



# Chattahoochee Valley Community College 2021 Annual Security Report

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

## **Chattahoochee Valley Community College**

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 policies, procedures, and regulations are committed by a College student, campus safety officers may also refer the individual to the Dean of Students and Campus Services for review of the Student Code of Conduct.

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 Relationships 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 is 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. Employees on campus after normal business hours must 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 are:

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. – 5:00 p.m.  
 Fridays: 8:00 a.m. to 2:30 p.m.  
 Saturday: Closed unless weekend classes or athletic events are scheduled.

**Note: Classes may be scheduled Monday-Thursday evenings until 10:00 p.m.**

**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. Campus Security recommends 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 backpacks should not be left unattended.

**CVCC encourages all victims to promptly and accurately report all crimes or emergencies.**

**In an Emergency, call 911.**

Campus Security may be reached at 334-291-4950.  
 The Security Chief is located in the Security Kiosk at the entrance to the College.  
 The Russell County Sheriff’s Office may be reached at 334-298-6535.  
 The Phenix City Police Department may be reached at 334-448-2800.

**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 may be made to any Campus Security Authority (CSA). 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 will remain confidential unless the victim request otherwise.

**Non-Law Enforcement Campus Security Authorities**

Victims that do not want to report crimes to law enforcement may contact a Campus Security Authority for assistance.

<b>CSA Name</b>	<b>Position</b>	<b>Contact Number</b>	<b>Office Location</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	Brassell Hall 106

Please note that a CSA is not responsible for determining whether a crime took place, which is the function of Campus Safety and/or law enforcement personnel. A CSA should not try to apprehend the alleged perpetrator of the crime. In addition, it is 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 or 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. Presentations focus on ways to maintain personal safety and security.

In addition, students learn the processes to report concerning or suspicious behavior during presentations in orientation classes. Sexual assault prevention and awareness information is disseminated in orientation classes, and new employees also receive this information during new employee orientation and annual professional development sessions. Vector Solutions, an LMS Training Management platform, offers on line compliance, prevention, and safety courses to employees. In addition to seminars, information is disseminated to students and employees through student-led awareness campaigns.

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

Crime prevention programs on personal safety and theft prevention are sponsored by various campus departments and offered each fall and spring semester during local professional development. Topics vary depending upon the needs of the campus at the time but include active shooter response, sexual assault awareness, and personal safety among other topics that are relevant to security and safety. These programs are 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 operating status parameters, incident priorities, shelter-in-place, 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 directed 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. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

CVCC staff also receive training in the Incident Command System and responding to critical incidents on campus. When a serious incident occurs that poses an immediate threat to the campus, CVCC utilizes local, state and federal resources to provide an appropriate response. The College also trains with a variety of local, state, and federal agencies annually to enhance 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 including the Security Kiosk, Switchboard, Nursing Office, Learning Resource Center, Gm (Key Hall), Baseball Complex Fieldhouse, and the IPAC atrium.

### Fire

Local Fire and Rescue Departments respond to all fire related emergencies at CVCC. Fire Extinguishers are located 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, an alarm with a continuous blast is activated. Individuals should safely evacuate to the nearest building where no danger is present. Campus officials will issue verbal directives. The individual that discovers the fire should evacuate the area, close the doors, activate the alarm, and return to extinguish the fire only if it is safe to do so. Then, if possible, ask another individual to direct the Fire Department to the location of the fire.

### Tornado Warning

In the event of inclement weather such as a tornado warning, a weather siren will be activated, which can be heard outdoors. Find shelter immediately. Campus officials will also be providing

directions. Acceptable shelter locations are outlined on the Emergency Response flyer, which is posted in each classroom and common areas on campus. Individuals should remain sheltered until a campus official delivers a message of “all clear.”

### **Lock Down**

In the event of a campus Lock Down, a Schoolcast notification will be activated to all employees and students. If possible, face-to-face directives will be issued from a campus official. In the absence of a verbal directive from a campus official, individuals should shelter in place and secure the door until an all clear is delivered via the system and/or campus official.

### **“All Clear”**

In the event campus officials issue a lock down, evacuate, or shelter in place directive, a message of all clear will also be delivered at the appropriate time. This message may be delivered through face to face communications, emails, calls, texts, and/or social media platforms.

### **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, the College emergency notification platform. 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 directions provided by the College.

