

University of Illinois at Chicago
Student Sexual Misconduct and Sexual Violence Interim Policy

Introduction

The University of Illinois at Chicago is committed to creating a safe and secure community for students which is free from sex discrimination, sexual harassment, sexual misconduct, and sexual assault. The university strives to achieve this goal through survivor support, campus services, prevention programs, and referrals to campus and community resources. The Office of the Dean of Students, the UIC Police, Campus Housing, the Counseling Center, and the Campus Advocacy Network are the primary units that coordinate support services and administrative responses for victims of sexual misconduct and sexual assault. *Note:* Students attending a regional campus should refer to their local campus publications and websites for policies pertaining to their campuses and information on available resources.

Policy Statement

The University of Illinois at Chicago (UIC) does not tolerate sexual assault, which is a specific type of sex discrimination prohibited by Title IX of the Education Amendments of 1972. UIC cooperates fully with legal authorities in the prevention and prosecution of sexual assault offenses. In addition, the university imposes strict sanctions against those found responsible for sexual assault and assists victims in the pursuit of administrative, civil and legal remedies. UIC offers a number of educational programs and resources designed to promote the awareness and prevention of sexual assault and abuse on the campus and in the surrounding community and is committed to providing assistance and intervention to victims of sexual assault to support their continued progress at the university. The university recognizes that victims and offenders can be any gender and expects members of the campus community to help maintain a safe environment.

Related Policies and Laws

University Policies

Campus Violence Response and Prevention Plan
Emergency Response and Evacuation Procedures
Timely Warnings and Emergency Notification
Missing Student Notification Policy and Procedure
Student Disciplinary Policy
Sexual Harassment Policy

State and Federal Laws

State of Illinois Criminal Sexual Assault and Abuse 720 ILCS 5/12-12, 720 ILCS 5/12. et seq. through 5/16. et seq.
State of Illinois Stalking and Cyberstalking 720 ILCS 5/12-7.3, 720 ILCS 5/12 7.5
State of Illinois Domestic Violence 750 ILCS 60/
Sexual Assault Survivors Emergency Treatment Act (SASETA) 410 ILCS 70/
Victims' Economic Security and Safety Act (VESSA) 820 ILCS 180/
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
Sexual Assault Awareness Education 110 ILCS 305/40, Sec.40
Safe Home Act 094-1038
Title IX

Criminal Sexual Assault Definitions

According to the Illinois Criminal Code, a person commits criminal sexual abuse if he or she:

1. Commits an act of sexual conduct by the use of force or threat of force; or
2. Commits an act of sexual conduct and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent.

"Sexual conduct" means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

A person commits sexual assault if he or she:

1. Commits an act of sexual penetration by the use of force or threat of force; or
2. Commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or
3. Commits an act of sexual penetration with a victim who is under 18 years of age when the act was committed and the accused was a family member; or
4. Commits an act of sexual penetration with a victim who was at least 13 years of age, but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Although "Consent" is not defined by the Illinois Criminal Code, it is generally held to mean freely given agreement to the act of sexual penetration or sexual conduct in question. If the initiator of the sexual conduct does not have a reasonable belief that the victim has consented, he/she must refrain. As such, the University holds the initiator of sexual activity responsible for knowing whether or not the other party is able, or unable, for any reason, to give consent to the sexual act and for obtaining consent.

Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused does not constitute consent. The manner of dress of the victim at the time of the offense does not constitute consent. Consent to sexual activity can be withdrawn at any time.

Victim Rights

The University will take interim steps to protect victims of sexual assault and maintain a positive learning environment by minimizing or eliminating contact with the accused student and

providing reasonable academic and administrative accommodations in accordance with the Clery Act and Title IX.

1. The victim has the right to have any and all sexual assaults treated seriously and the right to be treated with dignity.
2. The victim will be informed in a timely manner of available options including the necessary steps and potential consequences of each option.
3. The victim has the right to be free from undue coercion from any members of the university community to pursue or not pursue any course of action.
4. The victim has the right to be notified of her/his option to notify appropriate law enforcement authorities, including on-campus and local police and to be informed about how to notify the appropriate law enforcement agency and receive assistance from University personnel in notifying these authorities, if requested.
5. The victim will receive information on how to make a confidential report for the purposes of tracking campus crime.
6. The victim has the right to be informed of the student conduct process and procedures.
7. The victim has the same right as the accused to have others present at student conduct hearings.
8. The victim has the right to be informed of the outcome, in writing, of any UIC student conduct proceeding involving an alleged sex offense and the right to appeal the outcome.
9. The victim has the right to request a change in academic and living situations after an alleged sex offense and be informed of the reasonably available options for those changes.
10. The victim will be informed about campus and community resources for counseling, advocacy, and other student services for survivors of sexual assault.

