



## **CAMPUS SAFETY & SECURITY POLICY**

This document has been designed to inform all students and employees about the school's safety and security procedures and policies. The annual disclosure document is done each year by contacting the local police department and/or the building management to compile the statistics used in the report. All crimes are reported based on the calendar year in which the crime was reported to local police agencies or to the School Director/ Campus Security Coordinator. The safety of our students and employees is an important concern of the school's administration. This document explains this school's policy regarding crime and accident prevention, public safety, criminal and accident reporting procedures, and fire safety. Read this document carefully, and ask questions if you are confused or uncertain.

At orientation for new students and employees, as well as in October of each year, each student and employee is informed of the school's campus security report, procedures, and safety practices. We also review with students and employees the need to be responsible for their own security and safety at all times. In January of each year, we bring a local law enforcement official into the school to review how to protect yourself against crime, how to be responsible for your own safety, and how to protect yourself against sexual assault.

The John Amico School of Hair Design, herein referred to as "school" or "institution," uses the following policy and procedures:

### **CRIME & ACCIDENT PREVENTION**

The school does not assume liability for stolen property. Therefore, students and employees should always keep their personal belongings locked in the student lockers, which have been provided. The school encourages students and staff not to bring expensive jewelry, money, or other valuables to the school. Such items should be left at home in order to reduce the chance of theft.

The school reserves the right to prosecute any student or employee to the full extent of state and United States federal law for any criminal violation committed on the school premises. The school will take into consideration the specifics of any student who may be accused of a crime on a case-by-case basis, which may include suspension or termination from school. Criminal violations may include, but may not be limited to the following:

- Murder
- Rape
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery/theft
- Simple or aggravated assault
- Unlawful consumption or possession of alcohol or other controlled or illegal substance
- Hate crime including larceny-theft, simple assault, intimidation, or vandalism
- Burglary — There must be evidence of both trespass and intent to commit a felony or theft.
- Larceny — Larceny is the illegal taking and carrying away of personal property belonging to another with the purpose of depriving the owner of its possession.

***Further preventative measures include:***

1. Students and/or employees shall **not** be permitted to consume illegal or controlled substances, including alcoholic beverages, during school hours or at school functions.
2. Students and/or employees shall **not** be permitted to have any illegal or otherwise dangerous weapons in their possession or on school property. Such a violation will result in the confiscation of the weapon, possible prosecution, and possible termination from enrollment or employment.
3. Students and/or employees must keep their property securely locked in the designated areas in order to prevent theft.
4. Students and/or employees must park in the designated areas and should always keep their cars securely locked.
5. Students and/or employees must never remain alone within the facility after closing without administrative approval. If approval has been given, the outside door must remain locked at **ALL** times, and the student/employee must not allow any unauthorized individual entrance.
6. All employees should make certain that the offices remain securely locked at **all** times. When leaving the office, employees **must** always check the door to ensure it is secure.
7. Employees should never lock the facility alone. Two people **must** always be present during locking procedures. The individuals should check to ensure that both have entered their vehicles safely upon leaving the school premises.
8. Students and/or employees shall report hazardous conditions (i.e., faulty or broken equipment, water leaks, chemical spills, exposed electrical wires, etc.) to the School Director for immediate attention.
9. The School Director shall handle all such hazards with appropriate caution and expedience. Proper procedures may require the School Director to notify the appropriate agencies (i.e., the poison control center, the fire department, the utility company, etc.)
10. Students and/or employees shall not attempt to repair damaged electrical equipment or exposed wires. Instead, such problems should be reported to the administration.
11. Damaged or dangerous structural conditions shall be reported to the School Director immediately.
12. Students and/or employees should handle all equipment within the manufacturer's specifications. The school will not be responsible for accidents caused by the inappropriate or negligent use of any of its equipment.
13. Students and/or employees shall not be permitted to use unauthorized equipment. The school will not accept liability for accidents involving unapproved equipment.
14. Students and/or employees with unusual or serious health conditions are encouraged to report such conditions upon admission or employment. Arrangements must be made with his or her physician for appropriate preventative measures. All such conditions **will** be kept confidential among school management.
15. Employees shall be required to attend a workshop on first-aid care. The workshop will be organized by the administration and will involve accepted professional organizations.

