

American Academy of Art College
Annual Security Report 2022
Sexual Misconduct Policy

ANNUAL DISCLOSURE OF CRIME STATISTICS

The office of the Academic Dean prepares an annual security report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The information is compiled from the Chicago Police Department and information reported to campus officials. The annual security report is available from the Academic Dean's office. An email with a link to the report is sent to all students, faculty and staff. The Academic Dean is responsible for the implementation of the security policies described in this report and the collection of crime reports.

The U.S. Department of Education requires that every school make a survey of certain crimes and arrests that occur on the school's property and in the surrounding area.

The results of this survey for the American Academy of Art College can be found on the Department of Education's Post Secondary Schools website: <http://ope.ed.gov/security/Index.aspx> A downloadable PDF version of the annual security report statistics is available here.

The survey results are also available in the Academic Dean's office.

TO REPORT A CRIME:

In an emergency, dial 9-1-1 for the Chicago Emergency Services. In non-emergency situations please contact one of the following people:

Duncan Webb, Academic Dean (312) 461 0600 Ext. 124 email, dwebb@aaart.edu
Ione Fitzgerald, Vice President (312) 461 0600 Ext. 143 email, ifitzgerald@aaart.edu
Marcia Thomas, Registrar (312) 461 0600 Ext. 134 email, mthomas@aaart.edu
Michele Stutts, Student Advising Coordinator (312) 461 0600 Ext. 156 email, mstutts@aaart.edu
Lindsay Sandbothe, Housing Coordinator, Confidential Advisor (312) 461 0600 Ext. 138 email
lsandbothe@aaart.edu

It is the policy of the American Academy of Art College that any incident which constitutes a crime under local, state or federal law may be reported to the police at the discretion of the president or his designee. Any activity that would constitute a felony crime must be reported to the appropriate law enforcement agency. Such crimes would include, but are not limited to, murder, forcible and non-forcible sex offenses, rape, robbery or aggravated assault.

The Academy also encourages voluntary reporting of suspected crimes by victims or witnesses. Each student can help other students by notifying the school of patterns of suspicious behavior or crimes. Community members including students, faculty and staff are encouraged to report all crimes and public safety related issues to an Academy staff member in a timely manner.

TIMELY WARNINGS

If the administration, in consultation with the Chicago Police Department, determines that there is an ongoing or continuing threat, a campus wide "timely warning" will be issued to students, faculty and staff through the Academy's email system and through campus announcements.

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Emergency Response and Evacuation Procedures

The Academy will immediately notify the campus community in the event and confirmation of an emergency situation.

The decision to notify the community will be based on a case by case basis and will be made by senior Academy personnel in consultation with law enforcement personnel when applicable. Senior Academy personnel responsible for issuing a notification include but are not limited to the President, Vice-president, Academic Dean and the Director of Admissions.

If an emergency incident requires the notification of the larger community, the information will be sent through the internet and local media sources.

The American Academy of Art College will test the emergency response and evacuation procedures annually. This test will be documented as part of the campus security report.

ACCESS POLICY

The campus is open 7:45am-7:00 pm Monday-Thursday and 7:45am-4:00pm on Fridays. The student entrance located on Van Buren Street is open from 7:45am to 3:00pm Monday through Friday. Students are required to use this entrance during these hours. Campus hours can be extended for special events or by written permission of the Academic Dean. Students may use the Michigan Avenue entrance and elevators after 3:00 pm. Access to campus is limited to Academy employees, students and invited guests. Visitors are required to enter through the 3rd floor entrance and sign in at the front desk.

CAMPUS POLICE AUTHORITY AND JURISDICTION

Criminal offenses are referred to the Chicago Police Department and state and federal agencies when necessary. The Academy does not maintain additional security personnel.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

Annually, informational programs are organized by the Co-Curricular Activities Coordinator for students and faculty. Additional materials regarding security and crime prevention are available through the student handbook and catalog. Students may direct questions to the Academic Dean.

OFF CAMPUS STUDENT ORGANIZATIONS

The Academy does not have any off-campus student organizations.

POLICY ON ALCOHOLIC BEVERAGES

The possession, sale or use of alcoholic beverages is prohibited on campus.

DRUG-FREE CAMPUS POLICY

It is the Academy's policy to maintain a drug-free campus. In addition to the Academy's conviction on this issue, we are also mandated to agree to enforce this policy in order to maintain eligibility with the U.S. Department of Education. All students are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or use of alcohol is prohibited on the Academy's premises. Controlled substances include the following non-prescription drugs:

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1. Narcotics; opium, heroin, morphine, and synthetic substitutes;
2. Depressants; chloral hydrate, barbiturates and methaqualones;
3. Stimulants; cocaine, its derivatives and amphetamines;
4. Hallucinogens; LSD, mescaline, PCP, peyote, psilocybin and MDMA;
5. Cannabis; marijuana and hashish.