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

In response to the Department of Education issued guidance that suggest 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 notification through the regular means of communicating both emergency and non-emergency notifications informing them about COVID-19 and necessary health and safety precautions. The College encourages students and employees to obtain information from health care providers, state health authorities, and the Centers for Disease Control “CDC” COVID-19 website. In 2021, the College employed a COVID-19 Prevention and Response Coordinator to facilitate the management of COVID-19 prevention and intervention on campus. The Coordinator performs contact tracing, COVID-19, and awareness education. The Coordinator also schedules awareness presentations and vaccination clinics for the College and local community. The College follows the COVID-19 guidance of the CDC <https://www.cdc.gov/coronavirus/2019-ncov/index.html>, the Alabama Department of Public Health <https://www.alabamapublichealth.gov/covid19/index.html>, and the Alabama Community College System <https://www.accs.edu/coronavirus/>. Additional information about COVID-19 may also be found on the College website, [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 associated certification labels are included in the Campus Safety Office correspondence file. The data is analyzed upon receipt, and any crime deemed to be within the 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 Security Officers 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 Kiosk during official College business hours.

## **Crisis and Other Urgent Communications**

**Clery Timely Warning Notices** are specifically related to compliance with the Clery Act, which requires colleges and universities to notify students and employees whenever a threat that of a serious crime has been reported and/or may be repeated so that campus community members can protect themselves and/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, a timely warning is issued.

### **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 will include information that would promote actions to encourage security awareness.
- The issuance of a Crime Alert will 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 will 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 Dean of Students and Campus Services and/or the Security Chief, or the Dean's designee will consult with the President and determine whether to issue a Crime Alert. If there is a threat of immediate danger, the Dean, Security Chief, or designee will immediately issue the Crime Alert.

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 College website, and social media platforms 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**

### **SchoolCast Emergency Notification System**

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 SchoolCast Emergency Notification System will be activated. This message will be promulgated through phone calls, text messages, and emails. The SchoolCast Notification System also integrates messages with social media platforms such as Facebook and Twitter. Students are automatically added to SchoolCast when they register for classes, and employees are automatically added to SchoolCast when they are officially employed by the College. Emergency notifications may be sent by the local Police Department Dispatcher to the local community 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 through the College website and the College Catalog and Student Handbook. This act also requires sex offenders who are already required to register in a State to also provide notice to each institution of higher education in that State at which the person is employed, has a vocation, or is a student. In the State of Alabama, convicted sex offenders must register with local law enforcement who forward the information to the Alabama Bureau of Investigation. Additional information is available on 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 on the Safety and Security page on the College website (<https://ope.ed.gov/campussafety>). This report is prepared in cooperation with the local law enforcement agencies. 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 August 1 through July 31.

Each semester, notification of the updated Annual Security Report and the website address to access the national campus safety data is emailed to College employees and students. The campus safety data is also included annually in the College Catalog and Student Handbook. In addition, copies of the report may be obtained at the College Security Kiosk or by calling 334-291-4950. Prospective employees may obtain a copy from Human Resources in Wallace Hall or by calling 334-214-4848. The Annual Security Report is also available at <http://www.cv.edu/human-resources/>.

Definitions of crimes which must be defined by the Clery Act include:

**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. Russell County Sheriff's Department cannot hold reports of crime in confidence because police reports are public records under state law. 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
	2018	2019	2020	2018	2019	2020	2018	2019	2020	
<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	1	0	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** – 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.**

Year	Offense	Number of Offenses	Bias
2020	NONE	0	NA

**Notification to Victims of Crime of Violence**

Upon written request, CVCC will 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. The Title IX Sexual Harassment Policy may be located at [www.cv.edu](http://www.cv.edu). Students and employees may contact the Security Chief or the Title IX Coordinator(s) to make a complaint and may also file a complaint on line at [www.cv.edu](http://www.cv.edu).

## **Educational Programs**

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

- a. Presentations at pre-orientation sessions by Campus Security and/or the Title IX Coordinator(s),
- b. Presentations in orientation classes by instructors and/or Campus Security and/or the Title IX Coordinator(s),
- c. Presentations by Campus Security as requested by the College community, and
- d. Posted information 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 may be imposed:

- 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. CVCC facilitates programs that include a discussion of what constitutes sexual harassment and sexual violence, CVCC policies and disciplinary procedures, and the consequences of violating these policies. College employees also participate in on line professional development through "Safe Colleges."

## **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 e.g. the police, a friend, a medical professional. 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, and the Office of Student Development and Success.

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

Refer to section on Title IX Sexual Harassment Policy.

### **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 and will:

- 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 Title IX Sexual Harassment Policy and 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. If a person is yelling or being physically abusive toward another person and it is not safe for you to interrupt, call 911.