**CRIMINAL & ACCIDENT REPORTING PROCEDURES:**

The school does not have individual campus security. All crimes are reported to the local police department for investigation and action. We encourage all students and employees to timely report all crimes to Mr. Amico or the School Director, who will promptly contact the local authorities to address the issue. Victims and witnesses are encouraged to report crimes, but it is solely on a voluntary basis. If you need to seek professional help after having been a victim of a crime, contact the following counseling center:

**ASSOCIATED COUNSELING**  
4500 W. 147<sup>th</sup> Street, Midlothian, IL 60445  
**708-597-0032**

**1. In the event of a burglary or robbery:**

- a. Remain calm and agreeable with the culprit(s).
- b. Do **not** attempt any heroic measures.
- c. Report all burglaries to the local police.
- d. When reporting a burglary or robbery:
  1. Indicate the name of the institution.
  2. Indicate your name.
  3. Indicate the date and time of the incident.
  4. Indicate any injuries if known.
  5. Indicate the number of suspects involved.
  6. Indicate any descriptive information.

**2. In the event of larceny:**

- a. Remain calm and agreeable with those involved.
- b. Do not attempt to determine if any person is innocent or guilty.
- c. Report all larceny to the local police department for investigation.
  1. Indicate the name and address of the school.
  2. Indicate your name.
  3. Indicate the date and time of the incident.
  4. Indicate any injuries if known.
  5. Indicate the name(s) of those involved or any witnesses.
  6. Indicate any descriptive information.

**3. In the event of an accident:**

- a. Report the event to the School Director or manager on duty.
- b. The School Director or manager on duty will do the following:
  1. Determine if emergency help is needed. If so, he or she will call the appropriate agency.
  2. Complete an accident report. Include the cause, the name(s) of those involved, the date, the time, the circumstances, and the explanation of any witnesses.
  3. Report all information to the management.
  4. If necessary, notify parents and family of the victim(s).

**4. In the event of a general emergency within the school's premises, please notify the school's administration immediately and remain calm. The school personnel are trained in emergency response and evacuation procedures. The School Director will determine whether a significant emergency exists by evaluating the situation and consulting with local police authorities. ***If the School Director is not available, contact the Education Leader. If the Education Leader is not available, contact the Future Professional Advisor. If the Future Professional Advisor is not available, contact the Financial Aid Leader, Admissions Leader, or Operations Leader. If any of those individuals are not available, please contact a Learning Leader.*****

If a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus exists in which students and staff are in danger, an immediate announcement will be made over the school's intercom system by the School Director who will notify the student body and staff of the emergency and the steps to follow.

The safety of our students and staff is of the utmost importance to us; if in the judgment of the police, it is better to postpone making the announcement in order to assist a victim, or to contain, respond to, or otherwise mitigate the emergency, we will do so until it is determined to be safe. Police authorities will be contacted for assistance. Do not exit the building unless you have been directly instructed to do so. It may be safer to stay in the school premises in a lockdown mode. Please listen to all announcements from the School Director and follow the directions given over the intercom; remain calm. The staff will direct you where to go in the event of an emergency in order to ensure your safety.

The school will review its evacuation plans and procedures during the orientation on the first day of class or hire, as well as yearly with the student body and staff. The school will also conduct announced emergency response and evacuation tests annually in order for the staff and students to clearly understand the procedures.

Students and staff are expected to be present on those days. Each test will be documented in the school's records as to the date, time, and whether it was an announced or unannounced test.

## **EMERGENCY PROCEDURES**

In an emergency, evacuation of the school should proceed as rapidly and safely as possible. The plan accounts for two scenarios of evacuation, which are:

1. In-place evacuation: keeping students and staff members in place, but securing the location for the emergency at hand.
2. On-site evacuation: movement of students and staff members out of the building affected and relocation to another area near the school.

## **FIRE**

1. Evacuate the area of the fire. (Always stay low as smoke and heated gasses collect near the ceiling first.)
2. Activate the fire alarm (if so equipped).
3. Call 911, indicating the need for assistance from the fire department and law enforcement. Other communication networks should be identified and utilized in the event that the fire has caused the telephone system to become out of order.
4. Evaluate the situation; determine quickly, if possible, the size, nature, and location of the fire within the facility.
5. Upon the arrival of the fire department, the School Director shall establish contact with the senior fire department official and coordinate subsequent activities with him or her.
6. Make certain that all students and staff members are accounted for and safe. Move to another location as required. A fire deemed in any way to be a threat to the safety of the students or the staff calls for evacuation to the outside area, away from the building.
7. Any of the steps above may be done simultaneously as the number of staff members on duty permits. The decision not to follow any of these steps is justifiable only when there is certainty that there is no imminent danger.
8. If the fire is small, any of the facility's fire extinguishers may be used to extinguish it, if the staff member has received proper training. Although there should be no hesitation regarding the use of fire extinguishers, the fighting of any fire by staff members should be undertaken only if there is no imminent danger.

