

Clovis Community College

# Annual Safety and Security Report

2018

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## **ANNUAL SAFETY AND SECURITY REPORT**

In 1990, Congress enacted the "Crime Awareness and Campus Security Act." This act was amended in 1992, 1998, 2000, 2008 and 2013. In March 2013, President Obama signed into law "The Campus Sexual Violence Elimination Act," or "Campus SaVE Act." The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998," commonly referred to as the "Clery Act", requires institutions of higher education participating in Title IV student financial aid programs to develop, implement, and disclose campus security policies; alert the campus community through "timely warnings" of a serious or continuous threat to safety; develop and maintain a daily crime log; develop and distribute an annual report that discloses the security policies for three years of crime statistics; and annually report statistics to the US Department of Education.

### **Annual Security Report**

This report is part of Clovis Community College's commitment to the safety and security of our campus community and complies with the U. S. Department of Education's Jeanne Clery Disclosure of Campus policy and Campus Crime Statistics Act. In compliance with relevant provisions of federal law, Clovis Community College is required to make policy and programmatic information available to the campus community, as well as to prospective students, employees and the general public. Clovis Community College's policy is to publish the Annual Security Report in compliance with federal law. This report is prepared by the Clovis Community College Office of Campus Safety and Security.

### **TITLE IX**

Clovis Community College is in compliance with Title IX which is a federal civil rights law in the United States that was passed as part of the Education Amendments of 1972. The law specifically 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.

### **Statistics Collection**

The collection of data includes internal incidents reported directly to the Clovis Community College Security Department as well as incidents reported to the Clovis Police Department, the Curry County Sheriff's Department, and the New Mexico State Police.

### **Preparation and Distribution**

The procedure for preparing the annual disclosure of campus crime statistics is a three step process. First, Clovis Community College coordinates the collection and reporting of crime statistics as specified by the Clery Act. This information is then compiled into the CCC Annual Safety and Security Report that is published on the CCC website. Enrolled students, faculty, and staff are then notified via email with a link to where the report can be accessed and reviewed.

- Prospective students and prospective employees may access the report by following the link provided on the Clovis Community College website.
- Printed copies are available upon request by contacting the Office of Campus Security room 134 at 417 Schepps Blvd, Clovis Community College, 88101 Telephone: 575-769-4143 as well as the W. D. Dabbs Library (East Campus) at 417 Trades Road, Clovis Community College 88101 Telephone: 575-769-4080.

## **Campus Crime Log**

The Clovis Community College Office of Campus Safety and Security creates and maintains a daily crime log that excludes personally identifying information about the victim(s). Any other submissions made by the campus community are also reported through the Office of Campus Security.

## **Clovis Community College Compliance Committee**

The Office of Campus Security and Clovis Community College Compliance Committee are charged with ensuring the campus's compliance with the Clery Act, and planning and facilitating activities that support a safe and secure learning and working environment. The Compliance Committee focuses on accurate disclosure (reporting) of Clery crime statistics and the implementation of best practices regarding safety policies and procedures. The Compliance Committee conducts an annual review of all reportable crimes prior to submitting crime statistics to the U.S. Department of Higher Education.

## **REPORTING CRIMES AND OTHER EMERGENCIES**

### **Accurate and Prompt Reporting – Campus Security and Crime Reporting**

All students, faculty, staff and visitors are encouraged to promptly and accurately report criminal incidents, accidents, emergencies and non-emergencies. If there is an emergency on campus, call 911. For non-emergencies and other reports, call the Office of Campus Security at 575-769-4143 during business hours, or 575-769-4144 or 575-760-4105 (cell) during non-business hours: 5 PM to 10 PM M-F and 7 AM to 5 PM on Saturdays.

### **Professional Counseling and Advising**

Academic advising, career exploration, degree planning and limited counseling are available at the Academic Advising Office located in the Dr. H. A. Miller Student Services Center. The contact phone number is 575-769-4020. They are available Monday – Thursday from 8 AM to 5 PM, and Friday from 8 AM to 4:30 PM.

### **Important Phone Numbers**

EMERGENCY HELP	911
FIRE/AMBULANCE	911
Clovis Police Department	575-769-1921
Campus Security	575-769-4143
Security Cell Phone	575-760-4105
Security Cell Phone	575-799-3468
Counseling	575-769-4020

*Free and confidential Counseling services for students*

## **CAMPUS SECURITY AND LAW ENFORCEMENT**

### **Office of Campus Security**

The Office of Campus Safety and Security is the security authority for Clovis Community College. CCC Security Guards are non-commissioned guards who are entrusted to provide safety and security of the campus facilities. The Office of Campus Safety and Security also employs student security guards to patrol the campus facilities and campus grounds. The Mission of the Clovis Community College Office of Campus Safety and Security is to create a safe, secure campus to provide a safe educational environment and to promote personal safety and awareness and the deterrence of criminal activities. The Office of Campus Safety and Security has the core responsibility to perform the following duties but are not limited to:

- Perform regular, visible patrols of the facilities and campus grounds to identify potential safety hazards, crimes and criminal activities;
- Ensure that buildings are locked and secured;
- Document on daily patrol logs activities performed throughout the shifts;
- Escalate issues to Campus Administration or the Clovis Police Department where feasible;
- Provide security escorts to students, staff, faculty and visitors; and
- Ask for student identification cards where feasible.

### **Campus Law Enforcement Authority**

The Clovis Police Department provides law enforcement services to Clovis Community College. The Clovis Police Department has the full authority to investigate, apprehend, and arrest to enforce applicable New Mexico Laws. The Clovis Police Department has jurisdiction over all campus property, alleyways, streets, parking lots, and other public access areas.

## **SECURITY AND ACCESS CONTROL**

### **Building Access and Access Control Policy**

It is the policy of Clovis Community College to have the campus Main Building open during normal business hours. Normal Business hours for the Main Building are considered to be the hours of 6 AM and 10 PM, Monday through Friday; and 7 AM to 5 PM on Saturday; and closed on Sundays.

