

CVCC has a commitment to ensure an environment for all students which is fair, humane and respectful and which supports and rewards performance on the basis of appropriate considerations such as ability, effort and productivity. Below, you will find information taken from the Chattahoochee Valley Community College Student Handbook Code of Conduct which defines violations related to dating, domestic and sexual harassment, misconduct and violence; the standards of evidence used in adjudicating such cases; victim's rights; and confidentiality and protection against retaliation.

For questions related to the information provided here, please contact the Dean of Student Services, Dr. Joy Hamm, at [joy.hamm@cv.edu](mailto:joy.hamm@cv.edu) or (334)-214-4860.

## **V) Student Conduct Code Violations**

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### **7) Dating or Relationship Misconduct**

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- 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.

### **11) Domestic or Intimate Partner Violence**

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- 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.

### **19) Sexual Assault**

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- 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.

### **20) Sexual Harassment**

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- 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 or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, academic or living environment;
4. such conduct denies, limits, provides different or conditions the provision of aid, compensation benefits or services provided to students or employees by CVCC.

## **21) Sexual Misconduct**

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- 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;
  1. touching is either directly on the body part or on the clothing covering that body part;
  2. forcing the victim to touch the intimate areas of another person;
- 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 or
  4. 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.

## **22) Stalking**

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- 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 intends 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 sending harassing messages through the internet (cyber stalking).

## **IX) STANDARDS OF EVIDENCE**

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The evidentiary standard to be used by the Committee shall be the "Preponderance of Evidence" standard rather than the "Beyond a Reasonable Doubt" standard. That is to say that the Dean of Student Services and/or the College Disciplinary Committee shall determine, strictly upon the evidence 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 evidence was more credible and convincing to the reasonable mind.

The Dean of Student Services and/or College Disciplinary Committee shall inform the parties that the rules relating to the admissibility of evidence shall be similar to but less stringent than those which apply to civil trials in the courts of Alabama. Generally

speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) shall be excluded. However, hearsay evidence and unauthorized documentary evidence may be admitted if the Dean of Student Services and/or Committee Chair determines that the evidence 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 testimony or other evidence offered at the hearing, the Dean of Student Services and/or Committee Chair shall have the authority to rule on the admissibility of the evidence and this ruling shall be final and binding.

### **III) VICTIM'S RIGHTS**

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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 Conduct Code.
- 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.

### **IV) SEXUAL VIOLENCE CONSIDERATION AND RIGHTS**

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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 to 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.

#### **V) 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.