- Watch out for your friends and fellow students/employees. If you see someone who looks like he/she could be in trouble or needs help, ask if they are okay or need assistance.
- 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, strategies to reduce one's risk of sexual assault or harassment may be found at t 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 Campus Security who will assist the individual with developing a Safe Action Plan in order to reduce the risk his/her risk of harm while traveling to or from campus or while on 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 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, 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 Dean of Students and Campus 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 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 Conduct Code, 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.

Code of Conduct violations have been divided into various levels of severity and possible sanctions assigned based on this classification.

**Level I: Reprimand, Probation, Educational Sanctions, Community Service, Restitution, or Any Combination Thereof**

**Level I violations include but are not limited to the following:**

1. Tobacco
  - a. use of any tobacco product on college premises
2. Gambling
  - a. engaging in any form of gambling that is in violation of the law
3. Pets
  - a. possession of animals within campus buildings; service animals and medically approved emotional support animals are the only exception
4. Solicitation and Sales
  - a. solicitation and sales of any kind on campus without prior permission from the Dean of Students and Campus Services
5. Skateboards, Hover Boards, and Roller Blades
  - a. Use of skate boards, hover boards, or roller blades on campus

**Level II: Any Level I Sanction, Facilities Suspension, Suspension, or Any Combination Thereof**

Level II violations include but are not limited to the following: **repeat offenses of any Level I violations, and:**

1. 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
  - c. being in a state of alcohol intoxication on college premises or at a college event
2. Damage or Destruction of Property
  - a. any damage or destruction of college property or another person's property on campus or at any event with which the College is affiliated
3. Deception
  - a. any misuse of college records, forms, or documents through forgery, unauthorized alteration, reproduction, or other means
  - b. all forms of dishonesty including cheating and plagiarism
  - c. any giving or receiving of false information to the College or to any college official, administrator, or administrative unit
  - d. providing false information to law enforcement officials
  - e. possession of any fake or altered or any other identification that belongs to another person

- f. any attempt to perpetrate a fraud against the College or a member of the College community
4. Disorderly Conduct
    - a. all lewd, obscene or indecent behavior or expression, or other forms of disorderly conduct
    - b. use of profane language or verbal abuse toward any college employee or student
    - c. any abuse or unauthorized use of sound amplification equipment
    - d. any conduct which materially interferes with the normal operation of the College or with the requirements of appropriate discipline
    - e. excessive noise determined to be disturbing to other students or college officials
    - f. significant or repeated classroom behavior that obstructs teaching or research activities.
  5. 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, including failure to display student ID
    - 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 Conduct Committee or any college official
    - d. fleeing from law enforcement or college officials
  6. 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
  7. 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 official 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
    - g. the possession and/or use of any type of fireworks
    - h. the possession or use of candles, incense, or other flame-emitting articles in the buildings
  8. Harassment
    - a. the striking, shoving, kicking, or otherwise touching or making physical contact in regard to another for the purpose of harassing, annoying, or alarming
    - b. directing abusive or obscene language or making an obscene gesture toward someone for the purpose of harassing, annoying, or alarming (i.e. 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).
    - c. Engaging in any form of misconduct, intimidation, or bullying directed to any member of the

College community

9. Unauthorized Use

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

10. Unauthorized Use of Computer Resources

- a. use of a college owned computer when not currently enrolled in a class requiring the use of a college owned 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 individual's account number without permission
- d. interference, electronically or otherwise, with other users of college computers
- e. unauthorized use of computer resources for personal gain
- f. use of another individual'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 best interest of the College
- n. using computer resources to participate in Internet games, contests, or chatrooms or transmitting e-mail or other electronic communications that hides or misrepresents the identity of the sender
- o. violation of copyright(s): Copyrighted materials may not be transmitted by individuals using the College 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

**Level III: Any Level I or Level II Sanction, Expulsion, or Any Combination Thereof**

Level III violations include but are not limited to the following: **repeat offenses of any Level I or Level II violations, and,**

- 1. Assault\*
  - a. any intentional physical contact of an insulting or provoking nature
  - b. any physical abuse, intentional injury, or physical harm of another person
- 2. 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