The Dr. W. D. Dabbs Library at 417 Trades Road, business hours are Monday through Thursday, 8 AM to 8 PM; Friday, 8 AM to 4:30 PM; closed Saturday and Sunday.

Cosmetology building hours of operation are Monday through Thursday, 8 AM to 5 PM; closed Friday, Saturday, and Sunday.

The Joe and Charlyne Sisler Allied Health Building and the Don and Gustenia Bonner Nursing Education Building located at 417 Trades Road, are equipped with card access and video surveillance cameras for 24/7 access control for students, faculty and staff.

It is the policy of Clovis Community College to lock and secure all facilities during after-hours of the campus operations. After hours for Clovis Community College are considered to be 10 PM to 6 AM, Monday through Friday; and 10 PM Friday until 7 AM on Saturday; and 5 PM Saturday until 6 AM Monday (closed on Sundays). According to Clovis Community College policy, all contractors and vendors must check in at the Office of Campus Safety and Security which is located at 417 Schepps Blvd., Room

134, and 575-769-4143. All contractors and vendors are required to wear a badge for identification while on campus performing their tasks and job assignments. Vendors and contractors are required to check out with the Office of Campus Safety and Security once their assignment is completed. Contractors working on campus grounds that do not require building access do not need to check in with the Office of Campus Safety and Security but with their respected point of campus contact.

## **TIMELY WARNING AND EMERGENCY NOTIFICATION**

### **RAVE Alert Notification System**

RAVE alert system is the system that Clovis Community College utilizes for emergency notification. RAVE is a campus wide text messaging system via telephone to documented subscribers. Clovis Community College also will utilize when feasible, the overhead speaker and desk telephone speaker system to alert the campus community of an immediate threat to the campus students, faculty, staff and visitors. Membership into the RAVE alerting system is highly encouraged to all students, faculty and staff and also publicized on the main web page for easy membership sign-up. The Clovis Community College office of Information Technology has overall management responsibility of the RAVE alerting system.

### **Emergency Notification**

In the event that a confirmed emergency situation involving an immediate threat to the health or physical safety of students, faculty, staff, and visitors arises, whether on or off campus, and in compliance with the Clery Act, emergency notifications will be broadcasted. In any of these instances, the President of the College, Office of the Executive Vice President, Vice President of Administration, or the Director of Campus Security, or designee, will, without delay, and taking into account the safety of the community, determine the content of and broadcast the notification. Such broadcasts will occur unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Emergency notifications will include instructions to Clovis Community College students, faculty, staff and visitors for protective measures or actions. When the threat no longer exists, an "all clear" alert will be broadcast using the RAVE Alert system. When appropriate, Emergency Notification may be broadcast through other communications methods, including web pages, press releases, and/or social media.

### **RAVE Alert System Testing**

The Office of Campus Safety and Security and the Office of Information Technology are responsible for testing the RAVE alerting system, bi-annually. Test messages will be broadcasted via the RAVE system. In addition to testing the RAVE alerting system, the office of campus security and office of information technology test the overhead speaker system and fire alarm system semi-annually.

### **Timely Warning**

In compliance with the Clery Act reportable crimes, including murder, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter and arson, Clovis Community College will broadcast a timely warning when a report of any of these crimes is received by campus security authorities and, is considered by campus administration to pose a serious or continuing threat to students and employees. The Director of Campus Security, or designee, will broadcast timely warnings using the RAVE Alert Notification system in a manner that will aid in the prevention of similar crimes. If, in the professional judgment of responsible authorities, such notification will compromise efforts to assist a victim, contain, respond to, or otherwise mitigate the threat, no notification will be made. A timely warning is intended



to enable people to protect themselves and/or property. Timely warnings will be issued as soon as pertinent information is available. Timely warnings may also be made of other non-Clery crimes that pose a serious threat to the Clovis Community College community. When appropriate, timely warnings may be broadcast through other communications methods, i.e., web pages, press releases, or social media.

## **EMERGENCY AND EVACUATION PROCEDURES**

### **Emergency Evacuation Procedures**

The Office of Campus Safety and Security has developed general emergency evacuation procedures and have compiled campus maps designating evacuation routes. The campus maps are posted outside every department, office, classroom, and general common area. The maps are color-coded, designating inclement weather safe rooms, fire exit routes, fire extinguisher locations, and Automatic External Defibrillators (AED). Campus maps contain specific area designations with “YOU ARE HERE” locations.

### **Emergency Situations**

Campus emergencies include, but are not limited to: severe weather events, building evacuations, active threats of violence, and campus closures. Clovis Community College will utilize the RAVE Alert Notification system as a method of communicating with students, faculty, staff, visitors, and the public in the event of these possible emergencies. Clovis Community College will utilize any of the following tools, as appropriate:

1. RAVE Alert Notification System is used to communicate via text messaging in the event of an emergency. In the event that a timely warning is issued, the Director of Information Technology, or designee, will utilize the RAVE system to communicate pertinent information which may include, but may not be limited to, a description of the incident, location and appropriate protective action to take.
2. Campus-wide speaker system is used to make overhead announcements in the event of an emergency when feasible. If a timely warning or an emergency notification is issued, the Director of Campus Safety and Security will communicate pertinent information which may include, but may not be limited to, a description of the incident, location and appropriate protective action to take.
3. The Office of Institutional Advancement is used to send out social media announcements in the event of an emergency. If a timely warning or an emergency notification is issued, the Director of Campus Safety and Security will communicate pertinent information which may include, but may not be limited to, a description of the incident, location and appropriate protective action to take.

## **CLOVIS COMMUNITY COLLEGE ALL HAZARDS RESPONSE PLAN**

### **All Hazard Response Plan**

Clovis Community College documents the process required for a successful response to and recovery from an emergency incident at Clovis Community College.

The purpose of the Clovis Community College Emergency Response Plan is to:

- Outline an effective and efficient plan for a successful response to an emergency on campus;
- Identify the roles and staffing for an emergency situation;
- Outline the criteria for activating the Emergency Operating Plan and Procedure;
- Clearly outline the Notifications, Warnings and Public Awareness verbiage and notifications;
- Address the Emergency Response Procedures; and
- List the Emergency Response Resources.