Students are expected to be in a state of mental and physical competence while in school. Therefore, any student known to be using drugs or alcohol, even if the use occurs off-campus, will face disciplinary action up to and including dismissal. Students should also be aware that a misdemeanor or felony conviction for the use or sale of drugs could result in the loss of federal financial aid. Please see the Financial Services Office for more information on this subject.

As a condition of attendance, a student must:

1. Abide by the terms of this statement; and
2. Notify the Director of Financial Services of any criminal drug statute conviction no later than five (5) days after conviction.

Upon such notification, the American Academy of Art College must notify the U.S. Department of Education within ten (10) days and take one or more of the following actions with respect to the person so convicted:

1. Take appropriate action, up to and including termination or dismissal; and/or
2. Require such students to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

In addition to making a good faith effort to maintain a drug-free campus through implementation of all of the above, the American Academy of Art College has a drug-free awareness program.

For purposes of this statement, the drug-free campus consists of the following locations at 332 S. Michigan Ave, Chicago, IL.: All administrative offices, classrooms and studios, the gallery, the library, storage areas and bathrooms, all stairways, hallways, elevators, the Van Buren entrance and the lobby of the building, and the student housing facility.

The American Academy of Art College encourages any student who feels that he/she may have a problem with drugs or alcohol to seek treatment, counseling or rehabilitation. Students are encouraged to meet with the Registrar in strictest confidence for assistance in locating appropriate sources of help. The Academy will make every effort to work with any student who voluntarily seeks treatment to enable the student to complete the program of education.

EDUCATION PROGRAMS

The Co-Curricular Activities Coordinator organizes ongoing educational program including sexual assault prevention, drug and alcohol abuse education programs for students.

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LAW ENFORCEMENT INFORMATION REGARDING THE SEXUAL OFFENDER REGISTER

Information regarding registered sex offenders in the State of Illinois is available through the Chicago Police Department, Information Request Officer at the Research and Development Division, 3510 South Michigan Avenue, Chicago Illinois 60654 or through the Sex Offender Registry at <http://www.isp.state.il.us/sor/>.

SEXUAL MISCONDUCT AND SEXUAL ASSAULT POLICIES AND PROCEDURES

The Student Right-to-Know and Campus Security Act of 1990 (Clery Act), the Higher Education Amendments of 1992 and 1998, the Violent Crime Control and Law Enforcement Act of 1994 (Violence Against Women Act), Title IX, the Campus SaVE Act of 2013 and 110 ILCS 155/Preventing Sexual Violence in Higher Education Act require that colleges and universities provide information concerning programs to prevent sexual misconduct, sexual assault, domestic violence, dating violence and stalking, and the procedures that they will follow if an incident of sexual misconduct, sexual assault, domestic violence, dating violence or stalking has been reported.

POLICY STATEMENT

The American Academy of Art College does not discriminate on the basis of age, disability, national origin, religion, race, gender, or sexual orientation in the programs or activities it conducts. The Academy is committed to an environment that does not tolerate sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, stalking, or sexual misconduct. The policy applies to faculty, students, staff, and all individuals who provide goods and services to the Academy.

The Academy encourages anyone who has been subject to sexual assault, domestic violence, dating violence or stalking to seek appropriate treatment and to report the incident promptly to the police and/or Academy staff. Specific policies, methods for reporting and seeking treatment, and resources are described below.

CONFIDENTIALITY

The Academy will honor requests for confidentiality to the extent permitted by law. While all efforts will be made to protect the parties' privacy, confidentiality cannot be guaranteed when other members of the Academy community may be at risk or when the Academy has reason to believe a crime has been committed. In those cases, the Academy may be required to report information to law enforcement and/or investigate and take action on the basis of the facts it discovers. In addition, Academy faculty and staff may be required to share reports of sexual misconduct with their supervisors. Although the Academy seeks to maintain confidentiality, it is not possible to guarantee complete confidentiality. The Academy will not publicize the name of the victims nor does it include identifiable information in the campus security log and related reporting documents.

ROLE OF TITLE IX COORDINATOR

The Academy has a designated Title IX Coordinator to oversee its response to all reports of sexual misconduct and harassment, conduct training, and coordinate compliance with the mandates of Title IX. The Title IX

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Coordinator is knowledgeable and trained in the Academy's policies and procedures. The Title IX Coordinator is available to meet with any individual to discuss the options for resolving a report under this policy.

American Academy of Art College's Title IX Coordinator:

Ione Fitzgerald
Vice President
312-461-0600 ext. 143
ifitzgerald@aaart.edu

RESOURCES/CONTACTS

If you are in immediate danger, call 911 for the Chicago Police Department.

