



## **Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy**

*This policy is effective July 1, 2015 and replaces the previous policy.*

In accord with the Violence Against Women Reauthorization Act of 2013, as well as Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex, including but not limited, to sexual assault, JMLS adopts the following standard of conduct which applies to all members of the JMLS community, including students, faculty, administrators, staff, vendors, contractors, and visitors to our campus.

### **I. Statement of Policy**

Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – be grounded in mutual respect, open communication, and clear consent.

To this end, Sexual Assault, Domestic Violence, Dating Violence and Stalking, are unacceptable and are not tolerated at JMLS. These terms are defined below in “Definitions of Prohibited Conduct.” Retaliation, as defined below, is also prohibited.

JMLS encourages anyone who has been subjected to Sexual Assault, Domestic Violence, Dating Violence and/or Stalking to seek appropriate help and to report the incident promptly to the police and/or JMLS officials. JMLS has professional staff who will assist students, faculty and/or staff members to get help, including immediate medical care, counseling and other essential services. Specific policies, methods for reporting, including confidential reporting, and resources are described below.

As a general matter, JMLS will take prompt action to investigate reports of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking and, where appropriate, to impose sanctions. The applicable procedures will depend on whether the alleged offender is a student, faculty or staff member. Students, faculty and staff who violate this Policy may face discipline up to and including expulsion or termination. This is set out in detail below in *JMLS Complaint Procedures*.

### **II. Resources**

JMLS is committed to providing resources that are broadly accessible to all JMLS community members. When making a choice about how to get help, it is important to understand the difference between seeking confidential assistance through Confidential Resources and making a report to JMLS which means that the report, while handled with privacy, will be shared with other responsible administrators, including JMLS’s Title IX Coordinator/Investigator or designees, and will lead to further actions, including offering resources and support and identifying the appropriate action to respond to the report as outlined in this Policy. Information about the difference between Confidential Resources and others who will maintain privacy is set out below in *Difference between Confidentiality and Privacy*

Anyone who has experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking is urged to immediately seek help. Help includes seeking medical assistance, seeking confidential counseling or crisis response, filing a report with law enforcement or making a report to JMLS. Campus Security (or a designated JMLS staff member) will help any individual get to a safe place, provide transportation to the hospital, contact a law enforcement agency and offer information about



JMLS's resources. Although JMLS encourages all members of its community to report any incidents of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking to the police, the individual who experienced Sexual Assault, Domestic Violence, Dating Violence and/or Stalking may choose not to make a report to the police.

#### Get Help in an Emergency

- Emergency Law Enforcement  
911
- JMLS Campus Safety and Security Department  
312.427.2737 ext 501  
Available Monday through Friday 7am-11pm  
Saturday and Sunday 8am-10pm
- Chicago Police Department  
1718 South State Street  
Chicago, IL 60616  
312.745.4290  
<http://www.cityofchicago.org/city/en/depts/cpd.html>
- Northwestern Memorial Hospital (Medical Resources)  
312.926.5188  
Emergency Department  
250 E. Erie St. Chicago, IL 60611

#### Reporting a Crime

- Emergency Law Enforcement  
911
- Chicago Police Department  
1718 South State Street  
Chicago, IL 60616  
312.745.4290  
<http://www.cityofchicago.org/city/en/depts/cpd.html>
- JMLS Campus Safety and Security Department  
312.427.2737 ext 501  
Available Monday through Friday 7am-11pm  
Saturday and Sunday 8am-10pm

#### **Filing a Report or Complaint at JMLS**

Confidential Resources (Medical/Counseling/Advocacy)



- Northwestern Memorial Hospital (Medical Resource)  
312.926.5188  
Emergency Department  
250 E. Erie St. Chicago, IL 60611
- JMLS Counseling Services: Sankofa (Counseling Resource for students, faculty and staff)  
312.427.2737 ext 455  
304 S. State St. 5<sup>th</sup> floor  
Chicago, IL 60604  
[jmlscc@sankofapsychology.com](mailto:jmlscc@sankofapsychology.com)
- Rape Victim Advocates (Counseling and Advocacy)  
312.443.9603  
180 N. Michigan Ave., Suite 600  
Chicago, IL 60601  
[rapevictimadvocates.org](http://rapevictimadvocates.org)
- Rape Crisis Hotline (Counseling and Advocacy)  
888.293.2080
- The National Domestic Violence Hotline (Counseling and Advocacy)  
800.799.7233
- 24-Hour Sarah's Inn Domestic Violence Crisis Line  
708-386-4225
- 24-Hour City of Chicago Domestic Violence Help Line 877-863-6338
- YWCA Metropolitan Chicago - Loop (Counseling, Advocacy and Legal Assistance)  
1 North LaSalle St, Suite 1150  
Chicago, IL  
60602 (888) 293-  
2080  
<http://www.ywchicago.org>
- The Center on Halsted  
(773) 472-6469  
24 Hour Crisis (LGBTQ) Violence Resource Line: (773) 871-2273  
3656 N. Halsted Ave  
Chicago, IL 61357  
[www.centeronhalsted.org](http://www.centeronhalsted.org)
- Porchlight Counseling Services  
773-750-7077  
PO Box 1080  
Evanston, IL 60204



- Illinois has enacted state law that requires hospitals to provide free treatment to sexual assault survivors. Contact the Rape Victim Advocates to assist you.

#### Additional Resources

- Life Span Center for Legal Services & Advocacy  
312-408-1210  
Chicago, IL 60613  
312.408-121210 [Life-span.org](http://www.life-span.org)
- Legal Assistance Foundation of Chicago (Legal Assistance) <http://www.lafchicago.org/>
- National Immigrant Justice Center (Immigration Assistance)  
208 S. LaSalle, Suite 1300, Chicago, Illinois 60604  
(312)660-1370  
[www.immigrantjustice.org](http://www.immigrantjustice.org)
- JMLS Student Financial Services (Financial Assistance)  
315 S. Plymouth Ct.  
Chicago, IL 60603  
312.427.2737 (extension 314 for Receptionist)

Additional information on what to do if you have experienced Sexual Assault, Domestic Violence, Dating Violence or Stalking is available below at *Information Regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking*.