## **MISSING STUDENT NOTIFICATION**

A component of The Clery Act requires Institutions of Higher Education to disclose and comply with a policy on reporting missing students residing in on-campus student housing. However, since Clovis Community College does not have residential housing on campus, Clovis Community College is not required to comply with this policy. Furthermore, if a student is reported missing by his/her legal guardian or parent, the Office of Campus Safety and Security at Clovis Community College will follow the Family Educational Rights and Privacy Act (FERPA) guidelines and attempt to contact the student. If the student is not attending classes and cannot be reached, The office of Campus Safety and Security will immediately contact the Clovis Police Department and relay the information to the Clovis Police Department, for appropriate action to be initiated.

### **SEXUAL ASSAULT, VIOLENCE AGAINST WOMEN ACT (VAWA), DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING**

Clovis Community College is committed to ensuring that we provide a safe and secure campus. Information on safety and security can be found in the Student Planner and Handbook, under the Code of Student Conduct (2017-2018). For employees, the safety and security information can be located in the respective Employee Handbooks, under the Code of Conduct > Sexual harassment. The Clovis Community College Code of Conduct prohibit Violence against Women (WAVA), domestic violence, sexual assault/harassment, dating violence, and stalking. Any accommodations or protective measures provided by Clovis Community College to a victim are protected by the Family Educational Rights and Privacy Act (FERPA) and Clovis Community College policies governing student records, and are therefore maintained as confidential, unless the confidentiality would impair the ability of Clovis Community College to provide the accommodations or protective measures, or Title IX or Due Process requirements mandate this disclosure. The Office Campus Security maintains a daily activity log of all incidents that occur on Clovis Community College campus and property. The log does not include personally identifying information about any victims and is publicly available upon request.

The Clovis Community College Office of Campus Safety and Security is also committed to ensuring that we provide up-to-date information on sexual offenders who are required to list the locations of all institutions of postsecondary education where they volunteer or are enrolled or employed. Therefore, all registered sexual offenders are required and mandated to register with the State of New Mexico's sexual offender website so that the State of New Mexico's database is current with all offender information and readily available to the public.

The Clovis Community College Office of Campus Safety and Security provides sexual offender information from the New Mexico Sex Offender Information page which is located at the following website: [www.nmsexoffender.dps.state.nm.us](http://www.nmsexoffender.dps.state.nm.us). The Clovis Community College community can also obtain information by contacting the Curry County Sheriff's Department at 575-769-2335.

Since Clovis Community College is located on the eastern most part of New Mexico, bordering the state of Texas, Clovis Community College Office of Campus Safety and Security also provides sexual offender information on Texas Sexual Offenders that could be residing in neighboring Texas counties, and therefore could be enrolled in our institution. The registry for Texas registered sexual offenders is located at: <http://records.txdps.state.tx.us/> > [Sexual Offender Registry](#).

Furthermore, the Clovis Community College Security Department maintains an up-to-date notebook on registered sexual offenders for eastern New Mexico and bordering Texas counties. The notebook is in the Office of Campus Safety and Security and is available to the faculty, staff, and students and public during business hours. Alternatively, an appointment can be made by contacting the Office of Campus Safety and Security at 575-769-4143.

Although the Clovis Community College and the Security Team diligently strive to ensure public safety and security, we cannot guarantee 100% safety since it is the primary responsibility of sexual offenders to inform the security department that they are indeed a registered sexual offender and that they have enrolled in our institution. It is also the responsibility of the sexual offenders to report all up-to-date information on residence and contact information with the Curry County Sheriff's office.

The New Mexico State Statute pertaining to registered sex offenders states the following:

**Section 29-11A-4 Registration of sex offenders; information required; criminal penalty for noncompliance.**

C. A sex offender who is a resident of another state but who is employed in New Mexico or attending public or private school or an institution of higher education in New Mexico shall register with the county sheriff for the county in which the sex offender is working or attending school or an institution of higher education.

D. A sex offender who is a resident of another state but who is employed in New Mexico or attending public or private school or an institution of higher education in New Mexico shall register with the county sheriff no later than ten days after beginning work or school.

See New Mexico Criminal Laws **Section 30-9-11 Criminal sexual penetration** for offenses involving criminal sexual activities.

## **SAFETY TIPS TO PREVENT CRIME**

- Always be aware of your surroundings and of any strangers near you. If someone is acting suspiciously, move away toward large groups and well-lit areas.
- When walking to your vehicle at night, or through dark walkways or secluded areas, walk with friends or in groups; there is safety in numbers.
- Feel free to contact a member of the Clovis Community College Security Team for an escort when leaving the building and walking to your car.
- If you are going to be on the campus doing late studying, please inform a member of your family where you are going to be located and when they can expect for you to return home.
- When walking to your vehicle late at night or if your vehicle is parked in a poorly lit area of the parking lot, have your keys ready in your hand ready to unlock your vehicle.

- Before entering your vehicle, quickly scan the front and back seat to ensure that no one is inside your vehicle that is not authorized.
- Lock the doors to your vehicle every time you park anywhere on campus. Do not leave valuables where they can be easily seen by someone passing by, even if it is just for a few minutes.
- When you enter your vehicle immediately lock your vehicle door.
- Do not hesitate to scream or yell if you feel threaten or attacked.
- Report any suspicions persons or activities to the security team or call 911 if necessary.
- Have emergency contact phone numbers programmed into your cell phone book.
  - Clovis Police: 575-769-1921;
  - CCC Office of Campus Safety and Security Phone 575-769-4143;
  - CCC Security Cell Phone: 575-799-3468, or 575 760-4105.