## **ILLNESS OR INJURY**

**Minor Illness or Injury:** Treat with medical supplies on hand. Evaluate periodically to see if further medical attention is required.

**Major Illness or Injury:** Employ first aid techniques as trained, if needed. Contact 911 if immediate medical attention is required. If an illness or an injury requires a doctor's care, but emergency services are not required, the staff members should then arrange for transportation to the emergency room, clinic, or hospital.

## **BOMB THREATS**

1. Any bomb threat should be treated as real until proven otherwise.
2. Unidentified or suspicious objects should be reported to the authorities.
3. Evacuation should be to an outdoor area as far from the building as safely possible. The area to be evacuated should be searched quickly before evacuation.
4. Upon arrival of law enforcement authorities, the facility director, or designee, will assist with the search (i.e., unlocking doors, identifying strange or suspicious objects, etc.)
5. The appropriate authorities should be consulted prior to reentry into the building.

## **UTILITIES AND MAINTENANCE EMERGENCIES: *GAS LEAK***

1. If any staff member or student smells gas, act quickly.
2. Open windows immediately.
3. Call 911 and report the possible gas leak.
4. Do not turn any electrical switches on **OR** off. Eliminate all flames.
5. Check all gas taps and turn them off.
6. If necessary, turn off the gas main. The shutoff valve is next to the meter.
7. If the gas odor remains strong, evacuate the area immediately.
8. Do not return to the building until the fire department announces it is safe.

## **EMERGENCY EVACUATION**

In the event of a fire, bomb threat, electrical, chemical, or other emergency that would require the evacuation of the building, all staff members should adhere to the following:

1. Call 911, indicating the need for assistance from the local fire department and law enforcement.
2. Make certain all students and staff members are accounted for and are safe.
3. Evacuate all students and staff members to an area as far from the building as safely practical.
  - a. Adhere to predetermined evacuation routes, if possible; however, do not hesitate to adjust these routes to avoid dangerous areas.
  - b. All students and staff members with special needs are to be assisted as needed.
4. Conduct a second head count for students and staff members.
5. Notify the School Director as soon as possible.
6. Do not approach or reenter the building until consultation with the proper authorities.

## **TORNADO/SEVERE WEATHER WATCHES AND WARNING PROCEDURES**

1. The safe place designated by the School Director is the basement.
  - a. All students and staff will be moved to the designated location.
  - b. Maintain flashlight and voice contact among staff members at all times.

Make sure to conduct a head count before moving to a safe place, after arriving at a safe place, and after leaving the designated area.

2. After there is absolute certainty that the storm has passed:
  - a. The staff members should conduct a head count.
  - b. Provide any necessary first aid and call 911 for any necessary response agencies.
  - c. Check the entire building for any damages such as fire, water, or structural.
  - d. Turn on and test utilities.
3. Notify the School Director as soon as possible with an update of conditions.
4. Notify any agents that services are needed.

The school encourages pastoral counselors and professional counselors, in instances where the student may need assistance in dealing with a particular situation, when appropriate. To avail yourself of this service, please contact the School Director, for assistance in obtaining help. We encourage students who may have been the victim of a crime to seek help. The counseling sessions are voluntary and confidential for the basis of inclusion in the annual disclosure of crime statistics.

### **STUDENT RIGHT TO KNOW POLICY:**

All criminal activity and accidents that occur on the school premises must be reported to the School Director who must keep a confidential file on the circumstances surrounding each incident. The School Director must make the information available to the employees and students, although he or she will keep personal information, such as names, confidential. The school may withhold information if there is clear and convincing evidence that the release of the Information would jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence. The school will only withhold that information that would cause the adverse effect described. The school will disclose any information withheld once the adverse effect described is no longer likely to occur. The School Director shall use the following procedures for informing students and employees of criminal activity and accidents:

1. Each week during weekly announcements, a general account of any criminal activity that may have occurred will be given.
2. Each week, a general account of any criminal incident and/or accident will be posted in the lounge for student access. Confidential information will **not** be available.
3. A confidential file will be kept that describes each accident and criminal incident in detail. The file must include dates, times, names, extenuating circumstances, agencies notified, etc.
4. During the announcements, emphasis **will** be placed on accident and crime prevention.

### **CRIME STATISTICS**

Following is a table showing the most recent three years of crimes occurring either on campus, on non-campus or on public property.