- b. any obstruction to the free movement of other persons about campus or the interference with the use of College facilities
- 3. 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
  - c. being in a state of drug intoxication on any college premises or at any college events
- 4. 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 apathy or acquiescence in the presence of hazing
- 5. Sexual Assault\*
  - a. Having or attempting to have sexual intercourse with another individual by force or threat of force without effective consent; or where that individual is incapacitated or incapable of consenting.
- 6. Sexual Misconduct\*
  - a. Committing sexual abuse, sexual assault, sexual harassment, sexual exploitation, or statutory rape, as defined in the Code of Conduct or under Alabama state law
- 7. Sexual Harassment \*
  - a. Conduct on the basis of sex that reflects one or more of the following:
  - b. A school employee questioning education benefits on participating in unwelcome sexual conduct (i.e. quid pro quo);
  - c. 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
  - d. Stalking, dating violence, or domestic violence.
- 8. 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
  - b. willful intimidation, battery, or sexual assault committed by a family member, household member, domestic partner, or intimate partner
- 9. Stalking \*
  - a. Stalking is a course of physical or verbal conduct directed at another individual that could cause

a reasonable person to feel fear for her or his safety or the safety of others, or to suffer substantial emotional distress. Stalking may include, but is not limited to, pursuing or following a person in person or through electronic media (cyber-stalking); non-consensual (unwanted) communication by any means (i.e. letters, cards, photos, text messages, phone calls, emails, or other documentary or electronic communications); unwanted gifts; trespassing; and surveillance or other types of observation.

10. Sexual abuse in the first degree\*

- a. A person commits the crime of sexual abuse in the first degree if:
  - 1) He subjects another person to sexual contact by forcible compulsion; or
  - 2) He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.
- b. Sexual abuse in the first degree is a Class C felony (Alabama Code 13A-6-66).

11. Sexual abuse in the second degree\*

- a. A person commits the crime of sexual abuse in the second degree if:
  - 1) 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
  - 2) 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.
- b. 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).

12. Rape in the first degree\*

- a. A person commits the crime of rape in the first degree if:
  - 1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
  - 2) 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
  - 3) 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.
- b. Rape in the first degree is a Class A felony (Alabama Code 13A-6-61).

13. Rape in the second degree\*

- a. A person commits the crime of rape in the second-degree if
  - 1) 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.
  - 2) 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.
- b. Rape in the second degree is a Class B felony (Alabama Code 13A-6-62).

14. Sodomy in the first degree\*

- a. A person commits the crime of sodomy in the first degree if:
    - 1) He engages in deviate sexual intercourse with another person by forcible compulsion; or
    - 2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
    - 3) He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.
  - b. Sodomy in the first degree is a Class A felony (Alabama Code 13A-6-63).
15. Sodomy in the second degree\*
- c. A person commits the crime of sodomy in the second degree if:
    - 1) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.
    - 2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.
  - d. Sodomy in the second degree is a Class B felony (Alabama Code 13A-6-64).

**Note: A third party may also file a violation of the Code of Conduct under this policy if the sexual conduct of others in the education or work environment has the purpose or effect of substantially interfering with the third party's welfare or academic or work performance.**

16. 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

17. Unauthorized Entry

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

18. Weapons and Firearms

- a. keeping, using, possessing, displaying, or carrying any weapon, firearm, ammunition, fireworks, incendiary or any type of explosive device or material, or dangerous device capable of launching a projectile by air, gas, explosion, or mechanical means (including BB or pellet 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
- 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
- c. using, possessing, or displaying dartboard, darts, or any type of throwing knives

## 19. 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:
  - occurs on any college premises;
  - occurs in the context of any college event;
  - occurs at any intercollegiate athletic event in which one of the College teams is participating, home or away;
  - involves more than one member of the College community;
  - otherwise adversely affects the College.

\*Even in the absence of a Complaint under the Title IX Sexual Harassment Procedure the College reserves the right to pursue disciplinary sanctions for any act of sexual misconduct occurring on any of the College's campuses, at any event with which the College is affiliated, or which negatively effects the employment or educational environment of a member of the college community.

### **Notification Process of 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 and a notification will be sent either via certified mail to the address on file with the Admissions Office or will be emailed to the student's official CVCC email.

- a. In the case of an interim suspension, a notification will be sent via certified mail to the address on file with the Admissions Office. Interim suspension notices will be delivered to the student in person by a campus security officer.
- b. If a student does not respond to the request to meet with the Dean of Students and Campus Services as instructed, a notice will be sent to the student, and a hearing will be held. Action will be taken as warranted by the fact 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 the disciplinary case is resolved.

### **Withdrawal During the Conduct Process**

A student's withdrawal from the College does not absolve the student from student conduct responsibility. A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Dean of Students and Campus Services or Student Discipline Committee, in some circumstances, may specify a period of time before the student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean of Instruction 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.



## Standards of Evidence

The evidentiary standard to be used by the Dean of Students and Campus Services, Student Discipline Committee, or the President is based strictly on the evidence presented whether it was more likely than not that the allegation(s) made against the accused student was (were) true based upon a reasonable belief of the Dean of Students and Campus Services, Student Discipline Committee, or the President.

