questions may be asked of a party or witness. During cross-examination, the advisor will pose each question orally to the Primary Decision Maker. The Primary Decision Maker will determine if the Complainant, Respondent, or witnesses may respond to the question. If the Primary Decision Maker chair determines that the question is not relevant, the Primary

Decision Maker will explain the rationale for dismissing the question. Rape shield protection is provided for Complainants which deems irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with respect to the Respondent and offered to prove consent.

If a witness or party is not available or declines cross-examination, the decision makers must not rely on any statement of that witness in reaching a determination regarding responsibility; provided, however, that the decision makers cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Upon conclusion of the presentation of the evidence and cross-examinations, the Hearing Officer shall read the appeal process and closing statements. The Complainant, Respondent, their respective advisors and all witnesses shall be dismissed.

The Decision Makers will deliberate to determine if the Respondent is deemed responsible and submit a written hearing report which contains:

- a. identification of the allegations potentially constituting sexual harassment;
- b. a description of the procedural steps taken from the receipt of the formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of the College's code of conduct to the facts;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and the College's procedures and permissible bases for the complainant and respondent to appeal.

The Primary Decision Maker will submit the hearing report to the Hearing Officer within ten (10) business days of the live hearing. The Hearing Officer will submit the hearing report simultaneously to the Title IX Coordinator, Complainant, Respondent, and their respective advisors within three (3) business days of receipt of the hearing report. The College must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator will retain the recording of the hearing, the hearing report, the investigative report, and all evidence obtained during the investigation and all evidence offered at the hearing.

Appeals of a determination regarding responsibility and from the College's dismissal of a formal complaint or any allegations therein are available to both parties on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the decision regarding responsibility or dismissal was made, that could affect the outcome; and/or (3) the Title IX Coordinator, Investigator, or a Decision Maker had a conflict of interest or bias that



affected the outcome.

The President of Chattahoochee Valley Community College or his/her designee shall be the appeal authority in upholding, rejecting, or modifying the recommendations of the Decision Maker Panel. The President or his/her designee shall not be bound in any manner by the recommendation(s) of the Decision Maker Panel, but shall take it (them) into consideration in rendering his/her decision.

Either party may file a written request with President requesting that the President review the decision of the Decision Maker Panel. The written request must be filed within ten (10) business days following the party's receipt of the hearing report. If the appeal is not filed by the close of business on the tenth (10th) business day following the party's receipt of the report, the party's opportunity to appeal shall have been waived.

As to all appeals, the College will:

- a. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- b. ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- c. ensure the decision-maker(s) for the appeal complies with the standards set for in 34C.F.R. § 160.45(b)(iii);
- d. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- e. issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

A decision on a party's appeal shall be rendered within 30 calendar days of the initiation of the appeals process. The time for decision may be extended for exigent circumstance or as may be otherwise agreed by the parties.

If the Respondent is also an employee of the College, the individual may also file a claim with the Equal Employment Opportunity Commission within 180 days of the alleged discriminatory act.

The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the College may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College does the following:

- a. provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process

and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- b. obtains the parties' voluntary, written consent to the informal resolution process; and does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Neither the College nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated in any manner an investigation, proceeding, or hearing conducted under this policy. Complaints alleging retaliation may be filed according to the grievance procedures included in the formal complaint process. The College shall keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness except as may be permitted by FERPA statute, 20 U.S.C. 1232g or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Range of Possible Sanctions – On final determination of responsibility the following sanctions may be imposed against a respondent:

**For Students:**

**Reprimand** - written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.

**Restitution** – Compensation for damages to property owned by the College limited to the actual cost of repair or replacement.

**Probation** – This sanction is for a designated period of time, which may include exclusion from privileges, such as extracurricular activities and/or on-campus driving privileges. Furthermore, if the student is determined by any of the disciplinary procedures herein to be in subsequent violation of the Code of Student Conduct during the probationary period, the student may be either suspended or expelled. Provisions of the probationary period shall be determined and expressed by the Title IX Coordinator.