The following persons may be contacted to initiate an investigation into an incident of sexual misconduct:

- Ione Fitzgerald, Title IX Coordinator/ Vice President, 312-461-0600 ext. 143, ifitzgerald@aaart.edu
- Duncan Webb, Academic Dean, 312-461-0600 ext.124, dwebb@aaart.edu
- Michelle Stutts, Student Advising Coordinator, 312-461-0600 ext. 156, mstutts@aaart.edu
- Marcia Thomas, Registrar, 312-461-0600 ext. 134, mthomas@aaart.edu
- Lindsay Sandbothe, Housing Coordinator, 312-461-0600 ext. 138, lsandbothe@aaart.edu

Those persons wishing to obtain confidential assistance without making a report to the Academy may do so by contacting Lindsay Sandbothe, Confidential Advisor (contact information above).

The following off-campus organizations provide strictly confidential assistance and additional resources: Survivors may obtain further information regarding available resources and services from community-based, state and federal sexual assault crisis centers. Contacts for such centers are as follows:

Resilience (formerly Rape Victim Advocates)
180 N. Michigan Ste. 600
Chicago, IL 60601
312.443.9603
<https://www.ourresilience.org/>

YWCA of Metropolitan Chicago Loop Women's Services
1 N. LaSalle Street Ste. 1700
Chicago, IL 60602
Hotline: (888) 293-2080
<https://ywcachicago.org/our-work/sexual-violence-support-services/>

Center on Halsted
3656 N. Halsted St
Chicago, IL 60613
773.472.6469
<http://www.centeronhalsted.org/>

YWCA Metropolitan Chicago Rape Crisis Hotline (Chicago RAINN affiliate)
Call 888-293-2080 in Chicago Metropolitan Area

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Call 630-971-3927 in DuPage County

Call 708-748-5672 in the South Suburbs

<https://ywcachicago.org/our-work/sexual-violence-support-services/rapecrisis/>

Illinois Coalition Against Sexual Assault (ICASA): 100 North 16th Street Springfield, IL 62703 (217) 753-4117 www.icasa.org

National Sexual Assault Hotline Rape, Abuse & Incest National Network (800) 656-HOPE(4673) www.rainn.org

Options For Immediate Emergency Assistance Following An Incident Of Sexual Violence

Individuals have multiple options for reporting Sexual Misconduct to the Academy depending on their preferences, comfort level, and confidentiality needs. Regardless of the manner in which an individual may elect to report – or not to report – to the Academy, individuals who have experienced any act of Sexual Violence – i.e. unwanted physical sexual acts such as rape, and/or need emergency assistance after an incident, shall first and foremost:

- A.) Get to a place of safety. Dial 911 for local Police, and;
- B.) Seek any necessary medical attention as soon as possible.
 - Downtown Chicago Hospitals include:
 - Northwestern Memorial Hospital (Emergency Department), 250 E. Erie St, Chicago, IL 60611 (312.926.5188)
 - Rush University Medical Center (Department of Emergency Medicine), 1653 W. Congress Parkway, Chicago, IL 60612 (312.942.5000)
 - Going to an Illinois hospital for medical care after an incident of Sexual Violence does not obligate an individual to file a report with the College or the police.
- C.) To maximize evidence collection:
 - Do not shower or change clothes. Try not to urinate if possible
 - If oral contact took place, do not smoke, eat, drink, or brush teeth.
 - If leaving from home, take extra clothes/shoes. If an individual is uncertain regarding how to respond, he or she should consider calling one of the advocates or resources listed in this Policy.

What to Expect at the Hospital

Seeking medical care is important, regardless of whether a victim of Sexual Violence chooses to report to the police or to the College. Medical attention may provide a physical exam, treatment and collection of any relevant evidence. The below section includes a summary of and general notes regarding the intake procedure for victims of Sexual Violence at many Chicagoland hospitals. Please note that the precise procedures at each medical center may vary.

The Emergency Room Exam

- A local hospital emergency room can provide immediate medical attention. The emergency room responds to both the physical trauma of the Sexual Violence and the process of collecting evidence in case an individual wishes to report to law enforcement. Rape victim advocacy services are also available at many Chicago hospitals to provide support and referrals.

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- Hospitals in Illinois are required to notify the local police department that treatment has been given to a sexual assault survivor. However, an individual is not required to file a police report.
- An individual may sign consent forms to allow the medical personnel to examine, treat, and administer medication, and to release information to the police. The nurse or advocate will explain the exam procedures and can be present throughout the exam.
- After an incident of Sexual Violence, the primary medical concerns are physical injuries, sexually transmitted infections and pregnancy. At the time of the examination, evidence can also be collected that can be used to prosecute the person(s) – through the College's grievance procedures and/or the criminal system – who participated in the Sexual Violence. If an individual wishes to have evidence collected, he or she should not bathe, douche or change clothes before the exam. This may destroy evidence. However, evidence may still be collected up to a week after a sexual assault. An individual may wish to bring a change of clothes when he or she goes to the emergency room, since clothing may be kept as evidence. A sweat suit or scrubs may also be provided.

