

**RESILIENCE**  
EMPOWERING  
SURVIVORS  
ENDING SEXUAL  
VIOLENCE

# Resilience

Resilience is an independent, not-for-profit organization dedicated to the healing and empowerment of sexual assault survivors through non-judgmental crisis intervention counseling, individual and group counseling, and medical and legal advocacy in the greater Chicago metropolitan area. Resilience provides public education and institutional advocacy in order to improve the treatment of sexual assault survivors and to effect positive change in policies and public attitudes toward sexual assault.

[Ourresilience.org](http://Ourresilience.org)

# Resilience

**Founded 1974 by Dr. Natalie Stevens**

- **Volunteer-based**

## **Programs & Services**

- **Counseling**
- **Medical & Legal Advocacy**
- **Victims' Rights & Legal Support**
- **Education & Training**
- **Servicios en Español**

**Thanks to more than 200 volunteer medical advocates, we are able to ensure that victims who receive emergency treatment at our partnered hospitals, are never alone.**

# Content Warning



LET'S GET STARTED

**Accommodations for Survivors, Legal & Medical  
Options, The Law and Consent**

**Grissel Blackmon**  
*Senior Legal & Medical Advocate*

# Objectives

- ❖ Title IX/PSVHE
- ❖ Consent
- ❖ Legal options
- ❖ Medical options
- ❖ Practical Application of concepts



# Title IX

**“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”**

***Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)***

**Supplemented by:**

- **Court Cases**
- **Rules and Regulations**
- **Dear Colleague Letter**



# Title IX Regulations Are Limiting

- Jurisdictional issues
  - Sexual violence off campus is not covered by Title IX
  - Can only file complaint against someone who attends campus
- Definition of Sexual Harassment minimized
  - Severe, pervasive and objectively offensive
- Liability Standard raised
  - Schools can claim they weren't aware of the violence occurring
- Cross-examination by "representative"
  - Survivor could potentially get cross-examined by respondent/offender



# Student Conduct At Your Schools

Are your student conduct books:

- Inclusive?
- What is your definition of consent?
- Explore your school's definition of sexual harassment
- Explore the Preventing Sexual Violence in Higher Education Act (state law)

Student Conduct policies may provide other remedies that are available where Title IX lacks.

Have questions on **Student Conduct**? Contact Sarah Layden at:  
[Slayden@ourresilience.org](mailto:Slayden@ourresilience.org)

# PSVHE

## Preventing Sexual Violence in Higher Education Act

### Requirements:

- Reporting Options (electronic, confidential, & anonymous)
- Annual Training for Everyone
- Annual Reporting by Schools to AG's Office
- Comprehensive Policy
  - Consent Defined
  - Amnesty Provisions



# Consent Defined

- **Freely given agreement**
- **Manner of dress ≠ consent**
- **Consent to past activity ≠ consent to future activity**
- **Consent to one person ≠ consent to another person**
- **Consent can be withdrawn**
- **Consent requires that all parties understand the nature of the act**
- **Consent must be informed**
  - **Age**
  - **Knowing consent**
    - **Cognitive/Developmental Disability**
    - **Drug/Alcohol**
    - **Asleep / unconscious**

# Amnesty

- **Provides immunity for a student who reports SA/DV/stalking**
- **Survivor must not face disciplinary actions for a student conduct violation**
  - **Example: underage drinking, drinking on a dry campus, or “engaging in pre-marital sex”**
- **SB 3404 (P.A. 100-1087) Prohibits universities from expelling or punishing students who violate alcohol/drug no tolerance policies, if the violation is discovered because of a report of sexual assault**

# Confidential Advisor

- **Not “responsible employee” under Title IX**
  - **Confidentiality can be maintained**
  - **Title IX officer/advisor do not have to maintain confidentiality**
- **40 hour trained**
- **Info and options on reporting**
  - **Internal and Criminal Justice options**
- **Resources for support services on/off campus**
- **Info and options on protective orders**
- **Provide access to accommodations**

# Accommodations

## Interim protective measures and accommodations

- **Academic needs**
- **Housing**
- **Dining**
- **Transportation**
- **Campus employment**
- **Honoring Protective Orders issued the a State civil or criminal court**
  - **And other reasonable requests**