The Committee Chairperson, will inform the parties that the rules relating to evidence will be similar to but less stringent than those which apply to civil trials in the courts of Alabama. Generally speaking, irrelevant, immaterial, and privileged information (such as personal medical information or attorney-client communications) shall be excluded. However, hearsay evidence and other types of evidence may be admitted if the Dean of Students and Campus Services or Committee Chairperson 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 information offered at the hearing, the Dean of Students and Campus Services or Committee Chairperson will have the authority to determine the admissibility of the testimony or other information, and this decision 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 after a review of the findings. Code of Conduct violations have been divided into various levels of severity and possible sanctions assigned based on this classification.

Prior to issuing a sanction, it will be determined whether or not 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 reprimand 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 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 set out to be in subsequent violation of the Student Code of 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 Dean of Students and Campus Services or Student Discipline Committee.
- **No Contact Orders.** Written notice to cease all contact with an alleged victim of sexual misconduct is a no contact order.

- **Cease and Desist Orders.** Written notice to the alleged perpetrator to cease and desist any activity noted by the alleged victim as offensive or threatening and that may be a violation of the Title IX Sexual Harassment Policy is a cease and desist order.
- **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, attend writing an educational program, and/or writing reaction papers on a specified topic.
- **Community Service.** Students may be assigned to complete a certain number of hours of community service work to improve their campus. Tasks will be assigned and completion of hours will be monitored by the Dean of Students and Campus Services or his/her designee.
- **Fines and Restitution.** Compensation for loss, damage, and injury may be imposed upon students for violations of the Student Code of Conduct or failure to complete community service. A hold on the student's account may occur if fines and/or restitution is not paid.
- **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.
- **Disciplinary Suspension.** This suspension 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 and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for a refund from the College. If suspension is imposed when there are less than 30 days in the academic term, the suspension will carry over into the next semester of enrollment.
- **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 may specify a period of time before the student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean of Instruction 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).
- **Facility Suspension.** A student may be suspended from using various campus facilities for misconduct in those facilities.
- **Disciplinary Expulsion.** This sanction 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 two years from the date of expulsion.
- **Counseling/Substance Abuse Counseling.** Chattahoochee Valley Community College does not provide mental health counseling. If counseling is necessary, referrals may be made to off-campus

professional services. CVCC can also provide a list of off-campus counseling resources to faculty, staff, and students for counseling services as well as resources for substance abuse. CVCC is not responsible for the cost of professional counseling for students. This information is provided only to assist students and is not intended as an endorsement of a particular resource.

### **Interim Suspension**

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:

- to ensure the safety and well-being of members of the College community or preservation of College property;
- to ensure the student's own physical or emotional safety and well-being;
- if a student poses a threat to themselves or others or
- if a student poses a threat of disruption of or interference with the normal operations of the College.

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). If an interim suspension is imposed, the hearing should follow within three (3) business days. The student must be notified in writing through official CVCC email and/or certified mail or personal service.

### **Confidentiality and Protection from 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 in the investigation of 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.

### **Filing a False Report**

It is a violation of college policies for any student, faculty or staff member, or administrator to file a false report against another individual.

### **Student Conduct Hearing Procedures**

The Student Discipline Committee will be composed of faculty members (one of whom serves as chairperson) and non-faculty (staff) members for a total of five members. The Committee may review and make recommendations to the Dean of Students and Campus Services on student conduct/disciplinary policies and procedures.

The Committee will hear charges and evidence concerning alleged students misconduct and determine the disciplinary action to be taken in cases referred to the Committee by the Dean of Students and Campus Services. The Chairperson of the Committee will be the administrative officer of the Committee. The Chairperson's duties include:

- coordinating the times and place for the hearings with the Office of the Dean of Students and Campus Services;

- informing committee members of the times and places of committee meetings and hearings;
- ensuring a quorum of committee members are present at the hearing;
- coordinating communication to the student and witnesses with Office of the Dean of Students and Campus Services;
- maintaining of committee and hearing records, which will be kept on file in the Office of the Dean of Students and Campus Services, and informing, in writing, the appropriate person(s) of the decision of the Committee.

The Student Discipline Committee Chairperson will notify the student of the time, place, and subject matter of the hearing at least seventy-two (72) hours prior to the scheduled beginning of the hearing. The hearing will be conducted in a fair and impartial manner and disciplinary hearings will not be open to the public.

Members of the Committee may at any time disqualify themselves from consideration of any given case or cases because of personal bias or a conflict of interest.