Evidence Collection

- If an individual chooses, the hospital will conduct thorough and complete evidence collection using the Illinois State Police Evidence Collection Kit (the "rape kit"). The entire evidence collection process will be done only with his or her consent. The individual may decline any portion of the exam. There is no fee for having a rape kit done and the individual does not need to use his or her insurance. The rape kit does not contain any medication.
- Evidence may be collected even if the individual does not plan to report the attack to the police. If he or she decides at a later date that he or she would like to file a police report, this evidence will be available. Any evidence found during the exam may strengthen any resulting criminal court case should the individual decide to file a police report.
- Evidence collection includes taking samples of substances from the vagina, rectum, and mouth; combings of head and pubic hair; collecting material from beneath fingernails; and collection of any other physical evidence (e.g., saliva from bite marks). These samples will be used to detect the Respondent's DNA and any other debris from the Respondent or scene of the incident.
- The clothes the individual is wearing also may be sent to the crime lab, and may be kept as evidence until the case is closed. Photographs may be taken of bruises, cuts and other injuries that occurred during the assault. The photographs may be kept as evidence until the case is closed.

The Cost of Treatment

- The Sexual Assault Survivors Emergency Treatment Act (SASETA) will cover emergency room costs, including any medications received. The hospital should not bill for any treatment. If an advocate is present, he or she can answer any questions related to SASETA and will help to ensure that an individual is not charged for treatment.
- Under the Illinois Crime Victims Compensation Act (CVCA), victims of violent crimes who qualify can be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime.
- Sexually transmitted infections (STIs) such as chlamydia, gonorrhea, syphilis, herpes, and HIV can be transmitted during a sexual assault. An individual may not know that he or she has an STI until several weeks or months after it has been transmitted.
- If an individual is concerned about having an STI, discuss this with the doctor or nurse. He or she can give preventive medicine (antibiotics, HIV post-exposure prophylaxis) at the time of the exam. The individual should receive information on any medication given to him or her. An individual should make

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sure he or she knows the name, dosage, purpose and possible side effects of the drug. He or she should get the actual medicine, not just a prescription.

- Even if an individual receives preventive treatment, it is important to be tested for STIs two weeks after the attack, and again in six weeks. The individual should repeat HIV testing in 3 to 6 months. The College Student Health Center can test for most STIs and provide referrals for free and low-cost STI and HIV testing

PREGNANCY TESTING

- For women, there is a chance that pregnancy could result from a sexual assault. A test for pregnancy is recommended for all women of childbearing age who are sexually assaulted.
- An individual may request a pregnancy test at the time of the exam. However, a test at the time of the sexual assault will not show if she is pregnant from the assault. Follow-up testing is the most reliable way to determine whether an individual is pregnant.
- Having a late period does not necessarily mean someone is pregnant. Stress, tension and worry can cause a late period; this happens to many sexual assault survivors.
- Available contraceptives (ex. morning after pill) can be prescribed to prevent pregnancy after a sexual assault.

PROHIBITED CONDUCT

The American Academy of Art College prohibits the following forms of sexual misconduct:

- **Sexual Harassment**- Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature, without regard to whether the parties are of the same or different gender when: (i) submission to such conduct or communication is made, either explicitly or implicitly, a term or condition of an individual's employment, academic status, or participation in Academy activities, or is used as the basis for employment or academic decisions affecting the individual; or (ii) such conduct or communication has the purpose or effect of substantially interfering with the individual's work, academic performance, or housing; or of creating an intimidating, hostile, or offensive working or education environment. Examples of sexual harassment include (but not limited to):
 - o Pressure for a dating, romantic, or intimate relationship;
 - o Unwelcome touching, kissing, hugging, or massaging;
 - o Pressure for or forced sexual activity;
 - o Unnecessary references to parts of the body;
 - o Remarks about a person's gender or sexual orientation;
 - o Sexual innuendos or humor;
 - o Obscene gestures;
 - o Sexual graffiti, pictures, or posters;
 - o Sexually explicit profanity;
 - o Stalking or cyber bullying that is based on gender or sex; email, texting (sexting), and Internet use that violates this policy; or
 - o Sexual assault or violence.
- **Sexual Assault**- Sexual assault is a particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape, or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

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- o **Non-Consensual Sexual Contact** is any intentional sexual touching when consent is not present or force is used. This includes contact done directly, through clothing, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch, fondle, or contact oneself or someone.
- o **Non-Consensual Sexual Intercourse** is defined as any sexual intercourse, however slight, with any object or body part by a person or persons upon another person or persons, which is without consent and/or by force.

- **Domestic Violence**- a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

- **Dating Violence**- violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.

- **Sexual Exploitation**- Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, prostituting another person, non-consensual video or audio-taping of sexual activity, engaging in voyeurism, knowingly transmitting a STD to another without disclosing STD status, exposing one's genitals in non-consensual circumstances, and inducing another to expose their genitals. Sexually based stalking and/or bullying may also be forms of sexual exploitation.