### **III. Difference between Confidentiality and Privacy**

Most JMLS employees, including faculty members, cannot maintain confidentiality because of legally-imposed reporting obligations. In these circumstances, JMLS is committed to maintain the privacy of the information shared. The terms “confidentiality” and “privacy” are defined below.

*Confidentiality*, as used in this Policy, refers to a legal obligation not to disclose information without the express written permission of the individual who provided the information, with certain exceptions, such as if there is a continuing threat of serious harm to self or others or another legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor). On JMLS’s campus, only the professional counselors in Counseling Services can maintain confidentiality.

*Privacy* generally means that information related to a report will be shared with those JMLS employees who “need to know” in order to assist in the review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. If an investigation is required, the information may also be shared with the alleged offender or others as required to conduct a complete and fair investigation. Although JMLS manages this information with discretion, it is not possible to guarantee confidentiality.

**Confidential Resources.** Information shared with a Confidential Resource will not be disclosed to anyone, including the School, except under very limited circumstances. See *Confidentiality*. Any individual may choose to seek support from confidential professionals on or off campus.



*On-campus Confidential Resources* are the professional counselors in Counseling Services. These services are provided to students, faculty and staff. The counselors are not required to report any information about an incident to the Title IX Coordinator. Counseling Services, Sankofa: [jmlscc@sankofapsychology.com](mailto:jmlscc@sankofapsychology.com) or (312) 427-2737 ext. 455

*Off-campus Confidential Resources* including off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with JMLS unless the victim requests disclosure and signs a consent form. The contact information for these off-campus resources is listed above in *Resources*.

**Others at JMLS.** In contrast to *Confidential Resources*, all other JMLS Faculty, Staff\*, Campus Security, and Student Teaching Assistants are required to report information regarding Sexual Assault, Domestic Violence, Dating Violence or Stalking to JMLS's Title IX Coordinator, Investigator or their designees. This allows JMLS to provide resources and support to those who have experienced Sexual Assault, Domestic Violence, Dating Violence and/or Stalking and to take consistent action to respond to the report as set forth in this Policy. In these circumstances, JMLS is committed to maintain privacy. JMLS does not publicize the name of crime victims nor does it include identifiable information in Campus Security's Daily Crime Log. (Please see Annual Security Report)

\*Cafeteria and maintenance workers are not responsible for making reports under this Policy.

#### **IV. Protective Measures from the School**

Regardless of whether an individual chooses to make a report to the police and/or pursue a complaint with JMLS or neither, JMLS will work with anyone who has experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking to provide protective measures (if these measures are requested and are reasonably available), including, but not limited to:

- Change in academic class schedule or other academic adjustments;
- Change in on-campus working situation;
- On-campus escort assistance; and
- No-contact instruction if the alleged offender is a student, faculty, or staff member at JMLS.

These measures may be applied to one, both, or multiple parties involved. In addition, JMLS will maintain the privacy of any protective measures provided to the individual who has experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, to the extent that JMLS can maintain such privacy and still provide the assistance to that individual.

Students may request that directory information on file (see Records Policy) be removed from public sources by submitting a written request to JMLS's Office of Registration and Records.

#### **V. Definitions of Prohibited Conduct**

**Sexual Assault** includes both Sexual Intercourse without Consent and Sexual Contact without Consent.



**Sexual Intercourse without Consent** means having or attempting to have sexual intercourse with another individual without Affirmative Consent, as defined below. Sexual intercourse means vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

**Sexual Contact without Consent** means having sexual contact with another individual without Affirmative Consent, as defined below. Sexual contact means the touching of the person's breasts, anal, groin or genital areas, or other intimate body parts for the purpose of sexual gratification.

Sexual Assault is an extreme form of sexual harassment. For more information about sexual harassment, which is also prohibited by JMLS's policies, please see the Policies on Discrimination, Harassment, and Retaliation. If a report includes allegations of Sexual Assault, then the process and procedures set forth in this Policy will be followed in the assessment, investigation and resolution of the complaint. In no event shall a complaint proceed simultaneously through more than one internal JMLS procedure.

#### **Affirmative Consent**

Consent represents the cornerstone of a respectful and healthy intimate relationship. JMLS strongly encourages its community members to communicate – openly, honestly and clearly – about their actions, wishes, and intentions when it comes to sexual behavior, and to do so *before* engaging in sexual conduct.

Consent is the communication of an affirmative, conscious and freely made decision by each participant to engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions, which conveys a clear willingness to engage in sexual contact.

Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse sexual contact may not necessarily be giving consent. There is no requirement that an individual verbally or physically resist unwelcome sexual contact for there to be a violation of this Policy.

Consent is not to be inferred from a current or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual consent to engage in sexual contact.

Consent to one form of sexual contact does not constitute consent to any other form of sexual contact, nor does consent to sexual contact with one person constitute consent to sexual contact with any other person. Additionally, consent to sexual contact on one occasion is not consent to engage in sexual contact on another occasion.

Consent cannot be obtained by coercion or force or by taking advantage of one's inability to give consent because of *Incapacitation* or other circumstances. Under Illinois law, a person must be at least 17 years old in order to give consent. It is also illegal in Illinois for a person 17 years old or older to commit sexual acts on a person under the age of 18 if they have a position of authority or trust over that person.



A person who has given consent to engage in sexual contact may withdraw consent at any time. However, withdrawal of consent requires an outward demonstration, through understandable words or actions, which clearly conveys that the person is no longer willing to engage in sexual contact. Once consent is withdrawn, the sexual contact must cease immediately.

### **Incapacitation or Incapacitated**

An individual who is incapacitated is unable to give Affirmative Consent. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or “drunkenness.” Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Affirmative Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of sexual contact;
- Appraising the nature of one's own conduct;
- Communicating Affirmative Consent to sexual contact; or
- Communicating unwillingness to engage in sexual contact.