**What concerns would this student have if they chose report?**

**What needs do we hear that she may have?**

**What's the role of the confidential advisor?**



**I BELIEVE  
AND SUPPORT  
SURVIVORS**



Civil/Legal Options and Remedies

# Remedies

## Safety

### Protective Orders:

- ❖ Domestic Violence
- ❖ Sexual Assault
- ❖ Stalking
  
- ❖ File at 555 West Harrison or any courthouse
- ❖ No attorney needed. Ask for an advocate at the courthouse
- ❖ Must have name and address for service of respondent

## Housing

### Safe Homes Act:

- ❖ Request an emergency lock change
- ❖ Terminate lease without consequences, 60 days from incident
- ❖ Documentation will be required. Local rape crisis center can provide a letter

# Remedies

## Employment Rights

### Victims Economic Security and Safety Act:

- ❖ 4-12 *unpaid* weeks off of work protected by law
- ❖ Right to privacy and safety
- ❖ Documentation will be required. Local rape crisis center can provide a letter.

## Immigration

### U-VISA:

- ❖ Requires “collaboration” with law enforcement
- ❖ Incident within 7 days
- ❖ May achieve or extend legal documentation

### VAWA:

- ❖ May achieve legal documentation for a spouse or former spouse of a US citizen
- ❖ VAWA awaiting reauthorization