Either party to the hearing may request of a chairperson that any member or members of the Committee be excluded from consideration of the case. Such a request must be for cause and brought to the Chairperson's attention as the first step in the hearing. In the event a member is disqualified by a majority vote of the Committee from consideration of the case, the President shall appoint a replacement. The replacement must meet the general requirement of regular committee members.

- Hearings will be held in a private, confidential area.
- Witnesses will be present only when providing information to the Committee.
- The Committee shall not have the power to require sworn testimony of witnesses. A witness may decline to make an oral or written statement. An accused student has the right to remain silent, and such silence shall not be used against him/her.
- All procedural questions are subject to the final decision of the Committee chairperson.
- In the event a Complainant or Respondent (accused student) fails to attend a formal hearing after notification of the designated date, hour, and location, he/she waives the right to appear before the Committee. The hearing will be held and the Committee's determination shall be based on the evidence and information presented. If the Complainant or the Respondent is unable to attend the hearing for good cause, he/she shall make a written request stating the reason for delay at least three college working days prior to the designated date. This request shall be directed to the Chairperson of the Committee. If approved by the Chairperson, a new date shall be established and appropriate notification will be provided to all parties involved. If the Chairperson does not approve the request, the student shall be notified of the Chairperson's decision to continue the hearing as scheduled. Only one extension shall be granted. If the Complainant or the accused student fails to appear, the student forfeits the right to present his/her case and the Committee may proceed with the hearing.

At the hearing, the Committee Chairperson will read the Student Code of Conduct Charges filed against the student and provide a copy of the Incident Report to the student and the Committee members. After the incident report and Code of Conduct charges are read into the record, the Complainant will have the opportunity to present oral information and offer other supporting information as he/she deems appropriate to his/her claim of the violation of the Code of Conduct. The Respondent (student against whom the violation of the Code of Conduct was filed) will then be given the opportunity to present oral information and offer other supporting information as he/she deems appropriate to the his/her defense against the charges.

Any party to a Student Disciplinary Hearing will have the right to retain, at the respective party's cost, the assistance of legal counsel or other personal representative. However, the respective attorney or personal representative, if any, will act in an advisory role only and will not be allowed to address the hearing body or question any witnesses. The College must be given a minimum of 48 hours' notice if the Respondent is being assisted by an attorney or personal representative. The names of the personal representative or attorney must be submitted 48 hours prior to the hearing to the Dean of Students and Campus Services. The Dean of Students and Campus Services or Student Discipline Committee members will not use an attorney unless the Respondent is also assisted by an attorney or other personal representative. The hearing will be recorded by an electronic recording medium. In addition, all supporting documents or information offered by the parties, whether admitted or not, will be marked and preserved as part of the hearing record.

The hearing officer or the Committee will make the participants aware that the rules relating to the admissibility of statements and information during the hearing will be less stringent than those which apply to civil trials. Generally speaking, irrelevant, immaterial and privileged information (such as personal medical information or attorney-client communications) will be excludable. However, hearsay conversations and unauthenticated documentary information may be allowed if the Committee chairperson determines that the information offered is of the type and nature commonly relied upon or taken into consideration by a reasonably prudent person in conducting his affairs.

In the event of an objection by any party to any statement, information or documentation offered at the hearing, the Committee chairperson will have authority to make a final ruling on the objection.

### **Report of Findings**

Within five (5) working days following the hearing, there will be a written report given to the Dean of Students and Campus Services (with a copy to the President, the Complainant and each Respondent) of the findings of the Chairperson of the hearing committee, and the report will contain at least the following:

1. Date and place of the hearing;
2. The name of the hearing officer or each member of the hearing committee, as applicable;
3. A list of all witnesses for all parties;
4. Findings of fact relevant to the violation of the Student Code of Conduct;
5. Regulations or policies relevant to the violation, and
6. Recommendation(s) arising from the violation of the Student Code of Conduct and the hearing.

In the event of a finding by the Student Discipline Committee that the violation of the Student Code of Conduct was unfounded or was not supported by the evidence presented, the Dean of Students will notify the Complainant of any appeal that may be available to the Complainant. In the event of a finding that the Violation of the Code of Conduct was supported, in whole or in part, by the information presented, the Dean of Students and Campus Services will advise the Respondent of any available appeal.

### **Presidential Appeals**

The Complainant and Respondent will have the right to appeal the decision of the Student Conduct Committee to the President of Chattahoochee Valley Community College, provided that:

1. A notice of appeal is filed with the Dean of Students and Campus Services and the President within fifteen (15) calendar days following the receipt of the Committee report and
2. The notice of appeal contains clear and specific objection(s) to the finding(s), and conclusion(s) and/or recommendation(s) of the hearing officer or committee. If the appeal is not filed by the close of business on the fifteenth (15th) day following the receipt of the Committee report, the right to

appeal to the President will have been waived. If the appeal does not contain clear and specific objections to the hearing report, it will be denied by the President.