### **IF YOU ARE THE VICTIM OF A CRIME**

- If you are the victim of a crime while at Clovis Community College, report it immediately to the Clovis Police Department or to the Clovis Community College Security Team. In case of emergency, call 911. Prompt reporting and specific information will increase the chances of solving the case.
- When you call, give your name, your location, a brief description of the incident, and whether the person who committed the crime is still in the area.
- A Clovis Police Officer and/or Clovis Community College Office of Campus Safety and Security will be dispatched to meet with you to obtain all of the necessary information.
- If evidence from the crime is still intact, please do not move or destroy it. This is especially important in sexual assault cases. NOTE: Showering, changing clothes, or grooming can destroy vital evidence.
- Many students worry about reporting crimes to the police because they do not want to testify in a trial. Victims are nevertheless encouraged to at least contact the Clovis Police Department so they can be made aware of other services (such as counseling and medical treatment) that might lessen the trauma of the incident.
  - If a victim does not wish to pursue criminal charges, his or her wishes will be respected with the discretion of the Criminal District Attorney's Office.
- Students who are victims of crimes may also pursue recourse through the Office of Executive Vice President at Clovis Community College. While this is not a substitute for the criminal justice system, it affords students options for additional resources. Students interested in this course of action may call the Office of the Executive Vice President at 575-769-4111. Additional information is provided in the Clovis Community College Student Handbook or through the Office of Campus Security at 575-769-4143.

### **OTHER SERVICES AVAILABLE**

- Clovis Community College offers confidential short-term counseling services free of charge to students through the Office of Academic Advising and Counseling (575-769-4015). Services are provided by a licensed professional counselor who can help students with a wide range of resources.

- Students seeking counseling services off campus may obtain a list of the services available and their phone numbers by calling the Office of Campus Security or the Academic Advising Office.
- Additional services are available through the Clovis Community College Office of Special Services at 575-769-4099.

## SEXUAL ASSAULT FACTS AND MYTHS

Sexual assault is a crime of violence, not sexual passion. It is meant to degrade, humiliate, and control. The attacker can be a stranger or someone known and trusted. It can happen to anyone, at any time, at any place. The trauma of being assaulted is a shock from which many victims never fully recover.

No matter which form it takes, sexual assault is as much a problem today as it has been throughout history. While those most at risk are people between the ages of 10 and 29, it can happen to anyone at any age.

There is no portrait of a "typical" rapist. These men (in most cases), like their victims, are all ages and come from all racial and social backgrounds. They can be college students, married individuals, doctors, teachers, or unemployed transients. Most are not crazy or deranged individuals looking for sex. In fact, the majority of offenders are highly intelligent, married with families, and have ready access to consensual sex; but they rape to control, dominate, and humiliate the victim.

### Facts

- Sexual assault continues to represent the most rapidly growing violent crime in America.
- Over 700,000 women are sexually assaulted each year.
- It is estimated that fewer than 50% of rapes are reported.
- Approximately 20% of sexual assaults against women are perpetrated by assailant's unknown to the victim. The remainder are committed by friends, acquaintances, intimates, and family members.
- Acquaintance rape is particularly common among adolescent victims.
- Male victims represent 5% of reported sexual assaults.
- Among female rape victims, 61% are under 18.
- At least 20% of adult women, 15% of college women, and 12% of adolescent women have experienced some form of sexual abuse or assault during their lifetime.
- Over 50% of the attacks occur in the home, and most of these are planned.
- In 85% of the cases, some type of direct force is used, whether it is choking, beating, or brute, physical force. A weapon is used 1/3 of the time.
- Rapists rarely attack once. They have one of the highest repeat rates of all criminals. More than 70% of those arrested for the crime are re-arrested within seven years.

### Myths

- **Myth:** Sexual assault is a crime of passion and lust.  
Sexual assault is a crime of violence. Assailants seek to dominate, humiliate, and punish their victims.
- **Myth:** You cannot be assaulted against your will.  
Assailants overpower their victims with the threat of violence or with actual violence. In cases of acquaintance rape or incest, an assailant often uses the victim's trust in the assailant to isolate the victim.

- **Myth:** A person who has really been assaulted will be hysterical. Survivors exhibit a spectrum of emotional responses to the assault: calm, hysteria, laughter, guilt, anger, apathy, shock. Each survivor copes with the trauma of the assault in a different way.
- **Myth:** Sexual assault is an impulsive act. Seventy-five percent of all assaults are planned. When three or more assailants are involved, 90% are planned. If two assailants are involved, 83% are planned. With one assailant, 58% are planned.
- **Myth:** Assailants are usually crazed psychopaths who do not know their victims. As many as 80% of all assaults involve either a known acquaintance, or someone the victim has had contact with but does not know personally.
- **Myth:** Gang rape is rare. In 43% of all reported cases, more than one assailant was involved.
- **Myth:** Many women claim they have been sexually assaulted because they want revenge upon the man they accuse. Only 4-6% of sexual assault cases are based on false accusations. This percentage of unsubstantiated cases is the same as with many other reported crimes.
- **Myth:** Persons who dress or act in a sexy way are asking to be sexually assaulted. Many convicted sexual assault assailants are unable to remember what their victims looked like or were wearing.
- **Myth:** All women secretly want to be raped. While women and men may fantasize about being overpowered during sexual relations, it is usually with partners of their choosing, whom they trust. They are in control of the fantasies. No one wants the physical and emotional pain caused by a sexual assault.
- **Myth:** Only young, pretty women are assaulted. There is no such thing as a "typical victim." Both men and women are assaulted by both male and female assailants. Victims have ranged in age from newborns to 100 years old.
- **Myth:** It is impossible to sexually assault a man. Men fall victim for the same reasons as women: they are overwhelmed by threats or acts of physical and emotional violence. Also, most sexual assaults that involve a male victim are gang assaults by other males.
- **Myth:** If you do not struggle or use physical force to resist, you have not been sexually assaulted. If you are forced to have sex without your consent, you have been assaulted, regardless of whether a struggle or physical resistance occurred.

## **FACTSHEET: THE VIOLENCE AGAINST WOMEN ACT**

Under the leadership of then-Senator Joe Biden, Congress recognized the severity of violence against women and our need for a national strategy with the enactment of the Violence Against Women Act (VAWA) in 1994. This landmark federal legislation's comprehensive approach to violence against women combined tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence.