# Remedies

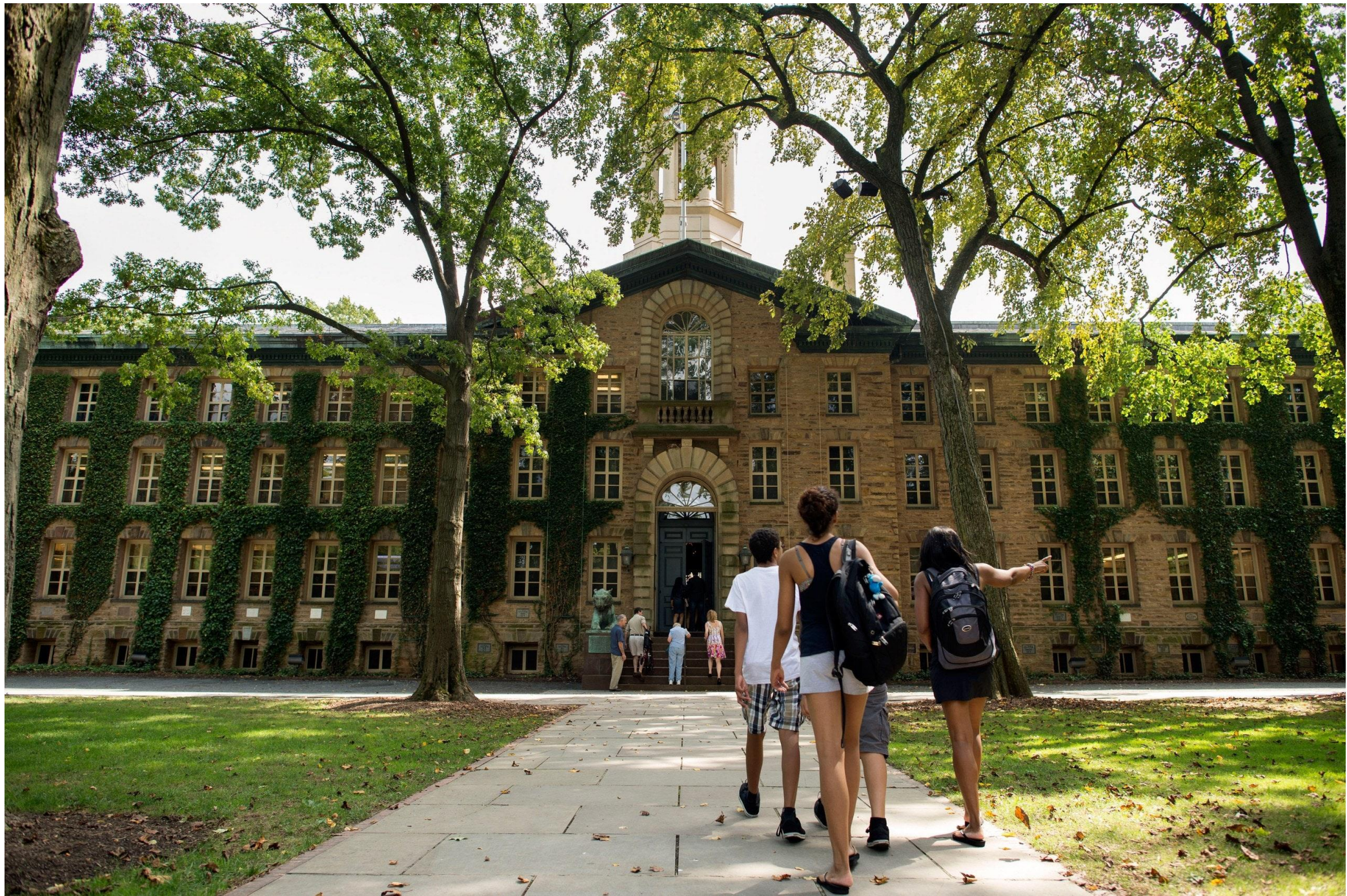
## Financial Damages

### **Illinois Gender Violence Act:**

- ❖ Allows a victim of SA/DV/Battery to bring forth litigation against the person who harmed them

### **Crime Victims Compensation:**

- ❖ Allows victims of certain violent crimes such as SA/DV/Battery to seek reimbursement by the state for costs that the victim accrued as a result of the crime



**What civil options are available to  
Noemi?**



## Criminal Justice/Legal Options

# Illinois Sex Crime Offenses

**SEXUAL CONDUCT or  
SEXUAL PENETRATION**

**+**

**FORCE/THREAT OF FORCE  
or Codified NON-  
CONSENSUAL ACTIVITY**

**=**

**Criminal Sexual Abuse or  
Criminal Sexual Assault**



# Criminal Sexual Abuse

(sexual conduct)

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

# Criminal Sexual Assault

## (sexual penetration)

- ❖ means any contact/intrusion however slight,
- ❖ between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person,
- ❖ including, but not limited to, cunnilingus, fellatio, or anal penetration.
- ❖ semen is not required to prove sexual penetration

# Sex Crime Offenses

SEXUAL CONDUCT or  
SEXUAL PENETRATION



FORCE/Threat of Force or  
Codified non-consensual  
activity

## Codified Non-Consensual Sexual Activity

- Under the influence of drugs or alcohol
- Minor (16 & under)
- Unable to understand the nature of the act(s)

# Other Criminal Offenses

## Stalking, 740 ILL. COMP. STAT. 21 / 10 (2010)

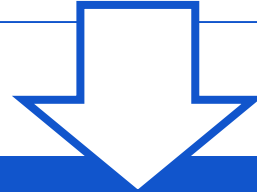
- ❖ Course of conduct directed at specific person
- ❖ Causes reasonable fear for their safety or emotional distress
- ❖ Or safety of third person

## Cyberstalking, 720 ILCS 5/12-7.5

- ❖ 2 separate occasions, harasses another person through the use of electronic communication
- ❖ knowingly and without lawful justification
- ❖ creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least **24 hours**

## Beat Officer

**Criminal Report is made and crime is classified**



## Detective

**Interviews all parties**

**Gathers Evidence**

**Conducts an investigation**

**Makes an arrest**

**Calls for Felony Review**



## Assistant State's Attorney

**Interviews all parties**

**Reviews investigative report**

- Determines whether to:**
- **Approve charges**
  - **Reject charges**
  - **Continue the Investigation**

Preliminary  
Hearing

Discovery

Trial

Sentencing



Most criminal cases are closed before the survivor ever sees a day in court.

Filing a report is not a guarantee that someone will be prosecuted, let alone convicted.