Where an individual's level of impairment does not rise to Incapacitation, it is still necessary to evaluate the impact of intoxication on Affirmative Consent. In evaluating whether Affirmative Consent was sought or given, the following factors may be relevant:

- Intoxication may impact one's ability to give Affirmative Consent and may lead to Incapacitation (the inability to give Consent).
- A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty communicating, slurred speech, or vomiting.
- An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.

No matter the level of an individual's intoxication, if that individual has not affirmatively agreed to engage in sexual contact, there is no Affirmative Consent.

Anyone engaging in sexual contact must be aware of both their own and the other person's level of intoxication and capacity to give Affirmative Consent. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or Incapacitation, the safest course of action is to forgo or cease any sexual contact. An individual's intoxication is never an excuse for or a defense to committing Sexual Assault and it does not diminish one's responsibility to obtain Affirmative Consent.





**Domestic Violence** is violence committed by a current or former spouse, intimate partner, or family member of the other person. Domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Domestic violence requires more than just two people living together; the people cohabitating must be spouses, family members, or have, or have had, an intimate relationship.

**Dating Violence** is violence committed by a person who is or has been in a romantic or intimate nature with the other person. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of such a relationship shall take into account the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Stalking** is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer emotional distress.

*Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Retaliation** against anyone reporting, participating in, or thought to have reported or participated in, a good faith allegation or investigation regarding Sexual Assault, Domestic Violence, Dating Violence, or Stalking is also prohibited. Retaliation will be treated as a violation of this Policy regardless of whether any report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is substantiated. Retaliation is defined as any adverse or negative action against an individual because that individual has:

- Made a good faith complaint about Sexual Assault, Domestic Violence, Dating Violence, or Stalking;
- Participated as a party or witness in an investigation related to such allegations;
- or
- Participated as a party or witness in a proceeding related to such allegations.

False accusations, made with knowledge that they are false, are prohibited and will be treated as violations of this Policy. A good faith complaint that later is not substantiated is not considered to be a false accusation and, therefore, is not a violation of the Policy.

## **VI. JMLS Complaint Procedures**

This section of the Policy identifies JMLS's internal administrative procedures to address **Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking alleged to have been committed by a member of the JMLS community**. As explained below in *Review of Complaint*, the applicable





procedures will depend on whether the alleged offender is a student, faculty or staff member. These are internal School processes and are not legal proceedings. These processes can take place before, during, or after criminal and/or civil proceedings related to the same incident.

### **A. Making a Report**

JMLS has trained professionals to whom an individual who has experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking may make a report and seek assistance. As noted above, only the professional counselors in Counseling Services can maintain confidentiality. All other JMLS employees are committed to maintaining the privacy of any such reports. Information about the difference between Confidential Resources and others who will maintain privacy is set out in *Difference between Confidentiality and Privacy*.

There are many options for resolution of a report and individuals who have experienced Sexual Assault, Domestic Violence, Dating Violence or Stalking are encouraged to make a report even if they are not seeking disciplinary action against the alleged offender. JMLS will make every effort to respect the reporting party's autonomy in determining how to proceed. JMLS's process for assessment of a report is set forth below in *Assessment of a Report*.

#### **Making a Report**

- For Students
  - Dr. Jennifer Pope  
Assistant Dean for Student Life and Leadership  
315 South Plymouth Court  
Chicago, IL 60604  
Tel: 312.427.2737 ext. 435  
Fax: 312.427.5136  
[jpope@jmls.edu](mailto:jpope@jmls.edu)
  - Wendi Liss  
Accommodations Coordinator & Title IX Coordinator  
304 S. State St. Chicago, IL 60604  
Room S-204  
312.427.2737 ext. 171  
[wliiss@jmls.edu](mailto:wliiss@jmls.edu)
  - Ali Haleem  
Director of Campus Safety & Security/Title IX Investigator  
304 S. State St. Chicago, IL 60604  
Room P-301  
312.427.2737 ext. 339  
[ahaleem@jmls.edu](mailto:ahaleem@jmls.edu)
  
- For Faculty
  - Julie Spanbauer  
Vice Dean for Academic Affairs  
321 S. Plymouth Ct. Chicago, IL 60604  
Room C-931



THE  
JOHN MARSHALL  
LAW SCHOOL

312.427.2737 ext. 385

[7spanbau@jmls.edu](mailto:7spanbau@jmls.edu)

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[wiss@jmls.edu](mailto:wiss@jmls.edu)
- Ali Haleem  
Director of Campus Safety & Security/Title IX Investigator  
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Room P-301  
312.427.2737 ext. 339  
[ahaleem@jmls.edu](mailto:ahaleem@jmls.edu)

- For Staff

- Nancy Shalowitz  
General Counsel & Assistant Dean for Human Resources  
321 S. Plymouth Ct Chicago, IL 60604  
Room S-1117  
312.427.2737 ext. 396  
[nshalow@jmls.edu](mailto:nshalow@jmls.edu)
- Wendi Liss  
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304 S. State St. Chicago, IL 60604  
Room S-204  
312.427.2737 ext. 171  
[wiss@jmls.edu](mailto:wiss@jmls.edu)
- Ali Haleem  
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304 S. State St. Chicago, IL 60604  
Room P-301  
312.427.2737 ext. 339  
[ahaleem@jmls.edu](mailto:ahaleem@jmls.edu)

- For all JMLS Community Members including Guests, Visitors, Contractors and Vendors

- Campus Safety and Security Department  
312.427.2737 ext. 501
- Wendi Liss  
Accommodations Coordinator & Title IX Coordinator  
304 S. State St. Chicago, IL 60604  
Room S-204  
312.427.2737 ext. 171  
[wiss@jmls.edu](mailto:wiss@jmls.edu)



- Ali Haleem  
Director of Campus Safety & Security/Title IX Investigator  
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Room P-301  
312.427.2737 ext. 339  
[ahaleem@jmls.edu](mailto:ahaleem@jmls.edu)

For additional information on Title IX and Title IX Coordinators see *Title IX Coordinator*.