- **On Campus:** Buildings owned by the institution contiguous to the institution and facilities where educational activities are delivered to students.
- **Non-Campus:** Non-contiguous property owned or controlled by the school that is used in direct support of, or in relation to, the school's educational purposes.
- **Public Property:** Defined as streets, sidewalks, and lots adjacent to the campus and accessible from the campus but owned by a public entity such as a city or state government.
- **Hate Crimes:** There were no reported hate crimes for the years 2018, 2019 or 2020.
- **Unfounded Crimes:** There were no reported unfounded crimes for the years 2018, 2019 or 2020.



**10/1/2021**

	2018			2019			2020		
	On Campus	Non-Campus	Public Property	On Campus	Non-Campus	Public Property	On Campus	Non-Campus	Public Property
<b>Arrests</b>									
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violation	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>									
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violation	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
<b>Unfounded Crimes</b>									
Total unfounded crimes	0	0	0	0	0	0	0	0	0

For information regarding drug or alcohol-abuse education programs, as required under the Drug-Free Schools and Communities Act of 1989, please refer to our Drug-Free Workplace Policy that may be obtained from our Admissions Leader.

The school monitors and records any criminal activity that takes place at a school event off campus by contacting local police agencies to ensure that all off-campus activities are conducted in safe and secure facilities. Each of these events is supervised by teachers and staff of the school.

**Sex Offenders Register**

In accordance with the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14071(j)), and the Adam Walsh Child Protection and Safety Act of 2006, we are notifying you that you can obtain information concerning registered sex offenders by visiting [www.familywatchdog.us](http://www.familywatchdog.us) for a list of registered offenders near the school premises.



## **VIOLENCE AGAINST WOMEN ACT (VAWA)**

This document has been designed to inform all students and employees of the Violence Against Women Act (VAWA) and outlines the John Amico School of Hair Design's commitment to the health and safety of its students and employees. This annual disclosure document is done each year by contacting the local police department and/or the building management to compile the statistics used in the report. Victims or witnesses to a crime on the school premises may report the crime to the School Director/Campus Security Coordinator on a confidential basis for inclusion into the annual disclosure of crime statistics. This document explains the institution's policy regarding crime prevention, public safety, and criminal reporting procedures. This document will be provided to all prospective students and staff, as well as be reviewed with all students during orientation and with staff at the time of hire.

The school will provide training in October of each year when the new statistics are available. The training promotes awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, and the prevention of crime, as well as gives options for reducing the risk of such offenses occurring, the warning signs of abusive behavior, and how to avoid potential attacks. Please read this document carefully, and ask questions if you are confused or uncertain.

**The school's Campus Security Coordinator is Ms. Cheryl, the Clinic Services Manager.**

To conduct the awareness program, we bring in a local law enforcement official and a representative from Crisis Center-South Suburbia, located in Orland Park (708-429-7233) the local crisis center, into the school to provide our students and staff with knowledge, information, and resources to prevent violence, promote safety, and reduce risk by showing how to protect yourself against crime, how to be responsible for your own safety, and how to protect yourself against sexual assault. The John Amico School of Hair Design is committed to making your school a safe place.

### **What is domestic violence?**

#### **Federal Definition:**

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. For the purposes of complying with the requirements of this regulation, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### **Local Jurisdiction Definition:**

Any person who hits, chokes, kicks, threatens, harasses, or interferes with the personal liberty of another **family or household member** has broken Illinois Domestic Violence law. Under Illinois law family or household members are defined as:

- family members related by blood;
- people who are married or used to be married;
- people who share or used to share a home, apartment, or other common dwelling;
- people who have or allegedly have child in common or a blood relationship through a child in common;

- people who are dating or engaged or used to date, including same sex couples; and
- people with disabilities and their personal assistants.

### **Orders of protection**

An order of protection is a court order which restricts an abuser and only is available to family or household members. An order of protection may:

- prohibit abuser from continuing threats and abuse (abuse includes physical abuse, harassment, intimidation, interference with personal liberty, or willful deprivation)
- bar abuser from shared residence or bar abuser while using drugs or alcohol;
- order abuser to stay away from you and other persons protected by the order and/or bar abuser from your work, school, or other specific locations;
- require abuser to attend counseling;
- prohibit abuser from hiding a child from you or taking a child out of state;
- require abuser to appear in court or bring a child to court;
- give you temporary physical possession of children or give you temporary legal custody;
- specify visitation rights (if and when visitation is awarded);
- bar abuser from accessing child's records;
- give you certain personal property and require abuser to turn it over, or bar abuser from damaging, destroying or selling certain personal property;
- require abuser to pay you support for minor children living with you, require abuser to pay you for losses suffered from the abuse, require abuser to pay for your or your children's shelter or counseling services;
- require abuser to turn weapons over to local law enforcement, if there is danger of illegal use against you;
- prohibit abuser from other actions; or
- to protect you, require abuser to take other actions.