- **Stalking**- a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

IMPORTANT DEFINITIONS

Consent- Consent is affirmative, knowing, and voluntary words or actions that create a mutually understandable and clear agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others engaged in the sexual activity. Silence, lack of protest or resistance, by themselves, cannot be interpreted as consent. A person's manner of dress does not constitute consent. Consent must be ongoing throughout the sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, by itself cannot be interpreted as consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent is not effectively given if it results from the use of force, threats, intimidation or coercion, or if a person is incapable of giving consent due to the use of drugs or alcohol, due to the person being asleep or unconscious, due to the person being under age or due to intellectual or other disability.

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All sexual interactions at the American Academy of Art College must be consensual. Consent means verbally asking and verbally giving or denying consent for all levels of sexual behavior. Non-consensual sexual behavior and sexual harassment are not tolerated at the American Academy of Art.

Intimidation- Intimidation is intentional behavior that "would cause a person of ordinary sensibilities" fear of injury or harm. It is not necessary to prove that the behavior was so violent as to cause terror or that the victim was actually frightened.

Incapacitation- the physical and/or mental inability to make informed rational judgments; States of incapacitation include, sleep, blackouts, intellectual, or other disability. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated.

The Academy encourages reporting of sexual misconduct and seeks to remove any barriers to a person making a report. As a result, a person who reports sexual misconduct will not be subject to disciplinary action by the Academy for their own use of alcohol or drugs at the time of the incident, provided that any such violation did not place the health or safety of any other person at risk.

Use of alcohol or drugs does not function as a defense for any behavior that violates this policy.

REPORTING INCIDENTS OF SEXUAL MISCONDUCT

Victims of sexual assault, domestic violence, dating violence, or stalking are encouraged to report these incidents to the police by dialing 911 or to seek immediate assistance by going to a local emergency room. Victims are also encouraged to report these incidents to a member of the Academy's staff who will provide support including a referral to Resilience (formerly Rape Victims Advocates). Filing a police report will not obligate the victim to prosecute. Filing a police report will ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim; provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, use the toilet or change clothing prior to a medical/legal exam); and assures the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

- A. Overview. The College encourages victims of Sexual Misconduct to report the offending behavior to individuals who can provide the desired level of support and assistance. Different Academy employees have different rights and obligations regarding information sharing. The Academy asks victims to talk to an individual identified in one more of the below groups.
 1. Responsible Employees: Victims who would like to initiate an investigation under the Grievance Procedures should report to a Responsible Employee. A Responsible Employee is a College employee who has the authority to redress Sexual Harassment, who has the duty to report incidents of Sexual Harassment, or who a student could reasonably believe has this authority or duty. Responsible Employees are required to report all the details of an incident (including the identities of both the victim and the Respondent) to the Title IX Coordinator. A report to a Responsible Employee serves as a formal complaint to the Academy of alleged Sexual Misconduct ("Complaint") and obligates the College to investigate the incident and to take appropriate steps to address the situation. Responsible Employees include, but are not limited to:

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- The Title IX Coordinator;
- All faculty members
- Staff members

When a victim or witness tells a Responsible Employee about an incident of Sexual Misconduct, the Academy will promptly take steps to investigate what has happened and to resolve the matter efficiently and equitably. Notice to Responsible Employees constitutes notice to the Academy. To the extent possible, the Academy will not share information reported to a Responsible Employee with individuals other than those handling the applicable report pursuant to this Policy. For example, when permissible under the law, a Responsible Employee will not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to such body. To the extent feasible, before a victim reveals any information to a Responsible Employee, the Responsible Employee shall endeavor to ensure that the victim understands the Responsible Employee's reporting obligations. A Responsible Employee shall neither encourage the victim to report formally, if the victim is not ready to do so, nor pressure the victim to request assistance from a different resource. If the victim communicates that he or she does not want to initiate a formal investigation, the Responsible Employee shall then direct the individual to a Non-Professional Counselor & Advocate or Confidential Employee. If the victim communicates that he or she wants to issue a Complaint with the Responsible Employee but has specific concerns regarding the information sharing rules of a formal investigation (explained in Student Grievance Procedures, the Responsible Employee shall document any concerns and explain that, while the College will consider all confidentiality requests, it may not be able to avoid certain disclosures during an investigation. The Responsible Employee shall forward any confidentiality requests to the Title IX Coordinator along with formal notice of the Complaint.