VAWA has improved the criminal justice response to violence against women by:

- Holding rapists accountable for their crimes by strengthening federal penalties for repeat sex offenders and creating a federal “rape shield law” that is intended to prevent offenders from using victims’ past sexual conduct against them during a rape trial.
- Mandating that victims, no matter their income levels, not be forced to bear the expense of their own rape exams or for service of a protection order.
- Requiring that a victim’s protection order be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States.
- Increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence dockets.
- Ensuring that police respond to crisis calls and judges understand the realities of domestic and sexual violence by training law enforcement officers, prosecutors, victim advocates and judges. VAWA funds train over 500,000 law enforcement officers, prosecutors, judges, and other personnel every year.
- Providing additional tools for protecting women in Tribal Land by creating a federal habitual offender crime and authorizing warrantless arrest authority for federal law enforcement officers who determine there is probable cause when responding to domestic violence cases.

VAWA has ensured that victims and their families have access to the services they need to achieve safety and rebuild their lives by:

- Responding to urgent calls for help by establishing the National Domestic Violence Hotline that has answered over 3 million calls and receives over 22,000 calls every month; 92% of callers report that it is their first call for help.
- Improving safety and reducing recidivism by developing coordinated community responses that bring together diverse stakeholders to work together to prevent and respond to violence against women.
- Focusing attention on the needs of underserved communities, including creating legal relief for battered immigrants so that abusers cannot use the victim’s immigration status to prevent victims from calling the police or seeking safety, and supporting tribal governments in building their capacity to protect American Indian and Alaska Native women.

VAWA has created positive change. Since VAWA was passed:

- Fewer people are experiencing domestic violence. Between 1993 to 2010, the rate of intimate partner violence declined 67%.
- Between 1993 and 2007, the rate of intimate partner homicides of females decreased 35%, and the rate of intimate partner homicides of males decreased 46%.
- More victims are reporting domestic and sexual violence to police, and reports to police are resulting in more arrests.

States have reformed their laws to take violence against women more seriously:

- All states have reformed laws that previously treated date or spousal rape as a lesser crime than stranger rape.
- All states have passed laws making stalking a crime.
- All states have authorized warrantless arrests in misdemeanor domestic violence cases where the responding officer determines that probable cause exists.
- All states provide for criminal sanctions for the violation of a civil protection order.

- Many states have passed laws prohibiting polygraphing of rape victims.
- Over 35 states, the District of Columbia, and the U.S. Virgin Islands have adopted laws addressing domestic and sexual violence, and stalking in the workplace. These laws vary widely and may offer a victim time off from work to address the violence in their lives, protect victims from employment discrimination related to the violence, and/or provide unemployment insurance to survivors who must leave their jobs because of the abuse.

## **VIOLENCE OR THREATS OF DOMESTIC VIOLENCE AND STALKING/HARASSMENT**

### **Section 30-3-9 Assault; battery; school personnel.**

A. As used in this section:

- (1) "In the lawful discharge of his duties" means engaged in the performance of the duties of a school employee; and
- (2) "School employee" includes a member of a local public school board and public school administrators, teachers and other employees of that board.

B. Assault upon a school employee consists of:

- (1) An attempt to commit a battery upon the person of a school employee while he is in the lawful discharge of his duties; or
- (2) Any unlawful act, threat or menacing conduct which causes a school employee while he is in the lawful discharge of his duties to reasonably believe that he is in danger of receiving an immediate battery.

Whoever commits assault upon a school employee is guilty of a misdemeanor.

### **Section 30-3-12 Assault against a household member.**

A. Assault against a household member consists of:

- (1) An attempt to commit a battery against a household member; or
- (2) Any unlawful act, threat or menacing conduct that causes a household member to reasonably believe that he is in danger of receiving an immediate battery.

B. Whoever commits assault against a household member is guilty of a petty misdemeanor.

### **Section 30-3-13 Aggravated assault against a household member.**

A. Aggravated assault against a household member consists of:

- (1) Unlawfully assaulting or striking at a household member with a deadly weapon; or
- (2) Willfully and intentionally assaulting a household member with intent to commit any felony.

B. Whoever commits aggravated assault against a household member is guilty of a fourth degree felony.

### **Section 30-3-14 Assault against a household member with intent to commit a violent felony.**

A. Assault against a household member with intent to commit a violent felony consists of any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second or third degree, robbery, kidnapping, false imprisonment or burglary.



B. Whoever commits assault against a household member with intent to commit a violent felony is guilty of a third degree felony.

**Section 30-3A-2 Harassment; penalties.**

A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

B. Whoever commits harassment is guilty of a misdemeanor.

**Section 30-3A-3 Stalking; penalties.**

A. Stalking consists of a person knowingly pursuing a pattern of conduct that would cause a reasonable person to feel frightened, intimidated or threatened. The alleged stalker must intend to place another person in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint or the alleged stalker must intend to cause a reasonable person to fear for his safety or the safety of a household member. In furtherance of the stalking, the alleged stalker must commit one or more of the following acts on more than one occasion:

- (1) Following another person, in a place other than the residence of the alleged stalker;
- (2) placing another person under surveillance by being present outside that person's residence, school, workplace or motor vehicle or any other place frequented by that person, other than the residence of the alleged stalker; or
- (3) Harassing another person.

B. As used in this section, "household member" means a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child, or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of this section.

C. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.

D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at his own expense.

**Section 30-3A-3.1 Aggravated stalking; penalties.**

A. Aggravated stalking consists of stalking perpetrated by a person:

- (1) Who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking.
- (2) In violation of a court order setting conditions of release and bond;
- (3) When the person is in possession of a deadly weapon; or
- (4) When the victim is less than sixteen years of age.

B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.

C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.