### **Criminal Prosecutions**

If an arrest wasn't made and you wish to seek criminal charges against your abuser, bring all relevant information, including the police report number and this form, to your local state's attorney. It may be helpful to contact a local domestic violence program so they can help you through the system.

### **To obtain an Order of Protection, you can:**

- Ask your attorney to file in civil court.
- Request an order with your divorce.
- Request an order during a criminal trial for abuse.
- Go to your local circuit court clerk's office and get papers to seek an order of protection for yourself.
- Contact a local domestic violence program to ask for assistance in completing the forms.

### **Law Enforcement Response**

Law enforcement officers should try to prevent further abuse by:

- arresting the abuser when appropriate and completing a police report;
- driving you to a medical facility, shelter or safe place or arranging for transportation to a safe place;
- taking you back home to get belongings;
- if there is probable cause to believe that weapons were used, taking those weapons;

- telling you about your right to an order of protection; and
- telling you about the importance of saving evidence, such as damaged clothing or property and taking photographs of injuries or damage.

Also, law enforcement should know that the Illinois Domestic Violence Act assumes it is in the best interest of the child to remain with you or someone you choose.

### **If Abuser Contacts You After an Arrest**

When anyone is charged with a crime and the victim is a family or household member, that abuser is most likely prohibited from contacting the victim and from entering or remaining at the victim's residence for a minimum of 72 hours. So, if the abuser does contact you soon after an arrest, you should call the police because the abuser can be charged with an additional offense, violation of bail bond, which is a Class A misdemeanor.

### **Violation of an Order of Protection**

Violating an order of protection is a Class A misdemeanor, and the abuser could go to jail for up to 364 days and pay a \$25 fine. A second violation of an order of protection (or a violation after conviction of a serious crime against a family or household member) can be a felony. If an abuser commits a second violation of order of protection, courts must sentence the abuser to 24 hours jail time and order abuser to pay \$100 domestic violence fine, unless the increased fine will impose an undue harm on **you**, the victim of the domestic violence.

### **Where you can get help and advice:**

- **National Domestic Violence Hotline** -- 1-800-799-SAFE (7233)
- **Chicagoland Domestic Violence Help Line** -- 1-877-863-6338

### **Procedures for Victims of Domestic Violence**

If a student or staff member is a victim of domestic violence, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no- contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of domestic violence report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

The student or staff member can file a complaint with the School Director/Campus Security Coordinator.

The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of domestic violence. The complaint should be filed as soon as possible after the occurrence of domestic violence has taken place.

If a student or employee is a victim of domestic violence, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will make available to the student the opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at 708-687-7800 or by e-mail at [studentservices@johnamico.com](mailto:studentservices@johnamico.com) to request an accommodation.

### **Hearing Process**

If a student is alleged to having committed domestic violence, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to domestic violence and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.

A student found guilty of violating the school's domestic violence policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of domestic violence, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

### **What is sexual assault?**

#### **Federal Definition:**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling is the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity. Incest is the sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

#### **Local Jurisdiction Definition**

**Illinois State law defines sexual assault as:** Sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent. (720 ILCS 5 Criminal Code of 1961 §12-13)

**Illinois law defines sexual penetration as:** 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 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 (720 ILCS 5 Criminal Code of 1961 §12-12(f)).

## **What is consent?**

Sexual activity requires consent, which is defined as voluntary, positive agreement between the participants to engage in specific sexual activity.

### **Communicating consent:**

- Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of clear, positive agreement.
- While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. Communicating verbally before engaging in sexual activity is imperative. However potentially awkward it may seem, talking about your own and your partner's sexual desires, needs, and limitations provide a basis for a positive experience.
- Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.
- A prior relationship does not indicate consent to future activity.

### **Alcohol and drugs:**

- A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
- The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

## **National Sexual Assault Hotline: 1-800-656-4673**

### **Procedures for Victims of Sexual Assault**

If a student or staff member is a victim of sexual assault, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of sexual assault report the incident in a timely manner.

Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of sexual assault. The complaint should be filed as soon as possible after the occurrence of sexual assault has taken place.

If a student or employee is a victim of sexual assault, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will make available to the student the opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at 708-687-7800 or by e-mail at [studentservices@johnamico.com](mailto:studentservices@johnamico.com) to request an accommodation.

### **Hearing Process**

If a student is alleged to having committed sexual assault, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to sexual assault and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.