Reporting a Sexual Assault

The University encourages the reporting of sexual assaults to the appropriate university officials and will notify the Title IX Coordinator of all reports of sexual assault. The victim has several options to consider for reporting a sexual assault. For more detailed information about procedures to follow after a sexual assault has occurred, please visit www.deanofstudents.uic.edu.

Reports made to the UIC Police, local law enforcement agencies, Campus Housing, and the Office of the Dean of Students require an investigation of the incident which may result in criminal proceedings and/or action through the student conduct process. The UIC Medical Center notifies the appropriate law enforcement agencies when a sexual assault is reported. A pending

criminal investigation does not relieve the university from an obligation to investigate and take corrective action.

Reports can also be made to the Counseling Center and the Campus Advocacy Network. These offices provide confidential reporting and are not required to investigate or share information with other parties.

Sexual assaults that are reported to university officials are included in the annual crime statistics report for the campus as required by the Clery Act. This report contains the numbers of incidents that have occurred with no identifiable information about the victims.

UIC Police

The UIC Police are fully-sworn officers who serve the University, UIC Medical Center and surrounding community. UIC Police investigate, arrest, and assist in the prosecution of offenders. UIC Police will provide testimony for proceedings in criminal and student conduct hearings. UIC Police will transport students to the emergency room and court appearances. The UIC Police cooperate with investigations conducted by the Chicago Police Department.

When a student files a complaint regarding a sexual assault with the UIC Police, the police document the information in a report and discuss various options with the victim for further action. If the student wants to press charges, a police report is created and the student is informed about the criminal process. A copy of the police report is also submitted to the Office of the Dean of Students for possible action through the student conduct process.

The UIC Police inform victims about available support services (e.g. Campus Advocacy Network (CAN) and Counseling Center) and supply *Campus Advocacy Network* and *UIC Guide to Resources for Victims of Violent Crime* brochures. Officers are also asked to offer the victim the opportunity to sign a *Permission to Contact* form that will initiate a follow-up contact by CAN advocacy staff. In cases where the accused individual is a UIC student, the victim should be referred to the Office of the Dean of Students for information about the student conduct process.

Local Law Enforcement

The UIC Police or the Campus Advocacy Network (CAN) can assist victims who wish to report a sexual assault to local law enforcement agencies. The UIC Police and CAN will provide on-going support for victims as needed with local law enforcement agencies.

Student Conduct Process

The student conduct process is administered by the Office of the Dean of Students. Victims can file a complaint by completing an incident report form and submitting it to the Office of the Dean of Students. Students should refer to the *Student Disciplinary Policy* for complete information about the student conduct process and the range of possible sanctions for sexual misconduct.

A staff member will meet separately with the victim and accused student to discuss the incident and the student conduct process. The victim and accused student are informed about the hearing procedures and the opportunity to present witnesses and other information and to have an advocate or advisor participate in the hearing. If the victim reported the sexual assault to the UIC

Police and a report was generated, the victim can choose to be a co-complainant with the UIC Police or serve as a witness during the student conduct hearing. Accommodations can be arranged for victim participation in the hearing such as allowing the victim to participate in the hearing via teleconference. The accused student and the victim will be notified of the outcome of the hearing. Both the accused student and the victim have the right to appeal the hearing outcome within five days after the date of the issuance of the decision.

In accordance with the UIC Student Records Policy, the results of a hearing can be released on a case-by-case basis to university officials with a legitimate educational interest. The results will not include the names of the victim(s). Refer to the UIC Student Records Policy for more information at http://www.uic.edu/depts/oar/campus_policies/records_policy.html

The University recognizes that a student victim may be reluctant to disclose a sexual assault due to her/his use or possession of alcohol or drugs related to that incident of sexual misconduct. To encourage reporting, the university will not pursue disciplinary actions for alcohol/drug violations against a student making a good faith report of sexual misconduct. The university may utilize educational responses as appropriate through the Office of the Dean of Students.

Title IX

Sexual assault and sexual violence are considered sexual harassment/sex discrimination and consequently a violation of Title IX. The Office of Access and Equity is the place to report a Title IX violation because this is where the Title IX coordinator is located.

Victim Services and Resources

There are several university departments that offer assistance and services for victims of sexual misconduct:

Campus Advocacy Network

The Campus Advocacy Network (CAN) is a confidential service that provides advocacy, coordination of the University community response to civil or criminal orders of protection or no contact orders, information about university administrative processes, and crisis support for victims of sexual assault, domestic violence, stalking and hate crime. Advocates provide an overview of all options and help victims notify the appropriate law enforcement authorities and/or campus officials. Advocates will accompany victims to civil, criminal and student conduct proceedings to provide support. Advocates assist with obtaining orders of protection/no contact orders, safety planning and identifying emergency housing.

Advocates work with campus departments and community organizations in order to obtain accommodations for academic issues, financial aid, on and off campus living situations, and parking assignments. On a limited basis, CAN has funding for short-term emergency housing. Support is provided for students even when no legal, civil or administrative action is taken. CAN is a place where students can make anonymous and confidential campus crime reports.