3. **President's Review:** If an appeal is accepted by the President, the President will have thirty (30) calendar days from his/her receipt of the notice of appeal to review and investigate the allegations contained in the incident report, to review the hearing record, to hold a hearing (if deemed appropriate by the President) and to produce a report of the President's findings. The President will have the authority to (1) affirm, (2) reverse or (3) affirm in part and reverse in part and/or modify the findings, conclusions and recommendations arising from the student disciplinary hearing. The President's report will be served to the Complainant and Respondent(s) by personal service or by certified mail, return receipt requested, at their respective home addresses.

If, after exhausting all available institutional processes, a student's complaint remains unresolved, the student may appeal to the Alabama Community College System using the System's official Student Complaint Form. Please refer to the ACCS Student Complaint Process found on the ACCS website <https://www.accs.edu/student-complaints/>.

### **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 students 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 crime 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 of 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.

### **Academic Misconduct Policy**

This policy applies only to the violations of the Chattahoochee Valley Community College student conduct regulations relating to academic dishonesty. Academic misconduct includes all acts of dishonesty in any academically-related matter and any knowledge of helping, intentionally-helping, attempt at helping or conspiracy in helping another student commit an act of academic dishonesty. Academic misconduct includes, but is not limited to, each of the following acts when performed in any type of academic or academically related matter, exercise, or activity.

- Cheating: the use or attempted use of unauthorized materials, information, study aids, answers of others, or electronic information.
- Plagiarism: claiming as one's own work (i.e., ideas, words, data, computer programs, creative compositions, artwork, etc.) what was done by someone else, improperly citing referenced works, using commercially available scholarly papers, failing to cite sources, or copying another's ideas.
- Misrepresentation: the falsifying, altering, or misstating the contents of documents or other materials related to academic matters, including schedules, prerequisites, transcripts, and medical or military excuses.
- Classroom Copyright Infringement: 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 or uploading any recordings of lectures and/or class presentations to publicly accessible web environments. Note: it is not a violation if the student has been certified for reasonable accommodations through the ADA Coordinator.
- Classroom Disruption: any classroom behavior that obstructs teaching, learning, or research activities.

In an instance of academic misconduct, a student may:

1. Be required to retake an examination or resubmit an assignment on which the instructor has determined that academic misconduct occurred,
2. Receive an "F" on the given exam or assignment or
3. Receive an "F" for the course.

Whether or not academic misconduct has occurred and what classroom sanctions, if any, are to be applied are matters to be determined by the respective instructor. A student who opposes the sanction imposed by an instructor may appeal the matter to the Dean of Instruction through the grade appeal process. The appeal must be filed in writing by the end of the next day following the date on which the sanction is imposed.

Students who receive classroom sanctions for academic misconduct may also be subject to disciplinary action by the Dean of Students and Campus Services if the misconduct also violates the Student Code of Conduct and is reported by the instructor for such 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 214 8th Street, Columbus, GA 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 706-571-8936



National Toll-free Hotlines & Websites

Treatment Facility Locator 1-800-662-HELP <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 substance or any amount.

Employees 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 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 substance or any amount.

Employees 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)**

<b>Schedule</b>	<b>Substance/Quantity</b>	<b>Penalty</b>	<b>Substance/Quantity</b>	<b>Penalty</b>
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. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <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.	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. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <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. <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	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
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	
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		<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.		
Flunitrazepam (Schedule IV) 1 Gram				
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 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 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 50 to 99 kilograms marijuana mixture, 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. <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 More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 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. <b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish 10 kilograms or less	
Hashish Oil 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> . Prison: Add five years to penalty	13A-12-250 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 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 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 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 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 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; Fine: Not more than \$6,000	13A-12-214
Use, possession, delivery, or sale of drug paraphernalia	<i>Class B Felony</i> for sale to one under 18 by one over 18. Prison: 2-20 years; Fine: Not more than \$30,000 <i>Class C Felony</i> for sale. Prison: 1-10 years; Fine: Not more than \$15,000 <i>Class C Misdemeanor</i> for possession. Jail: Not more than 3 months; 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 and 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.

### **Title IX Sexual Harassment Complaint Policy and 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. Robin Jones (Employees)**  
**Director of Human Resources**  
**Wallace Hall, Suite 201**  
**2602 College Drive, Phenix City, AL 36869**  
**Phone: 334-291-4927**  
**Email: robin.jones@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**  
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: 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);

Unwelcome 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. notifies the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- b. ensures 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. ensures the decision-maker(s) for the appeal complies with the standards set for in 34C.F.R. § 160.45(b)(iii);
- d. gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- e. issues 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 Instruction 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 Instruction 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/>.