A student found guilty of violating the school's sexual assault policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of sexual assault, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

### **What is dating violence?**

#### **Federal Definition**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of section § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**National Teen Dating Abuse Hotline: 1-866-331-9474**



## **Procedures for Victims of Dating Violence**

If a student or staff member is a victim of dating violence, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of dating violence report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of dating violence. The complaint should be filed as soon as possible after the occurrence of dating violence has taken place.

If a student or employee is a victim of dating violence, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will make available to the student the opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at 708-687-7800 or by e-mail at [studentservices@johnamico.com](mailto:studentservices@johnamico.com) to request an accommodation.

### **Hearing Process**

If a student is alleged to having committed dating violence, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to dating violence and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.

A student found guilty of violating the school's dating violence policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality.

The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of dating violence, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

## What is stalking?

**Federal Definition:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, *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, surveys, 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 lead to professional treatment or counseling. For the purposes of complying with the requirements of this regulation, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**If you feel you are being stalked and in immediate danger,  
call 911 for assistance.**

## Procedures for Victims of Stalking

If a student or staff member is a victim of stalking, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance if needed and/or to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of stalking report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, if needed, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense.

A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of stalking. The complaint should be filed as soon as possible after the occurrence of stalking has taken place.

If a student or employee is a victim of stalking, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will make available to the student the opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at 708-687-7800 or by e-mail at [studentservices@johnamico.com](mailto:studentservices@johnamico.com) to request an accommodation.

## **Hearing Process**

If a student is alleged to having committed stalking, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to stalking and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.

A student found guilty of violating the school's stalking policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

### **What is Rape?**

**Federal Definition:** Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Local Jurisdiction Definition:** Illinois law does not use the term 'rape' in sex crimes. What other people may consider rape, state lawmakers have termed 'criminal sexual assault.' The intent of the legislature in discarding the term rape was to lessen the stigma attached to the crime, and therefore encourage more victims to come forward and pursue the offender in court.

Criminal sexual assault is found in the criminal code at 720 ILCS 5/12-13. The offense is a felony. Criminal sexual assault is categorized as a Class 1 felony offense, with a potential penalty of 4 to 15 years in prison. This charge is a non-probationable felony. That means that the judge is not permitted under the law to sentence the offender to probation. A prison sentence is mandatory. Therefore, the minimum penalty for criminal sexual assault is 4 to 15 years in prison.

If the defendant has a prior conviction for sexual assault, then a second or subsequent offense is a Class X felony. The possible sentence on a second offense is 6 to 30 years in prison, or 30 to 60 years as an extended sentence, or the natural life of the offender.

Criminal sexual assault consists of the following elements:

Sexual penetration combined with one or more of the following:

- Force or threat of force.
- The victim was unable to understand the nature of the act or to give knowing consent.
- The victim was under 18 years of age and the defendant is a family member.
- The victim was at least 13 years old but under 18 years of age, and the defendant was 17 years of age or older and held a position of trust, authority, or supervision in relation to the victim.

### **Aggravated Criminal Sexual Assault**

Illinois law says that a person who commits aggravated criminal sexual assault is guilty of a Class X felony. The crime is codified at section 720 ILCS 5/12-14.

A Class X felony is non-probationable. Consequently, the court is not authorized to sentence the defendant to probation. Under no circumstances can a person who is found guilty of aggravated criminal sexual assault receive a probationary sentence as opposed to imprisonment. The offense is punishable by 6 to 30 years in prison, with possible extended terms of 10, 15, 20, or 25 years for the use of a firearm during the commission of the offense, or natural life.

A second or subsequent offense of aggravated criminal sexual assault is a Class X felony. However, the offender would be sentenced to natural life in prison with no possibility of parole.

The defendant is guilty if he commits criminal sexual assault plus any one of the following aggravating factors:

- Commission of the crime with a dangerous weapon.
- Infliction of bodily harm.
- Threatening the life of the victim or another person.
- Commission of another felony.
- The victim was 60 years old or older.
- The victim was physically handicapped.
- The defendant drugged the victim by delivering a controlled substance to the victim.
- The defendant discharged a firearm during the commission of the offense.
- The accused discharged a firearm during the offense and caused great bodily harm or death to another person.

A person may be guilty of aggravated criminal sexual assault under a different factual scenario, as well. Under the following circumstances, a defendant is guilty of aggravated criminal sexual assault due to the difference in age between the victim and the offender:

- Sexual penetration where the victim was 8 years old or younger, and the accused was 16 years old or younger.
- Sexual penetration where the victim was age 9 through 12, if force or threat of force was used.
- The victim was severely profoundly mentally retarded, regardless of the age of the accused.