Campus Housing

When a sexual assault is reported by a resident, resident assistants or peer mentors should contact senior housing staff and report the incident. Housing staff and senior administrators will develop a support plan for the resident and communicate the plan to the appropriate campus departments.

The following procedures should be utilized by Campus Housing staff for sexual assault victims:

1. Inform the resident regarding the notification process to campus units (UIC Police, Dean of Students office, Campus Advocacy Network)
2. Explain to the resident about options related to filing a complaint (i.e. filing a police report, submitting a formal complaint to the student conduct process). Housing staff can make arrangements for the UIC Police to take the report in the residence halls if the resident is interested in this option.
3. Inform the resident that she/he does not have to file a police report, press charges, or file a formal complaint through the student conduct process.
4. Arrange for medical attention for the resident, if required, at the UIC Medical Center Emergency Room or provide referral information to Family Medicine.
5. Provide temporary or permanent room reassignment if resident has any concerns.
6. Inform the resident about campus services for sexual assault victims provided by the Campus Advocacy Network, Counseling Center, and the Dean of Students office.
7. Refer resident to the campus website www.deanofstudents.uic.edu for more information.

Counseling Center

The Counseling Center offers confidential counseling services and crisis intervention to students. The staff has expertise in working with survivors of trauma including sexual assault and other types of interpersonal violence. In addition, the Counseling Center provides support and guidance to help manage immediate emotional trauma and strengthen resilience in the advocacy process. Counseling and crisis intervention can be arranged by calling or coming to the Counseling Center. Counselors will arrange to meet with students who have urgent needs within the same day or the next day. Crisis intervention or personal counseling can help students identify and consider options to notify appropriate law enforcement and campus authorities, pursue student conduct processes, and meet with an advocate.

Office of the Dean of Students

The Office of the Dean of Students offers several services to sexual assault victims. In addition to serving as the place to report student conduct complaints, the staff can provide information about campus support services. Various options are presented for the victim's consideration including referrals to campus advocacy, student legal, and counseling services. Assistance is provided with academic accommodations, financial aid, campus/off campus living arrangements, parking assignments, health, and safety concerns.

Health/Medical Care

Students are encouraged to receive medical treatment after experiencing any crime involving sexual violence. Medical treatment can be obtained at the UIC Medical Center Emergency Room or UIC Family Medicine. Both the UIC ER and Family Medicine treat physical injuries and sexually transmitted diseases, provide preventative care, and supply emergency pregnancy prevention. The Emergency Room offers evidence collection (rape kit) and assists with filing a police report (upon victim's request). It is recommended that victims go to the emergency room within 24 hours of the assault for the most ideal medical and preventative treatment.

Education and Prevention Programs for Sexual Assault and Interpersonal Violence

All new students receive information about sexual assault, domestic violence and stalking through mandatory orientation on an annual basis. The program provides information about campus and community resources, bystander responses, and how to help a friend. Annual presentations are also made to parents who participate in orientation regarding resources on campus for students who experience sexual assault or interpersonal violence.

Additional educational activities include: poster campaigns with anti-violence messages, workshops designed to provide information about sexual assault and interpersonal violence, and information disseminated to the campus through programs, booths at student fairs, and web and social networking sites.

The Campus Advocacy Network (CAN) provides anti-violence and bystander education to the campus through teaching classes and conducting workshops on request for faculty, staff and student organizations. The campus receives an electronic reminder of services available through CAN via e-mail twice a semester. CAN staff assist students and student organizations in organizing campus-wide, anti-violence campaigns and violence awareness programs. CAN staff also work with student groups such as Men Against Sexual Violence (MASV) to develop male allies for prevention of sexual assault and interpersonal violence.

A comprehensive list of violence prevention education and initiatives is listed in *The Campus Violence and Prevention Plan*.

Campus and Community Resource Information

Campus Resources

UIC Police (Emergency)	(312) 355-5555	943 W. Maxwell St.
UIC Police (Non-Emergency)	(312) 996-2830	
Office of the Dean of Students	(312) 996-4857	Student Services Building, #3030
Campus Advocacy Network	(312) 413-8206	University Hall, #802
Counseling Center	(312) 996-3490	Student Services Building, #2010
In Touch Hotline	(312) 996-5535	
Campus Housing	(312) 355-6300	Student Residence Hall (SRH), #220
Office of Access and Equity (Title IX Officer Rebecca Gordon)	(312) 996-8670	609 S. Marshfield

Family Medicine (312) 996-2901

722 W. Maxwell St.

UIC Hospital Emergency Room (312) 996-7298

1740 W. Taylor

Community Resources

Rape Victim Advocates (312) 443-9603

Chicago Rape Crisis Hotline (888) 293-2080

Chicago Domestic Violence Hotline (877) 863-6338

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