## **B. Written Notice Provided by JMLS**

JMLS will provide written notification, which may be in the form of this Policy, to those who report experiencing Sexual Assault, Domestic Violence, Dating Violence or Stalking about options for, available assistance in, and how to request changes to academic, transportation, and working situations or protective measures.

In addition, when a student, faculty or staff member reports to JMLS that they have been a victim of Sexual Assault, Domestic Violence, Dating Violence or Stalking whether the offense occurred on or off campus, JMLS will provide the student, faculty or staff member a written explanation, which may be in the form of this Policy of the student's, faculty's or staff member's rights and options, as described in this Policy, including, but not limited to, *Resources, Differences between Confidentiality and Privacy, Protective Measures from the School, JMLS Complaint Procedures, Information Regarding Sexual Assault, Domestic Violence, Dating Violence and Stalking, and Orders of Protection*.

## **C. Assessment of a Report**

Although a report of Sexual Assault, Domestic Violence, Dating Violence or Stalking may come in through many sources, JMLS is committed to ensuring that all reports are referred to JMLS's Title IX Coordinator/Investigator or their designees, who will ensure consistent application of JMLS's policies to all individuals and allow JMLS to respond promptly and equitably to the report.

As an initial matter, JMLS will consider the preference of the individual who reported experiencing Sexual Assault, Domestic Violence, Dating Violence or Stalking regarding whether and how to proceed.

If the individual chooses not to inform JMLS of the name of the alleged offender, JMLS's ability to investigate and take appropriate action will be limited.

If the individual tells a JMLS employee (other than those who are *Confidential Resources*) about an incident of Sexual Assault, Domestic Violence, Dating Violence or Stalking, but requests that their name not be disclosed to the alleged offender or that JMLS not investigate or seek action against the alleged offender, JMLS will need to determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all JMLS community members. The Title IX Coordinator (or designee) will consider any such request. JMLS will advise the individual who reported experiencing Sexual Assault, Domestic Violence, Dating Violence or Stalking if it determines that it must disclose that individual's identity to the alleged offender; JMLS will endeavor to notify that



individual prior to making the disclosure. In addition, if the individual who reported experiencing Sexual Assault, Domestic Violence, Dating Violence or Stalking requests that JMLS tell the alleged offender that they asked JMLS not to investigate or seek discipline, JMLS will inform the offender that JMLS made the decision to go forward.

#### **D. When a Report becomes a Complaint: Review of Complaint**

A complaint may be initiated by an individual who has experienced Sexual Assault, Domestic Violence, Dating Violence or Stalking or, as set forth above in the Assessment of a Report, by JMLS in an effort to provide a safe and nondiscriminatory environment for all JMLS community members.

As a general matter, all complaints of Sexual Assault, Domestic Violence, Dating Violence, and/ or Stalking will be investigated as promptly as possible. The person making the complaint will be referred to as the “Complainant” and the person alleged to have violated the School’s Policy will be referred to as the “Respondent.”

The administrator responsible for the prompt investigation and appropriate resolution, as well as the applicable procedures, will depend on the status of the Respondent. If the Respondent is a:

- Student—the Assistant Dean for Student Life and Leadership (or designee) shall be responsible for the investigation and resolution and the Procedures Applicable to Students will apply;
- Faculty—the Vice Dean for Faculty Affairs (or designee) shall be responsible for the investigation and resolution and the Procedures Applicable to Faculty will apply;
- Staff—Human Resources (or designee) shall be responsible for the investigation and resolution and the Procedures Applicable to Staff will apply; or
- Third parties, such as a visitor or independent contractor—the administrators identified above will consult to determine which of them shall be responsible for the investigation and resolution.

In the event that the Respondent has a dual status in the community, such as a student employee or a staff member who also teaches, JMLS administrators may coordinate the investigation and resolution of the complaint. JMLS administrators have the discretion to use an existing review procedure or to coordinate procedures in a manner suited to the particular complaint presented. The Complainant and the Respondent will be advised of the applicable procedures. In no event, however, shall a complaint of Sexual Assault, Relationship Violence or Stalking proceed simultaneously through more than one internal procedure.

*Conducted by Trained Professionals.* JMLS administrators involved in the investigation or resolution of complaints of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking receive annual training on these issues. It is the responsibility of the School, not the parties to the complaint, to gather the relevant information relating to the complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking, to the extent reasonably possible.



## **E. Procedures Applicable to Students**

If the Respondent is a student, the Student Conduct Procedures will be utilized. These procedures set forth the steps for investigation, resolution and appeal of complaints that a student has violated a School Policy. Please refer to Student Conduct Procedures in the current JMLS Student Handbook for details regarding these procedures.

In accord with the Violence Against Women Reauthorization Act of 2013 and implementing regulations, the following requirements also apply to any Student Conduct Procedure involving a complaint of Sexual Assault, Domestic Violence, Dating Violence or Stalking.

***Time Frame for Investigation Resolution.*** JMLS will complete the investigation and resolution of a complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking as promptly as possible. As a general matter, JMLS strives to complete its investigation and resolution (not including the appeal) of this type of complaint within 60 days; however, the timeframe for resolution of any particular complaint will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed 60 days. Because timeframes for investigations vary, the School may extend this timeframe for good cause with written notice to the Complainant and the Respondent of the revised timeframe and the reason for it.

***Advisors.*** During any investigation into a complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking, the Complainant and Respondent have the right to be assisted by an advisor. The advisor's role can include helping the Complainant /Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting which may occur. However, the Complainant /Respondent must speak for themselves and present their own cases; while the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings which may occur. Furthermore, the advisor may only be present when the person that they are advising is also present. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. If either the Complainant /Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify the Assistant Dean for Student Life and Leadership (or designee) in writing of the advisor's name, occupation, relationship to the student and relationship to the School, if any. Additional information regarding the role of an advisor in a Student Conduct Meeting is set forth in the Student Conduct Procedures, Section 2.D

A party may choose to consult with an attorney of their choice at their own expense. Furthermore, because attorneys for the School represent the School, rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

***Notice of Meetings.*** The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.

***Information Available.*** The Complainant and the Respondent will be provided with timely and equal access to any information that will be reviewed during the Student Conduct Meeting.