## **PROCEDURE TO FOLLOW IN THE EVENT OF A SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND/OR STALKING**

1. **Get to Safety** – Get to a safe place and ask a family member or friend to stay with you.
2. **Write Down Details** – Try to write down, or have a friend write down, everything that can be remembered about the incident including a physical description of the perpetrator, their identity if known, and the use of threats of force.
3. **Preserve Evidence** – Try to preserve all evidence of the assault. Avoid drinking, bathing, showering, douching, tooth brushing, or changing clothes. Evidence can be collected at an emergency room and decisions can be made later whether or not to press criminal charges. Collecting physical evidence must occur within 96 hours (4 days).
4. **Call Help** – Call the 24/7 hotline at 575-226-7263 to speak with an advocate for confidential, anonymous support. The advocate can help with Sexual Assault Nurse Examiners (SANE), counseling, support groups, mental health wellness clinic, legal advocacy, and resource referral. [www.arisenm.org](http://www.arisenm.org).
5. **Get Medical Attention** – Victim personal health is most important! Visit an emergency room or medical facility to be checked out if SANE services are not utilized. This includes testing for HIV and sexually transmitted infections, as well as receiving preventative treatments to prevent STDs and pregnancy and protect against HIV.

For any incidents of sexual assault, domestic or relationship violence, or stalking, victims have the right to notify the local law enforcement agency(s) or the Clovis Community College Security Authorities (CSA). A CSA is able to assist in contacting and reporting to local law enforcement. However, victims may also choose not to notify any law enforcement agency or CSA. An Advocate is also able to assist with exploring all available options. Victims have the right to seek protection, restraining orders, or other similar lawful orders issued by a court.

### **Resources - On-Campus**

- Clovis Community College offers confidential short-term counseling services free of charge to students through the Office of Academic Advising and Counseling (575-769-4015). Clovis Community College employs a licensed professional counselor who can help students with a wide range of resources.
- Students seeking counseling services off campus may obtain a list of the services available and their phone numbers by calling the Office of Campus Security or the Academic Advising Office.
- Additional services are available through the Clovis Community College Office of Special Services at 575-769-4099.

### **Resources - Off-Campus**

- Clovis Police Department 575-769-1921 or 911
- National Sexual Assault Hotline 1-800-656 HOPE (4673)
- Arise Hotline (local SANE Nurse available 24/7) 575-226-7263

## **CLOVIS COMMUNITY COLLEGE SEXUAL ASSAULT, STALKING AND SUBSTANCE ABUSE POLICES**

The fear of repercussions through the Student Code of Conduct may prevent students from seeking assistance in crisis situations. To address this fear, Clovis Community College's stance on this policy is that the student's health and safety is a primary concern.

**General.** The policy aims to remove fears and barriers that may prevent any student from seeking emergency or medical assistance by providing an opportunity for CCC to intervene in a caring and non-punitive manner. The goal is reducing the potential risk of alcohol and/or drug related injuries or deaths, and increase the likelihood that students will seek medical attention in crisis situations.

**Policy.** A student who seeks emergency medical attention (or who has emergency medical attention sought on his/her behalf) for drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to that incident, as long as the student completes the following requirements:

- a. Participate in an initial meeting with the Executive Vice President, or designee, and
- b. Completes all recommendations from the Executive Vice President, or designee, and
- c. Submits proof of completion of all recommendations, within the time frame designated by the Executive Vice President, or designee, at the initial meeting.

B. A bystander student who has engaged in drug or alcohol consumption and who seeks emergency medical attention for someone else or tries to actively engage in assistance for someone else for that person's drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to his/her own consumption, but will be invited to meet with the Executive Vice President or his/her designee.

C. Clovis Community College will not pursue any disciplinary action related to any drug or alcohol consumption against any student who has been sexually assaulted or sexually harassed for their drug or alcohol at the time of the sexual assault or sexual harassment.

D. Paragraph A and B of this policy will only apply to students who seeks emergency medical attention before police or Clovis Community College employees take any official action or intervene related to the drug or alcohol consumption.

E. This policy does not preclude disciplinary action regarding other violations of the Student Code of Conduct.

F. The policy only applies to Clovis Community College's student disciplinary system for violations of the Student Code of Conduct. This policy does not apply to any criminal, civil, or other legal consequences for violations under Federal, State or Local Law.

G. The policy is not designed to protect or shield those students who repeatedly violate the Student Code of Conduct. The Executive Vice President may assess each situation on a case-by-case basis, denying the safeguards of the Amnesty Policy if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under the Student Code of Conduct.

### **Proscribe Conduct**

The Following information on proscribed conduct is from the Clovis Community College 2018/2019 Student Planner and Handbook.

Rules and Regulations. The following list describes actions that detract from the effectiveness of Clovis Community College and for which students are subject to disciplinary action. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary process outlined in the Student Planner and Handbook (pages 37 through 44).

Assault and Sexual Misconduct – which includes threat of harm to a person’s physical or mental health or safety. Sexual misconduct, is any non-consensual contact of a sexual nature and may vary in severity, and consist of a range of behavior or attempted behavior including, not limited to, the following examples of prohibited conduct.

1. Touching an unwilling or non-consensual person’s intimate parts, such as genitalia, groin, breast, buttock, mouth, or clothing covering the same.
2. Touching an unwilling or non-consensual person with one’s own intimate parts.
3. Forcing an unwilling or non-consensual person to touch another’s intimate parts.
4. Indecent exposure, which includes, but is not limited to, exposing one’s own intimate parts to an unwilling, or non-consensual person; and
5. Voyeurism, which includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio, video, photographic record of another person without his/her prior knowledge and without his/her prior consent when such a recording is likely to cause injury or distress to the other person, or involves the other person’s intimate parts or sexual conduct.

Sexual Violence, refers to physical sexual acts perpetrated against another person’s will or where another person is incapable of giving consent or is incapacitated. This includes, but is not limited to,

1. Rape, which includes, but is not limited to, the unwilling or non-consensual penetration of another person’s bodily openings with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another person’s mental or physical condition (such as intoxication, age, or disability) of which the assailant was aware or should have been aware;
2. Sexual assault, which is the unwilling or non-consensual penetration of any bodily opening of another person with any object or body part;
3. Sexual battery; and
4. Sexual coercion.

All acts of sexual violence are also forms of sexual harassment.

Sexual Harassment, defined as unwelcome conduct of a sexual nature. It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

1. Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations, or other opportunities;
2. Submission to such conduct or communication has the purpose or effect of substantially interfering with a student’s education;
3. Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile, or offensive educational environment or negatively affecting a student’s educational opportunities. A single instance may be considered severe enough to merit sanctions.