## OUT OF EVERY 1000 RAPES, 994 PERPETRATORS WILL WALK FREE

**310** are reported to police<sup>i</sup>



**57** reports lead to arrest<sup>ii</sup>



**11** cases get referred to prosecutors<sup>ii</sup>



**7** cases will lead to a felony conviction<sup>iii</sup>



**6** rapists will be incarcerated<sup>iii</sup>



# Statute of Limitations (SOL)

## Adult Victim

- **No SOL as of Jan.2020**
- **To pursue felony charges: 10 years (if reported within 3 years)**
- **\*\*NOT retroactive**

## Child Victim

- **After August 11, 2017 no statute of limitations**
- **\*\*NOT retroactive**



# Understanding Criminal vs Civil

	<b>CRIMINAL</b>	<b>CIVIL</b>
<b>Primary Tool</b>	Imprisonment	Protection/ Financial Consequences
<b>Parties</b>	“The State” Defendant	Survivor/Plaintiff/ Petitioner Perp/Respondent
<b>Control of Case</b>	Police/Prosecutor	Survivor & Lawyer
<b>Burden of Proof</b>	Beyond a Reasonable Doubt	Preponderance of the Evidence

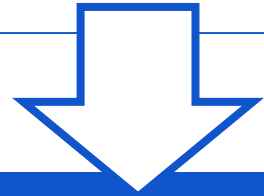
**If a student reports to law enforcement, what would be important for them to know?**



## Medical and Healthcare Options

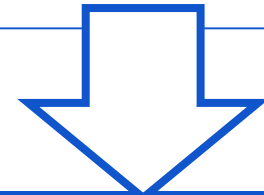
# Prioritized placement in a room

**Private room**



**Full Medical Exam & Treatment**

**Treatment for any injuries**



**Prophylaxis**

**Gonorrhea**

**Chlamydia**

**Trichomonas**

**Hepatitis B**

**HPV**

**Syphilis**

**Tetanus**



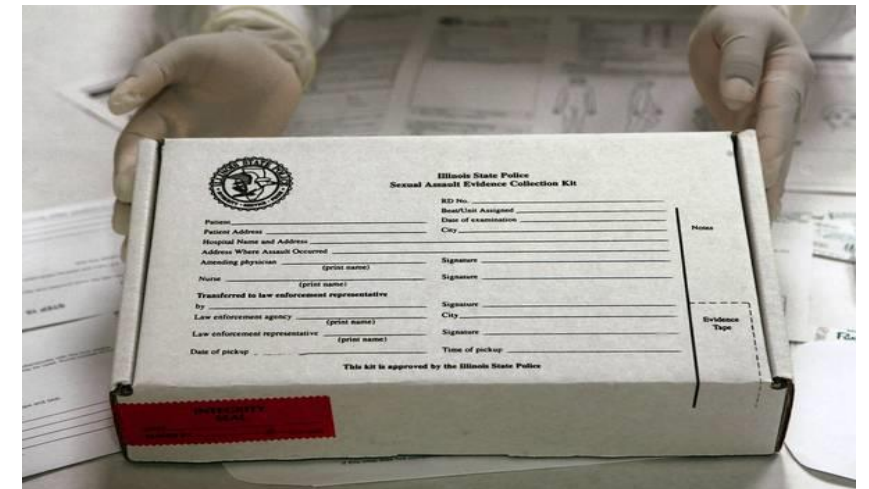
# Emergency Care in Illinois

- **PEP**
  - **Prophylaxis for HIV** (available within 72 hours of incident)
  - **Emergency Contraception** (available within 120 hours of incident)
  - **Follow up Care Voucher**
    - Good for 90 days for follow-up care

**No age requirement to access medical treatment.  
All treatment is free of cost to the patient.**

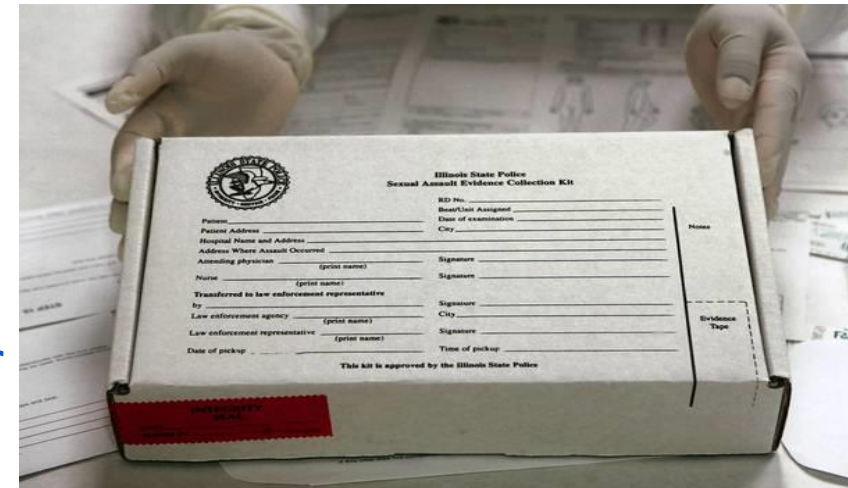
# Emergency Care and Criminal Justice

- Forensic Exam and Evidence Collection (7 days)
- Evidence Collection can be stored
  - 10 years for adult survivors
  - 10 years after 18<sup>th</sup> birthday for minors
- Toxicology (DFSA)
- Photo documentation\*
- Treatment initiated in **90 mins\***
- Patient's right to have advocate and **additional** support person