**Conflict of Interest.** Both the investigation and the Student Conduct Meeting will be conducted by school administrators who do not have a conflict of interest or a potential conflict of interest with the Complainant or the Respondent (e.g., because of familial, intimate, financial, business or other relationship). An administrator will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the complaint. For example, no administrator should conduct the investigation or Administrative Meeting, or serve on a Student Conduct Board if their actions are the subject of the complaint.

**Simultaneous Notification.** The Complainant and the Respondent will be simultaneously notified, in writing, of the decision; the sanction, if any; the rationale for the result and the sanction; and the appeal process. In the event of an appeal, the Complainant and the Respondent will be simultaneously notified of the decision on appeal, any changes to the result, and that the decision is final.

**Sanctions.** Potential sanctions are set forth in the Student Conduct Procedures section of the Student Handbook.

#### **F. Procedures Applicable to Faculty**

The Vice Dean for Faculty Affairs (or designee) will proceed in complaints where the Respondent is a faculty member. The following procedures will be used to ensure a prompt, fair and impartial process.

1. **Investigation.** The Vice Dean for Faculty Affairs (or designee) will designate an investigator, generally an administrator or senior elected faculty member, to conduct an investigation into the complaint (“Vice Dean’s Designated Investigator”). The Vice Dean’s Designated Investigator is responsible for ensuring that the investigation is prompt, thorough and fair. The Vice Dean’s Designated Investigator may enlist the assistance of Campus Security or others at the School, as needed to discharge this responsibility.

During the investigation, both the Complainant and the Respondent will be offered the opportunity to explain their understanding of the circumstances and offer any additional information that they believe is relevant to the investigation. The Vice Dean’s Designated Investigator may also meet with and/or gather information from other individuals who may have information relevant to the complaint. The Vice Dean’s Designated Investigator will present their investigative findings and recommendation for resolution (“Report and Recommendation”) to the Vice Dean for Faculty Affairs.

- **Notice of Meetings.** The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.
  - **Information Available.** The Complainant and the Respondent will be provided with timely and equal access to Report and Recommendations submitted by the Vice Dean’s Designated Investigator as well as any other information that the Associate Dean for Faculty will review in reaching a decision on the resolution of the complaint.
2. **Resolution.** The Vice Dean for Faculty Affairs (or designee) then must determine the appropriate resolution of the complaint. The determination shall be made on the basis of whether it is more likely than not that the alleged offender violated this Policy. The Vice Dean for Faculty Affairs will take prompt and appropriate action to stop the prohibited conduct if a



violation of this Policy is found. The Vice Dean for Faculty Affairs will also take action to ensure that the violation will not recur. Even where a violation is not found, it may be appropriate to counsel individuals regarding their behavior.

- **Simultaneously Informed.** Both the Complainant and the Respondent will be simultaneously informed, in writing, whether Sexual Assault, Domestic Violence, Dating Violence, or Stalking in violation of this Policy was found to have occurred; what, if any, sanctions are imposed; the rationale for the result and the sanctions, and the appeal process.

3. **Sanctions.** Violations of this Policy can lead to corrective action ranging from a notation in the file of faculty member violating the Policy, up to and including termination. If termination is the recommended action, the Vice Dean for Faculty Affairs will advise the Dean of the Law School. If the Dean of the Law School accepts the recommendation, the faculty member will be terminated immediately, with the exception of faculty members with tenure or whose term appointment has not expired, for those faculty, the matter will proceed in accordance with the Faculty Handbook.

4. **Appeal.** Either the Complainant or the Respondent may make an appeal based on new information within five (5) business days after receiving notice of the decision. An appeal must be made in writing, must be submitted to the Vice Dean for Faculty Affairs, and must state the basis for appeal. Appeals are only permitted to proceed if the written notice of appeal indicates that there is new information that was not available at the time of the investigation and resolution. If the notice indicates that there is such new information, the Vice Dean for Faculty Affairs will notify the Complainant and the Respondent of the need to follow up on the new information as well as whether any change to the prior decision will be made pending resolution of the appeal. The new information will be considered using the procedures set forth above and will be used to reach a decision. The Vice Dean for Faculty Affairs shall resolve the appeal.

- **Simultaneously Informed.** Both Complainant and the Respondent will be simultaneously informed, in writing, of the decision on the appeal; any change to the result; and when such results become final.

5. **Time Frame for Investigation Resolution.** JMLS will complete the investigation and resolution of a complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking as promptly as possible. As a general matter, JMLS strives to complete its investigation and resolution (not including the appeal) of this type of complaint within 60 days; however, the timeframe for resolution of any particular complaint will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed 60 days. Because timeframes for investigations vary, the School may extend this timeframe for good cause with written notice to the Complainant and the Respondent of the revised timeframe and the reason for it.

6. **Advisor.** During any investigation into a complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking, the Complainant and Respondent have the right to be assisted by an advisor. The advisor's role can include helping the Complainant /





Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting which may occur. However, the Complainant / Respondent must speak for themselves and present their own cases; while the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings which may occur. Furthermore, the advisor may only be present when the person that they are advising is also present. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. If either the Complainant /Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify the Vice Dean for Faculty Affairs (or designee) in writing of the advisor's name, contact information, and whether the advisor is an attorney.

A party may choose to consult with an attorney of their choice at their own expense. Furthermore, because attorneys for the School represent the School, rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

**7. Conflict of Interest.** Both the investigation and resolution of a complaint will be conducted by school administrators who do not have a conflict of interest or a potential conflict of interest with the Complainant or the Respondent (e.g., because of familial, intimate, financial, business or other relationship). An administrator will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the complaint. For example, no administrator should conduct the investigation or make the determination if their actions are the subject of the complaint. If a question arises as to whether the Vice Dean for Faculty Affairs has a conflict of interest, the Title IX Coordinator will review the alleged conflict and determine whether the Vice Dean for Faculty Affairs may preside over the complaint and, if not, will designate another administrator to perform this role.