3. Confidential Advisor. Victims who may not be ready to report formally, but would still like information and support, may contact a Non-Professional Counselor or Advocate at the College. Generally, these employees are only required to report to the Coordinator that an incident occurred and do not have to reveal any personally identifying information. Disclosures to these employees, standing alone, will not initiate an investigation into an incident against the victim's wishes. Lindsay Sandbothe is the Confidential Advisor at the Academy. Ms. Sandbothe should report only the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which should not include any information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of Sexual Misconduct on and off campus. These individuals shall consult with the victim before reporting to the Title IX Coordinator to ensure that the report omits any personally-revealing details. The Confidential Advisor can serve as an advocate to the student; providing support and options for resources to guide further action. Also, the Confidential Advisor can help the student understand the Academy's complaint process. For further assistance, please contact Lindsay Sandbothe, Confidential Advisor (312) 461 0600 Ext. 138 email lsandbothe@aaart.edu

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Reminders For Reporting To Confidential Employees

A victim who speaks to a Non-Professional Counselor/Advocate should understand that, if he or she elects not to file a formal report with a Responsible Employee, the College may be limited in its efforts to investigate or to pursue disciplinary action against the alleged Respondent. Notwithstanding the above, these individuals can assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or courses schedules. A victim who at first speaks with a Confidential Advisor may later decide to file a Complaint with the College or to report the incident to local law enforcement. A Confidential Advisor shall provide the victim with assistance in formally reporting if the victim selects this route. It's important to remember that while Confidential Advisors will not share personally-identifying information with the Coordinator under this Policy, these employees may have reporting or other disclosure obligations in some circumstances under local, state, and/or federal law, including if the student threatens to harm themselves or others, or if there is potential danger to a minor or senior person.

The Role of Witnesses

Witnesses to Sexual Misconduct shall report the details of the offending behavior to a Responsible Employee so that the College may properly intervene, investigate, and – where necessary – impose interim and/or permanent measures to protect the victim. The College understands that witnesses to Sexual Misconduct may need support resources as well. Accordingly, such witnesses may seek confidential support from a Confidential Resource or a Non-professional Counselors & Advocate regarding how to address any effects from observing or otherwise becoming aware of such behavior. As explained previously, any retaliation against an individual who has reported Sexual Misconduct is a violation of this Policy.

Bystander- a bystander is someone other than the victim who is present when an act of sexual assault, domestic violence, dating violence, or stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, domestic violence, dating violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of bystander intervention include:

- not leaving an overly intoxicated person in a bar or party alone
- calling police when a potentially violent situation is unfolding
- not leaving an unconscious person alone

If you see a crime in progress, call 911 as soon as possible. If it is not safe to personally intervene, continue to describe the incident to the 911 operator and describe exactly what you are witnessing and the location of the crime. If it is safe to do so, yell in a loud voice that the police have been called and they are responding. You may also call for help in a loud voice to let the perpetrator know that someone is observing what is happening. Be careful not to put yourself in harm's way.

Although the Academy encourages all members of its community to report any incidents of sexual assault, domestic violence, dating violence and/or stalking to the police, it is the victim's choice whether to make a report, and victims can decline involvement with the police.

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Regardless of whether the student chooses to make a report to the police, the Academy will work with students to provide assistance (if these measures are requested and are reasonably available,) including, but not limited to: change in academic class schedule, change in on-campus working situation, assistance with change in housing situation including dining alternatives, assistance with transportation if applicable and no contact instruction if the alleged offender is a student, faculty, or staff member at the Academy. The Academy will, to the extent of the law, maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the Academy to provide the accommodations or protective measures.

Anonymous Reporting

An individual may report an incident without disclosing his/her name, identifying the respondent, or requesting any action. **Please note that choosing to make an anonymous report can significantly limit the ability of the Academy to respond.** This information will be used for statistical purposes as well as for enhancing understanding of our campus climate so that we may strengthen sexual misconduct response and prevention efforts.

ORDERS OF PROTECTION

Orders of protection also referred to as restraining orders are legal orders put in place by a judge that restrict or limit the amount of contact a person can have with another person. If a student has an order of protection, we ask that the student notify the Title IX Coordinator so we may have the order on record. The Academy will provide assistance to comply with the order of protection within the limits of the law.

RETALIATION

Retaliation exists when action is taken against a participant in the complaint process that adversely affects the individual's employment or academic status and is motivated in whole or in part by the individual's participation, or lack thereof, in the complaint process. Retaliation includes intimidation, threats, harassment, and other adverse action threatened or taken against any such complainant or third party.

The Academy will work to prevent retaliation and respond strongly if retaliation occurs. Individuals who use information gained through investigation of complaints or hearing proceedings to retaliate against another who has participated as a witness, complainant, or respondent will be subject to disciplinary action. Complainants and other hearing participants who experience such retaliation should file a report in writing to the Title IX Coordinator.

STUDENT GRIEVANCE PROCESS AND STUDENT DISCIPLINARY PROCEDURES

All complaints involving sexual assault, domestic violence, dating violence and stalking will be resolved under the following grievance process. This process is educational in nature and not a criminal proceeding. The grievance process may take place before, during, or after criminal and/or civil proceedings relating to the same event. If the American Academy of Art College knows of a possible incident of sexual misconduct through the filing of a

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complaint or other reliable information sources, it will conduct a prompt, thorough and impartial investigation and resolution. The Academy will complete the investigation and resolution of the complaint as promptly as possible. As a general matter, the Academy strives to complete its investigation and resolution of a complaint within 60 working days; however, the timeframe for resolution of any particular complaint will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs during school breaks, the time needed for investigation and resolution may exceed 60 days. Because timeframes for investigations vary, the Academy will provide the complainant and the alleged offender periodic written notice of the anticipated timeline and if applicable, the reasons for the delay.