Gender-based and sexual orientation harassment – is defined as any act of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, sex-stereotyping, gender, gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

## **Stalking**

Stalking, which includes, but is not limited to, the persistent, severe, or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested. This may include, but is not limited to, repeatedly contacting another person through any means (such as in person or by phone, electronic means, text, messaging, etc.), following another person, or having others contact or follow another person on your behalf. A single instance may be considered severe enough to merit sanctions.

## **Substance Abuse**

**Use and Misuse of Substance.** Using, possessing, manufacturing, cultivating, selling, or distributing any state or federally controlled drug, substance, or paraphernalia, including, but not limited to, marijuana, heroin, narcotics, or other controlled substances, in violation of any applicable law or Campus Community College policy. Inhaling or ingesting any substance (e.g., nitrous oxide, glue, paint, etc.) that is intended to alter a student's mental state without a prescription is also prohibited.

**Use and Misuse of Alcoholic Beverages.** Consuming, possessing, manufacturing, or distributing alcoholic beverages in violation of any applicable law or Clovis Community College policy. Alcoholic beverages may not, in any circumstance, be consumed or possessed by, or distributed to, any person under twenty-one (21) years of age. Also, alcoholic beverages may not be possessed or consumed by any student under any circumstances on campus in areas open to the general public, which areas include, but are not limited to, student commons, recreation rooms, conference rooms, and other public areas of Clovis Community College owned buildings or grounds.

**Violation of Law and Clovis Community College Discipline.** Clovis Community College disciplinary action may be instituted against a student accused of conduct that potentially violates both the criminal law and this Code (Student Planner and Handbook) independent of the status of any civil or criminal litigation in court or criminal arrest and prosecution. When allegations include sexual harassment, sexual violence, sexual orientation, or gender-based harassment, Clovis Community College disciplinary action will be carried out promptly. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of Clovis Community College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## **CLOVIS COMMUNITY COLLEGE DISCIPLINARY PROCESS**

The following information is from the Student Planner and Handbook for Alleged Violations of the Student Code of Conduct.

### **Sanctions**

Multiple sanctions or any level sanction may be imposed for a given offense. In the case of criminal behavior, CCC shall immediately inform the appropriate local law enforcement agency of any violation, whose procedures shall prevail. The College reserves the right to impose additional sanctions subsequent to civil and/or criminal proceedings.

### **Informal sanctions**

Admonition: a verbal notice that continuation of policy violations will be cause for formal disciplinary action.

## **Formal sanctions**

1. Warning: a written reprimand from the College.
2. Disciplinary probation: a written notice that further violations may result in suspension. Disciplinary probation may be imposed for any length of time and shall be automatically removed when the imposed period expires.
3. Disciplinary suspension:
  - a. Suspension of rights and privileges: an individual penalty imposing limitations or restrictions to fit the particular case, usually a curtailing of specific privileges.
  - b. Partial suspension: separation or dismissal from one or more classes.
  - c. Immediate interim suspension: imposed on an individual who has committed a violation judged to be of potential endangerment to persons or property, or of such magnitude as to be disruptive of routine College business.
  - d. Suspension from the College: involves the cancellation of a student's current enrollment and prohibition from entering the College campus except in response to an official summons, and from registering for any kind of scholastic work at or through the College.
4. Bar against readmission: imposed on a student who has left the College for disciplinary reasons.
5. Towing of vehicle or suspension of campus parking privileges: may be imposed for gross vehicular violations or repeated parking violations.
6. Withholding of transcript or degree: imposed upon a student who has a disciplinary case pending final disposition.
7. Restitution: reimbursement for damage to or misappropriation of property.

## **RULES OF PROCEDURE**

### **Informal Grievance Procedure**

If problems between two or more students arise, these students should attempt to resolve the problems amongst themselves through an informal procedure. If the problem cannot be mutually resolved, it should be taken to their immediate supervisor or instructor for mediation. If this does not result in satisfactory resolution, the complainant should take the problem to the Executive Vice President, who may attempt to resolve the problem through discussion or mediation. Academic matters should be addressed through the Executive Vice President. If a dispute cannot be resolved through an informal procedure, it should be filed in a formal written grievance.

### **Formal Grievance Procedure - Charges and Administration Review**

1. Any member of the College community may file charges against any student for misconduct. Charges shall be directed to the Executive Vice President. To be considered formal, the charges must be in writing and should be submitted as soon as possible after the event takes place. The Executive Vice President is authorized to take any interim action necessary to maintain the peace and integrity during the formal investigation and determination process.
2. The Executive Vice President shall conduct an investigation to determine if the charges have merit. If so, the Executive Vice President will provide due process by notifying the student of the charges against him/her in writing no later than five (5) working days after receipt of the grievance and offer an opportunity to respond. If a student is under 18 years of age, a copy of the letter will be sent to the parents or guardian of the student. A student charged will have five (5) working days to respond in writing to the charges.

3. Whether the student responds to the charges or not, the Executive Vice President will then render a decision that may involve dismissal of the charges or imposition of any of the sanctions listed above and will notify the student and legal guardian (if under 18) in writing of the outcome.

## Appeals

1. A decision reached by the Executive Vice President may be appealed by accused students or complainants to an appeals board within five (5) working days of the sanctions imposed. Such appeals shall be in writing and shall be delivered to the Executive Vice President, who will forward the request for appeal to the President. Sanctions will remain in effect during the appeals procedure, unless otherwise directed by the Executive Vice President.
2. An appeal shall be conducted for one or more of the following purposes:
  - a. To determine whether the original process was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code that the student was found to have committed.
  - d. To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original process, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
3. The President of the College will name an Appeals Committee to conduct a formal hearing to review the charges. This Committee will include representatives from various College constituencies, including faculty, professional and support staff, and students. The President will designate the chair for the Committee.
4. The Appeals Committee will set a hearing and notify the student in writing of the date and time, which should occur as soon as possible after the student has requested a hearing.
5. A student who fails to appear before the Appeals Committee shall forfeit his or her right to appeal.
6. Hearing shall be conducted by the Appeals Committee according to the following guidelines, adhering to the evidentiary standard:
  - a. Hearing normally shall be conducted in private.
  - b. Admission of any person to the hearing shall be at the discretion of the chairperson of the Appeals Committee.
  - c. In hearing involving more than one accused student, the chairperson of the Appeals Committee, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
  - d. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney.
  - e. The complainant, the accused, and the Appeals Committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by any of any of the parties. All testimony will be under oath.
  - f. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the Appeals Committee at the discretion of the chairperson.