#### **G. Procedures Applicable to Staff**

Human Resources (or designee) will proceed in matters where the Respondent is a staff member. The following procedures will be used to ensure a prompt, fair and impartial process.

1. **Investigation.** The investigation typically includes interviews with the person who filed the complaint, any witnesses, and the person accused of the policy violation. During the investigation, the Respondent and the Complainant will each be offered the opportunity to explain their understanding of the circumstances and offer any additional information that they believe is relevant to the investigation.
  - **Notice of Meetings.** The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.
  - **Information Available.** The Complainant and the Respondent will be provided with timely and equal access to any other information that Human Resources (or designee) will review in reaching a decision on the resolution of the complaint.
2. **Resolution.** An immediate goal of this Policy is to take prompt and appropriate action to stop the prohibited conduct if a violation of this Policy is found. The determination shall be made on the basis of whether it is more likely than not that the Respondent violated this Policy. A second goal is to assure that the violation will not recur. Even where a violation is not found, it may be appropriate to counsel individuals regarding their behavior.

- Simultaneously Informed. Both Complainant and the Respondent will be simultaneously informed, in writing, whether Sexual Assault, Domestic Violence, Dating Violence, or Stalking in violation of this Policy was found to have occurred; what, if any, sanctions are imposed; the rationale for the result and the sanctions, and the appeal process.
3. **Sanction.** Violations of this Policy can lead to corrective action ranging from a notation in the file of the individual(s) violating the Policy, up to and including termination. Violations of this Policy are serious, since they not only may place the School at risk, but also undermine our basic concept of fairness and respect.
  4. **Appeals.** Either the Complainant or the Respondent may make an appeal based on new information within five (5) business days after receiving notice of the decision. An appeal must be made in writing, must be submitted to Human Resources (or designee), and must state the basis for appeal. Appeals are only permitted to proceed if the written notice of appeal indicates that there is new information that was not available at the time of the investigation and resolution. If the notice indicates that there is such new information, Human Resources (or designee) will notify the Complainant and the Respondent of the need to follow up on the new information as well as whether any change to the prior decision will be made pending resolution of the appeal. The new information will be considered using the procedures set forth above and will be used to reach a decision. Human Resources (or designee) shall resolve the appeal.
    - Simultaneously Informed. Both Complainant and the Respondent will be simultaneously informed, in writing, of the decision on the appeal, any change to the result and when such results become final.
  5. **Time Frame for Investigation Resolution.** JMLS will complete the investigation and resolution of a complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking as promptly as possible. As a general matter, JMLS strives to complete its investigation and resolution (not including the appeal) of this type of complaint within 60 days; however, the timeframe for resolution of any particular complaint will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed 60 days. Because timeframes for investigations vary, the School may extend this timeframe for good cause with written notice to the Complainant and the Respondent of the revised timeframe and the reason for it.
  6. **Advisor.** During any investigation into a complaint of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking, the Complainant and Respondent have the right to be assisted by an advisor. The advisor's role can include helping the Complainant /Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting which may occur. However, the Complainant /Respondent must speak for themselves and present their own cases; while the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings which may occur. Furthermore, the advisor may only be present when the person that they are advising is also present. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. If either the



Complainant/Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify Human Resources (or designee) in writing of the advisor's name, contact information, and whether the advisor is an attorney.

- A party may choose to consult with an attorney of their choice at their own expense. Furthermore, because attorneys for the School represent the School, rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

**Conflict of Interest.** Both the investigation and resolution of a complaint will be conducted by administrators who do not have a conflict of interest or a potential conflict of interest with the Complainant or the Respondent (e.g., because of familial, intimate, financial, business or other relationship). An administrator will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the complaint. For example, no administrator should conduct the investigation or make the determination if their actions are the subject of the complaint. If a question arises as to whether Human Resources has a conflict of interest, the Dean of the Law School will review the alleged conflict and determine whether Human Resources may preside over the complaint and, if not, will designate another administrator to perform this role.

## **VII. Information Regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

### **What to do if you are the Victim of Sexual Assault**

*These are important steps to take right away after an assault:*

- Get away from the person who assaulted you and to a safe place as fast as you can. Then call 911 or the police.
- Call a friend or family member you trust. You also can call a crisis center or a hotline to talk with a counselor. One hotline is the **National Sexual Assault Hotline** at 800-656-HOPE (4673) or the Rape Crisis Hotline (888.293.2080). Feelings of shame, guilt, fear, and shock are normal. It is important to get counseling from a trusted professional.
- Do not wash, comb, or clean any part of your body. Do not change clothes if possible, so the hospital staff can collect evidence. Do not touch or change anything at the scene of the assault in order not to disturb any evidence medical staff might be able to collect for the police. Such evidence may only be available for a short time.
- Go to your nearest hospital emergency room as soon as possible. You need to be examined, treated for any injuries, and screened for possible sexually transmitted infections (STIs) or pregnancy. The doctor will collect evidence using a rape kit for fibers, hairs, saliva, semen, or clothing that the person who assaulted you may have left behind. This evidence may help the police and prosecutors find and charge the perpetrator or if the survivor seeks a protective order.
- Illinois has enacted state law that requires hospitals to provide free treatment to sexual assault survivors. Contact the Rape Victim Advocates to assist you.

*While at the hospital:*

- If you decide you want to file a police report, you or the hospital staff can call the police from the emergency room.



- Ask the hospital staff to connect you with the local rape crisis center. The center staff can help you make choices about reporting the attack and getting help through counseling and support groups.

*Adapted from **Womenshealth.gov***

### **Domestic Violence or Dating Violence—Warning Signs and How to Get Help**

Domestic Violence or Dating Violence can happen to anyone of any race, age, sexual orientation, religion, or gender.

It can happen to couples who are married, living together, or dating. Domestic Violence or Dating Violence affects people of all socioeconomic backgrounds and education levels.