## **COLLEGE AND COMMUNITY RESOURCES**

### **College Resources**

Campus Security

Keith Manual, Chief of Security

Security Kiosk

(334) 291-4950

[keith.manual@cv.edu](mailto:keith.manual@cv.edu)

Officer Ivan Thigpen

Security Kiosk

(334) 214-4850

Office of Dean of Students and Campus Services

Dr. Sherri Taylor, Dean of Students and Campus Services

2<sup>nd</sup> Floor Wallace Hall

(334) 291-4928

sherri.taylor@cv.edu

Office of Student Development and Success

Ms. Vickie Williams, Associate Dean of Student Development and Success & ADA Coordinator

Wilson Hall

(334) 214-4803

vickie.williams@cv.edu

Admissions and Records Office

Ms. Sanquita Alexander, Admissions Director/Registrar

200 Wallace Hall

(334) 291-4996

### **Community Resources**

- Phenix City Police Department (334) 448-2800
- Russell County Sheriff Department (334) 298-6535
- Alabama Coalition against Domestic Violence (334) 832-4842
- Alabama Statewide Domestic Violence Hotline (800) 650-6522
- National Domestic Violence Hotline (800) 537-2238

### **Medical Facilities**

- Piedmont Columbus Regional (Midtown) (334) 448-2800
- St. Francis Hospital (706) 257-7715

### **Counseling and Mental Health Resources**

- East Alabama Mental Health (Russell County) (334) 298-2405
- New Horizons (706) 596-5500
- Pastoral Institute (706) 649-6500

### ***Records***

The Title IX Coordinator will retain records of all reports and complaints, regardless of the nature of the resolution. Complaints resolved during the informal complaint process may become part of an offending or respondent student's conduct file, depending on the nature of the offense but will not be included as a part of the academic record or of an employee's personnel file.

Affirmative findings of responsibility in matters resolved through the grievance or formal resolution process will become part of an offending or respondent student's conduct record and an employee's personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel file. Additionally, the College will comply with all requirements under the Jeanne Clery Act as amended and will report crimes associated with the College as required.

### ***Prevention and Education***

CVCC is committed to preserving the safety and security of the College environment and will implement activities designed to prevent incidents of sexual misconduct, inform members of prohibited conduct; identify prevention measures, and provide information regarding reporting protocols. The College prevention and education program will include but will not be limited to:  
Annual training and awareness programs for current employees and students;



- Orientation for new employees and students that will educate them about college policy and prevention measures that may be utilized;
- Information regarding the Sexual Harassment Policies and Procedures on the College website;

### ***Training***

Chattahoochee Valley Community College will ensure that all college employees, including those officials involved in redressing incidents of sexual misconduct are trained on an annual basis through the College Professional Development process and through external resources when appropriate.

## **HELPFUL INFORMATION**

### ***Bystander Intervention Tips***

- Remember intervention doesn't have to be confrontational; say something or do something to call attention to the situation.
- Remain calm, speak up and challenge inappropriate behavior.
- Tell someone if you believe he/she is acting inappropriately. Challenge inappropriate jokes or conversations.
- Attempt to calmly reason with the perpetrator or distract him or her.
- Ask others in the area for assistance with group intervention.
- Assist the victim by walking him/her to his/her car or to a safe area until assistance arrives.
- Call 911 then Campus Security.

### ***Prevention Tips***

- Date people you know and trust.
- Be cautious when meeting people through social media.
- Tell someone when you are going out on a date.
- Set limits and boundaries.
- Avoid drugs and alcohol.

### ***Warning Signs of Dating/Relationship Violence***

- You feel isolated from friends and family.
- Your significant other has angry outbursts.
- Your significant other threatens to harm you or is very jealous of you.
- Your significant other is cruel to animals or children.
- Your significant other belittles you, makes fun of you, or tries to control you.

# EMERGENCY RESPONSE

## What we observe



Gun - Lock down

E-notification and/or  
Campus Official Directives



Fire - Evacuate

Continuous horn and/or  
Campus Official Directives



Weather - Shelter

EMA External Siren and/or  
Campus Official Directives



All Clear

Campus Official Notification

## What we do

Lock the door and Stay where you are!

Move Off-Campus – Evacuate as directed!

Move to Shelter. (see below)

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. 05/2023, OVC Safety & Security Committee

## If you are 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, 216, 217, 320, 321, & 322