### **Predatory Criminal Sexual Assault**

Illinois law provides that a person who commits predatory criminal sexual assault is guilty of a Class X felony with no possibility of probation. The charge of predatory criminal sexual assault is located in the criminal code at 720 ILCS 5/12-14.1. The statute provides that an offender must be sentenced to prison from 6 to 30 years. If the offender uses a firearm in the commission of the offense, an extended term of 15, 20, or 50 years may be added. The offender may also be sentenced to natural life. A second offense of predatory criminal sexual assault has a mandatory life sentence.

Predatory criminal sexual assault consists of the following elements:

- Sexual penetration where the accused was 17 years of age or older and the victim was 12 years of age or younger. This is the minimum 6 to 30 years prison Class X felony of predatory criminal sexual assault.

The crime of predatory criminal sexual assault also occurs where there was sexual penetration and the accused was 17 years of age or older, and the victim was 12 years of age or younger and, in addition, the defendant carried a firearm, discharged a firearm, or caused great bodily harm to the victim that resulted in permanent disability or life threatening injury, or delivered a controlled substance to the victim.

### **Criminal Sexual Abuse**

Criminal sexual abuse is the only sex crime on the books in Illinois for which the offense can be a Class A misdemeanor. The way it is written, the crime of criminal sexual abuse can be either a felony or a misdemeanor, depending on the circumstances. But even where the offender is found guilty of a misdemeanor, he will still be required to register as a sex offender if found guilty.

Criminal sexual abuse is established in the criminal code at 720 ILCS 5/12-15. The statute provides that a person is guilty of a Class 4 felony where he commits sexual conduct in conjunction with either

one of the following: a) force or threat of force; or b) the victim was unable to understand the nature of the act or to give knowing consent.

A Class 4 felony has a sentencing range of 1 to 3 years in the Illinois Department of Corrections. A Class 4 felony is probationable. Therefore, the judge is authorized to sentence the defendant to probation as opposed to incarceration in either the county jail or state prison system.

A second or subsequent offense of criminal sexual abuse under the scenarios described previously is a Class 2 felony with a potential penalty of 3 to 7 years prison. A second or subsequent offense with those facts is also probationable.

A person is guilty of a misdemeanor offense of criminal sexual abuse where the person commits sexual conduct or penetration under any one of the following scenarios:

- The victim was age 9 through 16, and the accused was under 17 years of age.
- The victim was age 13 through 16, and the accused was 17 years of age or older, but not 5 years older than the victim.

The maximum penalty for a misdemeanor offense in Illinois is up to one year in jail. That time would be subject to reduction for good behavior (50 percent).

It is a defense to the crime of criminal sexual abuse that the offender reasonably believed the victim was at least 17 years old.

Recently, the state legislature considered a bill which would provide an exception to the sex offender registration requirement for people who are convicted of criminal sexual abuse and later marry the victim. This law, called the Romeo and Juliet law, would have exempted defendants who were found guilty of criminal sexual abuse where they later married the victim of the crime. The bill was defeated in the legislature, and as of 2012, Illinois has no Romeo and Juliet law.

### **Aggravated Criminal Sexual Abuse**

Whereas criminal sexual abuse can be a Class A misdemeanor offense under certain circumstances, aggravated criminal sexual abuse is a felony. The law says that a defendant would be guilty of a Class 2 felony and faces 3 to 7 years in the Illinois Department of Corrections. The offense is codified at 720 ILCS 5/12-16.

The statute provides that a person is guilty of aggravated criminal sexual abuse if he commits criminal sexual abuse and any one of the following circumstances is present:

- The defendant used a dangerous weapon.
- The defendant caused bodily harm.
- The victim was 60 years old or older.
- The victim was physically handicapped.
- The defendant threatened the life of the victim or another person.
- The defendant committed another felony.
- The accused drug the victim with any controlled substance.

A person would be guilty of aggravated criminal sexual abuse if he commits sexual conduct and any one of the following scenarios is present:

- The victim was 17 years of age or under, and the accused was a family member. (Note that this is the only scenario in which the age of consent is higher than normal.) For all other sex acts in Illinois, the age of consent is 17 years old. But where sexual conduct occurs between family members, the age of consent is 18 years old. Also note that the Code of Corrections provides a special sentencing provision for these cases. In these cases, the defendant must pay for counseling for the victim. The law defines a 'family member' as a parent, grandparent, step-parent, step-grandparent, child, step-child, aunt, uncle, great aunt, great uncle, or someone who lives with the family for 6 months.)
- The victim was 12 years old or younger and the accused was 17 years old or older.
- The victim was 13 through 16 years old, and the defendant, age 17, used force or threat of force.
- The victim was 8 years of age or younger, and the defendant was 17 years old or older.
- The victim was age 9 through 16 and the accused was 17 years old and used force or threat of force.
- The victim was severely or profoundly mentally retarded, and the defendant was any age.
- The victim was age 13 to 17 and the offender was 17 years old or older and held a position of trust, authority, or supervision in relation to the victim.