You may be experiencing physical abuse if your partner has done or repeatedly does any of the following tactics of abuse:

- Monitors what you're doing all the time
- Unfairly accuses you of being unfaithful all the time
- Prevents or discourages you from seeing friends or family
- Prevents or discourages you from going to work or school
- Gets very angry during and after drinking alcohol or using drugs
- Controls how you spend your money
- Controls your use of needed medicines
- Decides things for you that you should be allowed to decide (like what to wear or eat)
- Humiliates you in front of others
- Destroys your property or things that you care about
- Threatens to hurt you, the children, or pets
- Hurts you (by hitting, beating, pushing, shoving, punching, slapping, kicking, or biting)
- Uses (or threatens to use) a weapon against you
- Forces you to have sex against your will
- Controls your birth control or insists that you get pregnant
- Blames you for his or her violent outbursts
- Threatens to harm himself or herself when upset with you
- Says things like, "If I can't have you then no one can."

*If you think someone is abusing you, get help. Abuse can have serious physical and emotional effects. No one has the right to hurt you.*

*Adapted from **Womenshealth.gov***

### **How to Get Help**

- Contact the Chicago Police Department (911), Campus Security (312.427.2737 ext 501), or the Domestic Violence Hotlines (national: 800.799.7233; Chicago/local: 877.863.6338) to get information on campus and local resources as well as your legal



options. Please see *Difference between Confidentiality and Privacy* which explains the duties of various JMLS employees with respect to confidentiality.

- Identify your partner's use and level of force so that you can assess the risk of physical danger to you and others before it occurs.
- If possible, have a phone accessible at all times and know what numbers to call for help. Know where the nearest public phone is located. Know the phone number to your local battered women's shelter. If your safety is at risk, call the Chicago Police Department (911).
- Let trusted friends and neighbors know of your situation and develop a plan and visual signal for when you need help.

*Adapted from the National Domestic Violence Hotline: [thehotline.org](http://thehotline.org)*

### **Stalking—Warning Signs and How to Get Help**

Stalking is a crime. A stalker can be someone you know well or not at all. Most have dated or been involved with the people they stalk. Most stalking cases involve men stalking women, but men do stalk men, women do stalk women, and women do stalk men. Stalkers may:

- Repeatedly call you, including hang-ups or contact you repeatedly through electronic communication and social media
- Follow you and show up wherever you are
- Send unwanted gifts, letters, texts, or emails
- Damage your home, car, or other property
- Monitor your phone calls or computer use
- Use technology, like hidden cameras or global positioning systems (GPS), to track where you go
- Drive by or hang out at your home, school, or work
- Threaten to hurt you, your family, friends, or pets
- Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or coworkers
- Other actions that control, track, or frighten you

### **How to Get Help if You Are Being Stalked**

Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.

- If your safety is at risk, call 911.
- Trust your instincts. Don't downplay the danger. If you feel you are unsafe, you probably are.
- Take threats seriously.
- Contact Campus Security, a crisis hotline, victim services agency, or a domestic violence or rape crisis program. They can help you devise a safety plan, give you information about local laws, refer you to other services, and weigh options such as seeking a protection order. (For more information see *Resources*) Please see *Difference*



*between Confidentiality and Privacy* which explains the duties of various JMLS employees with respect to confidentiality.

- Develop a safety plan, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
- Don't communicate with the stalker or respond to attempts to contact you.
- Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep emails, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
- Contact the police, as Illinois has a stalking law (see applicable state laws).
- Consider getting a court order that tells the stalker to stay away from you.
- Tell your family, friends, roommates, coworkers, Campus Security, and the Dean of Student Affairs about the stalking and seek their support.

*Adapted from the National Center for Victims of Crime: [victimsofcrime.org](http://victimsofcrime.org)*

### **Keeping Safe when Traveling Around Campus and the City**

- Try to arrive at and leave social gatherings with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take their number instead of giving out yours.
- Keep track of your drinking. Watch your drink as it is made and don't leave it unattended; avoid group drinks.
- If you feel extremely tired or drunk for no apparent reason, find your friends and ask them to leave with you as soon as possible.
- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where emergency phones are installed in JMLS buildings.
- Avoid dimly lit places; take major, public paths rather than less populated shortcuts.
- Pay attention to your surroundings. Avoid putting music headphones in your ears and/or using your smartphone when walking alone.
- If walking feels unsafe, especially after dark, try to walk with a friend or contact Campus Security to request an escort.
- Carry a noisemaker (like a whistle) and/or a small flashlight on your keychain.

### **What to do if Someone You Know is at Risk of Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

JMLS is a community, and we all have a responsibility to support each other. A "bystander" is someone other than the victim who is present when an act of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent Sexual Assault, Domestic Violence, Dating Violence, or Stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include:

- Not leaving an overly intoxicated person in a bar/party alone





- Calling police when a potentially violent situation is unfolding
- Not leaving an unconscious person alone (alerting Campus Security or a staff member)
- Intervening when someone is being belittled, degraded, or emotionally abused (walking victim away from abuser, contacting a JMLS staff member for help)

If you become aware that a member of the JMLS community is the victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, contact the Chicago Police Department (911), Campus Security or the Director of Student Outreach. Additional resources are listed in *Resources*.

### **VIII. Education and Prevention Programs**

JMLS provides education programs to promote awareness of Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new staff and faculty and ongoing awareness and prevention campaigns for students, staff, and faculty that:

- Identify Sexual Assault, Domestic Violence, Dating Violence, and Stalking as prohibited conduct;
- Define Sexual Assault, Domestic Violence, Dating Violence, and Stalking under JMLS's Policy and under Illinois law;
- Define behavior that constitutes consent to sexual activity under Illinois law;
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Sexual Assault, Domestic Violence, Dating Violence or Stalking against a person other than the bystander;
- Provides information on risk reduction so that students, staff and faculty may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

JMLS has developed an annual educational campaign consisting of presentations that include: New Student Orientation, New Employee Orientation, New Faculty Orientation, Communication Program (to include signage, brochures, and email), Campus Security Authorities, Investigator/Adjudicator Training, Web-based Manager Training, and Security Officer Training.