Definitions:

- Disciplinary Authority- the individual who has the authority or delegated authority to impose discipline upon a particular employee, faculty member, or student.
- Working Days- those days when the administrative offices of the college are open.
- Complaint- a written allegation of sexual misconduct or retaliation that is made in writing in accordance with the Grievance Process.
- Respondent- the individual or organization filing a complaint.
- Parties- the complainant and the respondent. The victim may be treated as a party for the notice purposes if the victim is not the complainant.

Filing a Complaint

Individuals who would like to report sexual misconduct or file a complaint should ask the Title IX Coordinator to assist them. If an individual wishes to notify the college of possible sexual misconduct and pursues formal or informal resolution under these procedures, he or she must submit a written complaint. To help ensure a prompt and thorough investigation, complainants are encouraged to report the matter as soon after the incident as possible and to provide as much information as possible, including name of the involved individuals, date, time, and location of incident, and nature of the alleged incident. Complainants may also file a police report at any time in addition to filing a complaint under the Academy's grievance process.

Complaint Resolution- Informal Process

At the request of the complainant, the complaint may be resolved utilizing informal mechanisms such as mediation. A coordinator will facilitate any mediation under this procedure. The complainant may end an informal process at any time and begin the formal stage of the complaint process instead. There is no appeal from the results of an informal process. The informal resolution process is not appropriate if there is an allegation of sexual assault, domestic violence, dating violence or stalking.

Complaint Resolution - Formal Process

If the informal process is unsuccessful, if the Coordinator decides that the case is deemed not appropriate for the informal process, or if the complainant chooses not to pursue the informal process, a Coordinator will begin processing the complaint under this formal process. During the formal process, timely notice of a meeting at which the accuser or accused or both, may be present will be communicated by the Coordinator.

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- **Time Frame:** Full investigation and resolution of the complaint will generally be completed within 60 working days after the complaint is received. If specific timelines set forth in these procedures require extension due to the complexity of a case, the parties will be simultaneously notified by a Coordinator.
- **Assignment of Complaint:** Upon receipt of the complaint, a case file will be created. If the complaint is for sexual misconduct, the Title IX Coordinator will handle the proceedings.
- **Standard of Proof:** Complaints will be evaluated and resolved under a preponderance of the evidence standard.
- **Interim Measures:** The Coordinator will take any reasonable and necessary interim measures deemed necessary for the complainant, or other necessary remedial short-term actions. Examples of these interim measures include issuing a temporary restriction from all or some areas of campus, placing an employee on administrative leave with pay in consultation with the relevant member of staff, or modifications to a class schedule.
- **Initial Investigation:** The Coordinator will determine the identity and contact information of the complainant and conduct an immediate initial investigation to determine if there is reasonable basis to proceed. If there is insufficient evidence to proceed, the case will be closed with no further action and the complainant will be notified of the decision. If there is sufficient evidence to proceed, the Coordinator will then prepare and deliver written notice of investigation to the respondent. Where possible, the Coordinator will notify the victim and obtain the victim's consent before moving forward. Generally, the initial investigation will be completed within ten working days of receipt of a complaint.
- **Formal Investigation:** The Coordinator will appoint an investigator who will commence a prompt, thorough, reliable, and impartial investigation. The investigator will examine all relevant documents and interview all witnesses, including the complainant and respondent, who may be given notice of the allegations prior to or at the time of the interview. The investigator may interview other individuals with material information, including Academy employees, students, or other individuals identified by the parties. Any person may request to meet with the investigator and offer documentation, witnesses, or other materials relevant to the investigation. During the investigation and any subsequent hearing, the complainant and the respondent will have equal opportunities to present relevant witnesses and other evidence. The formal investigation will generally be concluded within fifteen working days.
- **Advisors:** Any party may choose to have an advisor, including an attorney, present during any meetings with the investigator or any subsequent hearing, if the party advises the Coordinator, investigator and/or Hearing Panel at least two working days prior to the date of the interview or hearing. Advisors may not actively participate in, or disrupt the interview or hearing. All parties are responsible for finding and paying for an advisor on their own if they wish to have one.
- **Findings:** At the conclusion of the formal investigation, the investigator will make a finding, based on a preponderance of the evidence, as to whether the respondent is responsible for violations of the American Academy of Art College's Sexual Misconduct Policy. If the investigator makes a finding of responsibility as to one or more charges, he or she will consult with the Coordinator and the appropriate disciplinary authority to craft a recommended sanction. Both parties will receive a written notification regarding the findings and sanction recommendations, if applicable, of the investigator within five working days after the completion of the investigator's report. Both parties will have an opportunity to accept or reject the recommended sanction and/or findings in whole or in part. If either the respondent or complainant rejects the investigator's recommended sanction and/or findings in whole or in part, he or she shall provide written notification to the Coordinator within five working days following receipt of the investigator's findings and sanction recommendations. Such written notification shall set forth the

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specific findings and/or sanction recommendations that are rejected. Findings and sanction recommendations not specifically rejected shall be deemed accepted.