# Emergency Care and Reporting

- Option to file a police report
  - Reporting Options
    - Self Report
    - No Report
    - 3<sup>rd</sup> Party Reporting by Healthcare Provider
  
- Survivors with Warrants\*







**Are there any time sensitive concerns the student may want to discuss?**

**If a student expresses concerns around cost associated with medical treatment, how would you respond?**

## 24 – hour confidential support for students who've experienced sexual violence



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[www.ourresilience.org](http://www.ourresilience.org)

 @ ourresilience

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Trained advocates will provide information on options and support such as:

- Your rights as a student
- Reporting options
  - Law enforcement response
  - Medical response
- Protective Orders
- Employment or school-based advocacy
- Linkages to ongoing support such as therapy

**For services 24/7 call: 773-907-1062**

# Resilience

Grissel Blackmon

*Senior Legal & Medical Advocate*

**My email:**

[gblackmon@ourresilience.org](mailto:gblackmon@ourresilience.org)

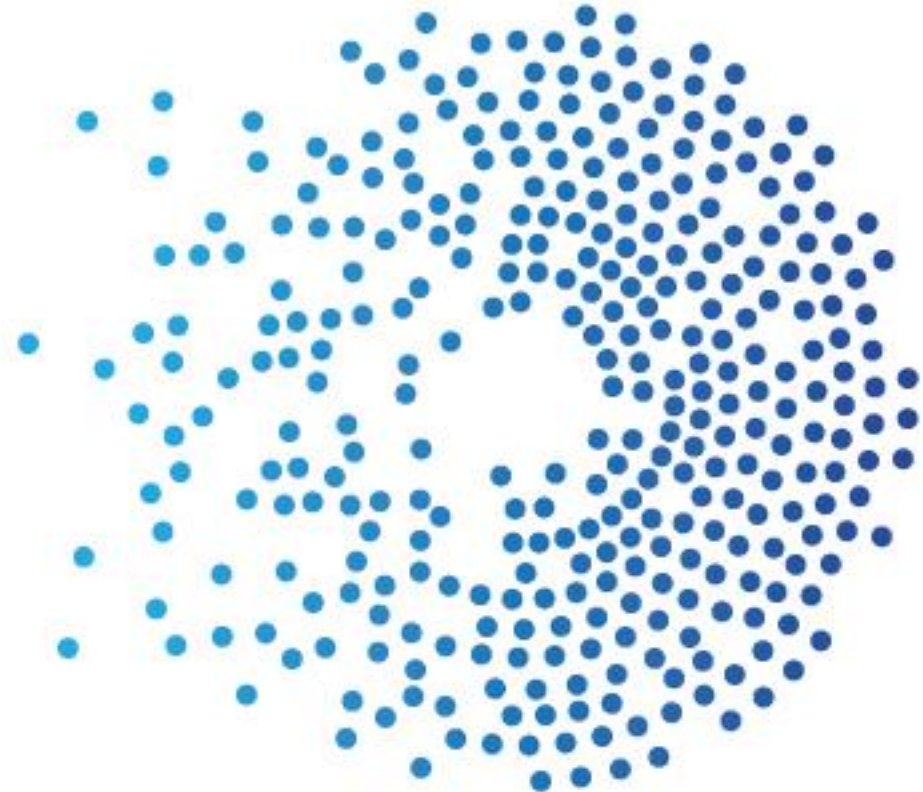
**Resilience Email:**

[Info@ourresilience.org](mailto:Info@ourresilience.org)

**Chicago Rape Crisis Hotline: 1-888-  
293-2080**

**Find your local crisis center**

[www.icasa.org](http://www.icasa.org)





Questions