- g. All procedural questions are subject to the final decision of the chairperson of the Appeals Committee.
  - h. After the hearing, the Appeals Committee shall determine by majority vote, based on a preponderance of the evidence, whether the student has more likely than not violated the Student Code of Conduct and whether the sanctions imposed fit the nature of the violation.
7. If an appeal is upheld, the Appeals Committee will forward binding recommendations to the Executive Vice President.
  8. In all appeals, review of the sanction(s) by the Appeals Committee may not result in more severe sanction(s) for the accused student. Instead, following an appeal, and upon the recommendations of the Appeals Committee, the Executive Vice President may reduce, but not increase the sanction(s) originally imposed.
  9. There shall be a single verbatim record, such as a tape recording or written minutes, of all hearing before the Appeals Committee. The record shall be the property of the College. Student who has filed an appeal may request to obtain a copy of the tape or transcript by paying the cost of reproduction.

### **Discrimination and Grievance Policy**

Title VI and VII of the Civil Right Act of 1964, Age Discrimination in Employment Act of 1967, Title I of the 1968 Civil Rights Act, Title IX of the Educational Amendments of 1972, the Civil Rights Restoration Act of 1987 and the Americans with Disabilities Act require the College to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging discrimination. Clovis Community College is committed to equitable treatment of all persons without regard to race, age, religion, color, national origin, ancestry, sex, sexual orientation, spousal affiliation, gender identity, veteran status, physical or mental disability, or serious medical conditions.

### **Definition**

Any act of discrimination against an individual at Clovis Community College is defined as the failure to treat persons equally where no reasonable distinction can be found between those favored and those not favored. A grievance shall mean a complaint has been filed indicating a violation, misinterpretation or inequitable application of Clovis Community College policies and practices.

### **Scope**

This policy applies to any student. An individual may bring questions about procedure, seek informal advice or present a complaint to the Executive Vice President. In cases of alleged discrimination, individuals may use this policy and procedure to initiate grievances.

## **CLOVIS COMMUNITY COLLEGE GRIEVANCE PROCESS**

### **Step 1: Informal Discussion.**

The complainant, with the Executive Vice President, shall attempt to resolve the matter through informal discussions with the accused party. The Executive Vice President will act as a mediator/facilitator and consult confidentially with the person against whom the complaint is directed in order to call the objectionable behavior to that person's attention, or conduct an informal sexual



harassment investigation. If the matter is not resolved to the complainant's satisfaction, the complainant may, within ten (10) working days after the informal discussion(s) are concluded, advance to Step Two.

### **Step 2: Written Statement of Grievance.**

If, as a result of informal discussion with the accused party, the problem is not resolved, the complainant may submit a written grievance to the Executive Vice President. Copies of the written statement of grievance must be provided to the President. The written statement of grievance shall state the time, place, and nature of the grievance and the corrective action desired. The written statement of grievance must be received within ten (10) working days after the informal discussion(s) are concluded. If the written complaint is not received within the stated time, the College shall not be required to take further action on behalf of the complaining party. The Executive Vice President must provide a written response to the complainant within ten (10) working days after receipt of the written statement of grievance. Copies of the written response to the complainant must be provided to the President. The written response must include a copy of the grievance procedures for use by the complainant in the event he/she finds the response unsatisfactory. If the Executive Vice President's response is satisfactory, the grievance shall be closed.

### **Step 3: Grievance Committee.**

If the complainant is not satisfied with the written response of the Executive Vice President, he/she must within ten (10) working days of receipt of the Executive Vice President's response, request in writing that a Grievance Committee be convened. The letter shall state the reasons the complainant believes the decision to be in error and shall request a review of the records. A meeting will be arranged within ten (10) working days. The meeting shall be conducted as follows:

1. The written statement of grievance prepared in Step Two shall be reviewed.
2. A five-member ad hoc Grievance Committee will be appointed by the President. If the President is involved in the grievance, then the committee shall be appointed by the Chair of the Board of Trustees. The five members will include an administrator, two professionals, and two support personnel who are full-time employees. The committee will hear testimony, examine witnesses, and consider any relevant evidence presented.
3. Both the complainant and the accused party shall have the right to present relevant written or oral statement, testimony, evidence, and witnesses. The complainant and accused may be present at the hearing and may be represented by persons of their choice. Each party shall have the right to be represented by counsel and to question witnesses and hear testimony.
4. Within five (5) working days following the close of the meeting, the Grievance Committee shall issue a written decision for resolution of the grievance, limiting the decision to the issues contained in the formal grievance.
5. The Grievance Committee shall present its decision in writing to the complainant, the accused, and the President. The response shall include instructions to the complainant on proceeding to Step Four of the grievance process in the event the complainant is not satisfied with the outcome at this level. If the complainant accepts the results of Step Three, the grievance shall be closed.

### **Step 4: Review by the President.**

If the complainant is dissatisfied with the committee response, he/she may within five (5) working days, request in writing a review by the President. If the President is involved in the grievance, then the complainant may, within five (5) working days, request in writing a review by the Chair of the Board of

Trustees. The request must state the desired outcome of the review. Within five (5) working days after receipt of the grievance, the President will notify all parties of her decision, which may include, but not limited to one of the following:

1. Dismissal of the charges;
2. Reduction of any recommended sanctions;
3. Upholding of the Grievance Committee's decision; or
4. Other action as deemed appropriate by the President.

There shall be no further appeal as a matter of right.