In addition, JMLS, by means of this Policy, provides written notification to students and employees about procedures, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to those who have experienced Sexual Assault, Domestic Violence, Dating Violence or Stalking, both within JMLS and in the community. See *Resources*.

### **IX. Applicable Illinois State Law**

Under the Violence Against Women Reauthorization Act of 2013, JMLS is required to provide the following information about applicable Illinois State law.

#### **Definition of "Consent" to Sexual Act**

In the Illinois law addressing criminal sexual assault, "consent" is defined as:



- “A freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.” 720 ILCS 5/11--1.70(a)

The law also states:

- “A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.” 720 ILCS 5/11--1.70(c)

(Source: P.A. 96--1551, eff. 7--1--11.)

#### **Definition of “Domestic Violence”**

In the Illinois Domestic Violence Act of 1986, “domestic violence” is defined as "Abuse":

"Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

750 ILCS 60, Sections (1) and (3).

(Source: P.A. 96--1551, eff. 7--1--11; 97--1150, eff. 1--25--13.)

#### **Illinois Criminal Sexual Assault Statutes Criminal Sexual Assault. 720 ILCS 5/11-1.20**

- (a) A person commits criminal sexual assault if that person commits an act of sexual penetration and:
1. uses force or threat of force;
  2. knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
  3. is a family member of the victim, and the victim is under 18 years of age; or
  4. is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.
- (b) Sentence.
1. Criminal sexual assault is a Class 1 felony, except that:
    - a. A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault or the offense of exploitation of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault or to the offense of exploitation of a child, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (A) to apply.

b. A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (B) to apply.

c. A second or subsequent conviction for a violation of paragraph (a)(3) or (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph (a)(3) or (a)(4) is a Class X felony.

(Source: P.A. 95-640, eff. 6-1-08; 96-1551, eff. 7-1-11.)

#### **Aggravated Criminal Sexual Assault. 720 ILCS 5/11-1.30**

(a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

1. the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
2. the person causes bodily harm to the victim, except as provided in paragraph (10);
3. the person acts in a manner that threatens or endangers the life of the victim or any other person;
4. the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
5. the victim is 60 years of age or older;
6. the victim is a physically handicapped person;
7. the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
8. the person is armed with a firearm;
9. the person personally discharges a firearm during the commission of the offense; or
10. the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

(c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a severely or profoundly intellectually disabled person.

(d) Sentence.

1. Aggravated criminal sexual assault in violation of paragraph (2), (3), (4), (5), (6), or (7) of subsection (a) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.
2. A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13.)

### **Illinois Stalking Statutes**

#### **Stalking, 720 ILCS 5/12-7.3:**

- (a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
1. fear for his or her safety or the safety of a third person; or
  2. suffer other emotional distress.
- (a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:
1. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
  2. places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.
- (a-6) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:
1. follows that same person or places that same person under surveillance; and
  2. transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

(b) Sentence. Stalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.

(c) Definitions. For purposes of this Section:

1. "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.
2. "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.
3. "Emotional distress" means significant mental suffering, anxiety or alarm.
4. "Family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.
5. "Follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.
6. "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
7. "Places a person under surveillance" means: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.
8. "Reasonable person" means a person in the victim's situation.
9. "Transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(d) Exemptions.

1. This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.
2. This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.
3. Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct,



by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(d-5) The incarceration of a person in a penal institution who commits the course of conduct or transmits a threat is not a bar to prosecution under this Section.

(d-10) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11; 97-311, eff. 8-11-11; 97-1109, eff. 1-1-13.)

**Aggravated stalking, 720 ILCS 5/12-7.4:**

(a) A person commits aggravated stalking when he or she commits stalking and:

1. causes bodily harm to the victim;
2. confines or restrains the victim; or
3. violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986.

(a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

(b) Sentence. Aggravated stalking is a Class 3 felony; a second or subsequent conviction is a Class 2 felony.

(c) Exemptions.

1. This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements.
2. This Section does not apply to an exercise of the right of free speech or assembly that is otherwise lawful.

Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11; 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff. 1-1-13.)

**Cyberstalking, 720 ILCS 5/12-7.5:**

(a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:

1. fear for his or her safety or the safety of a third person; or
2. suffer other emotional distress.

(a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

1. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or
2. places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
3. at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

1. which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or
2. which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or
3. which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(b) Sentence. Cyberstalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.

(c) For purposes of this Section:

1. "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.



2. "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.
3. "Emotional distress" means significant mental suffering, anxiety or alarm.
4. "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.
5. "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
6. "Reasonable person" means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.
7. "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(Source: P.A. 96-328, eff. 8-11-09; 96-686, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-303, eff. 8-11-11; 97-311, eff. 8-11-11; 97-1109, eff. 1-1-13.)

## **X. Orders of Protection**

Orders of protection (also referred to as restraining orders) are legal orders, put in place by a judge, that restrict or limit the amount of contact a person can have with another person.

JMLS takes all existing orders of protection seriously.

If you have an order of protection, protecting you from someone else, we ask that you please inform Campus Security so that they have it on record. This will help JMLS in case there is an issue with the offender. To do so, please email Ali Haleem, Director of Campus Safety and Security, [ahaleem@jmls.edu](mailto:ahaleem@jmls.edu) or stop by anyone of the 3 security desks located at 304 S. State St, 315 S. Plymouth Ct and 19 W Jackson Blvd and ask to speak with the on duty Campus Security Supervisor.





# THE JOHN MARSHALL LAW SCHOOL

If you are having an issue with a person, Campus Security can help explain the process for obtaining an order of protection.

For more information on obtaining an order of protection, please visit this website:

[Information on Orders of Protection](#)

[http://womenslaw.org/laws\\_state\\_type.php?id=509&state\\_code=IL&open\\_id=11067](http://womenslaw.org/laws_state_type.php?id=509&state_code=IL&open_id=11067)