A person is guilty of aggravated criminal sexual abuse under one last scenario, where he or she commits an act of sexual penetration with the victim who is age 13 through 17 and the offender is 5 years older than the victim. Compare this to that misdemeanor offense of criminal sexual abuse, in which it would be a misdemeanor if the defendant were less than 5 years older.

It is an affirmative defense to the crime of aggravated criminal sexual abuse where the defendant reasonably believed that the victim was 17 years old.

And so, the foregoing is an overview of Illinois sex laws. As said, the constitutional protections for the defendant include the presumption of innocence, the prosecution's burden of proving the case beyond a reasonable doubt, the right to confront the accuser, the privilege against self-incrimination, and the right to a jury which must render a unanimous verdict. All these safeguards make every sex case winnable.

### **Procedures for Victims of Rape**

If a student or staff member is a victim of rape, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of rape report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of rape. The complaint should be filed as soon as possible after the occurrence of rape has taken place.



If a student or employee is a victim of rape, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will make available to the student the opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at 708-687-7800 or by e-mail at [studentservices@johnamco.com](mailto:studentservices@johnamco.com) to request an accommodation.

### **Hearing Process**

If a student is alleged to having committed rape, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to rape and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.

A student found guilty of violating the school's rape policy could be criminally prosecuted in the state courts and may be placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of rape, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

## **Campus Security**

The school does not have individual campus security. All crimes are reported to the local police department for investigation and action on school premises or vicinity. We encourage all students and employees to timely report all crimes to the School Director/Campus Security Coordinator, who will promptly contact the local authorities to address the issue. Victims and witnesses are encouraged to report crimes, but it is solely on a voluntary basis. If you are a witness to the crime, contact 911 for immediate assistance, and, if you feel it is safe to intervene on behalf of the victim, do so in the presence of others, if possible, or call out to the perpetrator that you have contacted the police and indicate that they are on their way; do not put yourself in danger as well.

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking at this institution or off the school premises, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. In the event of a rape or sexual violence on campus:

- a. Remain calm.
- b. Calm the victim; notify the School Director/Campus Security Coordinator.
- c. Inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

If a victim chooses not to file a police report at the time of the incident, we recommend that the victim use a forensic nurse, who would conduct a forensic examination to preserve evidence in case the victim seeks to file criminal charges or obtain a restraining order at a later date. If the victim chooses to use a forensic examination, it does not require him or her to subsequently file a police report. Please contact the School Director/Campus Security Coordinator for information on where to obtain the services of a forensic nurse.

- d. The school encourages victims of sex offenses to seek professional counseling. The school will ensure that the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault, domestic violence, dating violence, stalking, and crisis intervention, as well as health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both in the school and the community. If you need to seek professional help or pastoral counselors after having been a victim of a rape, sexual assault, domestic violence, or dating violence, you can contact the School Director/Campus Security Coordinator or contact one of the following counseling centers:

**ASSOCIATED COUNSELING**

4500 W. 147<sup>th</sup> Street, Midlothian, IL 60445

**708-597-0032**

The school educates the student community about sexual assaults and date rape through mandatory orientation. The police department offers sexual assault education and informational programs to students and employees. Literature on date rape education, risk reduction, and the school's response are available through the School Director/Campus Security Coordinator.

All designated Campus Security Coordinators will go through the *Campus Safety and Security Reporting Training Module* in January each year to stay abreast of changes to the regulations.

Other interested individuals can access information about the crime report at:

[http://www2.ed.gov/campus-crime/HTML/cc\\_off/Contents.html](http://www2.ed.gov/campus-crime/HTML/cc_off/Contents.html)

**Updated: March 2022**

## ACKNOWLEDGEMENT OF STUDENTS/STAFF

I acknowledge that I have read and understand the policies and procedures explicated in this document titled: "Campus Safety and Security Policy" I also acknowledge that I accept the conditions and responsibilities outlined within this document.

Printed Name of Student / Employee: \_\_\_\_\_

Signature of Student/Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Administration: \_\_\_\_\_ Date: \_\_\_\_\_

*Please sign and date this form and return to  
Financial Aid Advisor for placement in your student/employee file*