

### **What is Sexual Assault, Domestic Violence, Dating Violence and Stalking?**

City Colleges of Chicago values the health and safety of every individual on campus and expects students and employees to treat other persons with respect and dignity. Any behavior which causes the sexual assault or abuse of another person will not be tolerated, is a violation of the college's policy and may result in sanctions ranging from probation to expulsion or dismissal. Disciplinary action on the part of the college does not preclude the possibility of criminal charges against the individual. In order for the college to deal more effectively with sex offenses, it is essential that these incidents be reported.

#### **Definitions**

The following definitions are helpful in understanding prohibited sex-based discrimination:

**Consent** is defined in Illinois as:

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

The law also states:

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

**Sexual Assault:** Means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

In Illinois:

“ a person commits criminal sexual assault if that person commits an act of sexual penetration and:

- (1) uses force or threat of force;
- (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
- (3) is a family member of the victim, and the victim is under 18 years of age; or
- (4) is 17 years of age or over and holds a position

of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

(720 ILCS 5/12-13)

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

In Illinois, domestic violence is defined as:

"physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis." (750 ILCS 60/103)

**Dating Violence:** Means violence committed by a person—

(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

In Illinois, dating violence is included under the Illinois Domestic Violence Act.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

In Illinois:

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

(1) fear for his or her safety or the safety of a third person; or

(2) suffer other emotional distress.

(a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or

(2) places that person in reasonable apprehension of

immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.

(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

(1) follows that same person or places that same person under surveillance; and

(2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

(720 ILCS 5/12-7.3)