- No Contact Orders – Written notice to cease all contact with an alleged victim of sexual misconduct.
- Cease and Desist Orders – The alleged perpetrator will be directed by written notice to cease and desist any activity noted by the alleged victim as offensive or threatening and that may be a violation of the Sexual Misconduct Policy.
- Voluntary Withdrawal - A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action.

The Title IX Coordinator, in some circumstances, may specify a period of time before the student may apply for readmission or re-enroll in a class or classes. To qualify for readmission, the student must

receive approval from the Dean of Instructional Affairs and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College.)

**Voluntary Withdrawal** - A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Title IX Coordinator in some circumstances, may specify a period of time before the student may apply for readmission or re-enroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean of Instructional Affairs and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College).

**Suspension** - Separation from the College for a definite period of time. A student may be suspended for a specific period of time not to exceed two (2) years. To qualify for readmission after suspension, a student must receive approval from the Dean of Instructional Affairs and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for any refund from the College.

**Expulsion** - An indefinite termination of student status from the College for a period of not less than two (2) years. To qualify for readmission after expulsion, a student must receive approval from the Dean of Instructional Affairs and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for a refund from the College. Under certain conditions, expulsion could mean permanent severance from the College.

Other requests of the victim as deemed appropriate.

All sanctions imposed by the Title IX Coordinator must be approved by the President. If a student complaint cannot be resolved at the complaint level, or if more stringent sanctions are appropriate, such an unresolved issue shall be termed a grievance.

### **For Employees:**

A conclusion that sexual violence, harassment or discrimination has occurred shall subject the offender to appropriate disciplinary action and may result in, but is not limited to, his/her suspension, dismissal, incarceration, or a "no contact" order or "no trespass" warrant.

Individuals other than employees or student will be referred to local law enforcement.

At any time in the grievance process the College may impose a temporary delay or limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

Neither the College assigned Investigator or Decision Makers and any person who facilitates an informal resolution process shall require, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The College's Title IX Coordinators, Investigators, Decision Makers shall all have received training for their respective roles prior to participating in a Title IX Complaint or grievance process. All materials used to train the Title IX Coordinators, Investigators, Decision Makers and any person who facilitates an informal resolution process may be found on the College's website at <https://www.cv.edu/title-ix-training-resources/>.

# EMERGENCY RESPONSE

## What we observe



Gun - Lock down

E-notification and/or  
Campus Official Directives

Lock the door and Stay where you are!



Fire - Evacuate

Continuous horn and/or  
Campus Official Directives

Move Off-Campus – Evacuate as directed!



Weather - Shelter

EMA External Siren and/or  
Campus Official Directives

Move to Shelter. (see below)



All Clear

Campus Official Notification

Return to classroom or workstation



Automated External Defibrillators are located at the Security Kiosk, Switchboard, Nursing Office, Library Circulation, Gymnasium, Baseball Concession, and IPAC atrium.

Rev. 05/2018, OVC Safety & Security Committee

## What we do

## What you do

### If you are here

### Your Shelter is here

Wallace Hall (WALL)

WALLACE 102, 103, 104, & 105

Wilson Hall (WILS)

WALLACE 101, 110, 111, & 112

Brassell Hall (BRS)

BRASSELL 107, 110, 205, 206, & 207

Owen Hall (OWEN)

OWEN Lower Level

Fine Arts (ARTS)

FINE ARTS Lower Level or Interior Rooms

Key Hall (KEY)

KEY 103, Weight Room, or Interior Rooms

Industry Training Center (ITC)

OWEN Lower Level

Green House (GREE)

OWEN Lower Level

Security Kiosk (SEC)

WALLACE Ground Level

Instructional and Performing Arts (IPAC)

IPAC 100, 101, 102, 106, 107, 215, 217, 320, 321, & 322