- **Hearing:** If either party rejects the investigator's recommended sanction and/or findings in whole or in part, he or she is entitled to a hearing from the Hearing Panel. The Panel will determine whether, under the preponderance of evidence standard, the respondent was responsible for violating College policy or policies, whether the investigator's recommended sanction is appropriate and, if not, recommend an alternative sanction after consultation with the Coordinator and the appropriate disciplinary authority. The hearing shall be concluded within fifteen working days following the Coordinator's receipt of the parties' written notification set forth in the above paragraph.
 - The Hearing Panel's proceedings will be facilitated by the Title IX Coordinator, a Deputy Title IX Coordinator, or another qualified member of staff. The facilitator will appoint a hearing panel based on availability. Any real or perceived conflict of interest by a hearing panel member will be disclosed to the parties prior to the hearing.
 - The hearing panel consists of three members, drawn from the American Academy of Art College who are trained to conduct hearings in a fair and impartial manner. The Committee will review written information provided by an investigator and conduct hearings to determine responsibility for allegations of discrimination and/or sexual misconduct. The panel will maintain the confidentiality of proceedings and the information obtained in those proceedings. After the members of the panel are finalized, they will select one member to serve as Chair.
 - The hearing is not a formal court proceeding, and rules of process, procedure, and evidence as established and applied in the civil or criminal justice system do not apply.
 - The findings of the formal investigation will be admitted, but are not binding on the Panel. The investigator and the parties may give additional information to the Panel.
 - The parties will have equal opportunities to present relevant witnesses and other evidence to the Panel.
 - For sexual misconduct complaints, whether the alleged victim is serving as a complainant or witness, "alternative testimony options" will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify outside the physical presence of the respondent, such as by telephone or other electronic means.
 - The parties may not question or cross-examine each other directly.
 - The past sexual history or sexual character of a party will not be admissible by the other party in a sexual misconduct investigation or hearing unless such information is determined to be highly relevant by the Chair of the Panel.
 - The Panel has final fact finding authority with regard to formal complaints and will issue its decision in writing.
 - If the parties appeal both the investigator's finding and the recommended sanction, the Panel will first hear evidence relevant to whether, under the preponderance of evidence standard, the respondent is responsible for violating the policies. If the Hearing Panel issues a finding of responsibility, it will then hear evidence relevant to the appropriate sanction (such as an impact statement of the complainant as well as mitigating factors from the respondent), and make sanction recommendations and/or other appropriate remedies, after consultation with the Coordinator and the appropriate disciplinary authority.
 - Within five working days following the conclusion of the hearing, the Coordinator will provide written notice simultaneously to both parties of the Panel's finding and recommended sanction,

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- if applicable, the basis for any decision or recommended sanction, the appeal procedures, and when the result becomes final.
- o The American Academy of Art College will maintain documentation of all proceedings as required by law.
 - **Protective Measures and Remedies:** If the respondent is found responsible for sexual misconduct, or retaliation, protective measures and remedies for the victim might include, but are not limited to:
 - o Measures to ensure that the victim can move safely between classes and activities;
 - o Ensuring that the victim and respondent do not attend the same classes or work in the same office;
 - o Arranging for the victim to retake a course or withdraw from a class without academic or financial penalty; and
 - o Provide alternative housing options if applicable.
 - **Sanctions:** The American Academy of Art College may impose sanctions on students for behavior that, in the judgement of the Academy, contributes in any way to the disruption of the orderly course of educational processes at the institution, or violates the Academy's code of conduct including actions found to violate the sexual misconduct policy. The Academy may impose any one or more of these sanctions, or other sanctions without prior admonishment or warning, depending on the type of misconduct. In general, if a student has already been subjected to a sanction, any subsequent sanction will be more severe. These sanctions are defined as follows:
 - o Admonishment: An oral reprimand.
 - o Warning: a written reprimand.
 - o Probation (non-academic): a probationary status for a specified period of time, during which the student must demonstrate behavior in compliance with the Academy's policies and procedures. Additional restrictions or conditions may be imposed. Violations of the terms of probation or any other violations of Academy's policy, rules, or regulations during the period of probation may result in suspension or dismissal from the Academy.
 - o Suspension: Exclusion for a period of time from one or more classes, Academy premises, activities, events and/or any other privileges or activities set forth in the notice of suspension.
 - o Dismissal: Permanent separation of the student from the Academy and termination of student status and exclusion from the Academy's premises, privileges and activities.
 - o Revocation of Admission and/or Degree: Admission to or a degree awarded from the Academy may be revoked for fraud, misrepresentation or other violation of the Academy's standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - o Withholding Degree: The Academy may withhold awarding a degree otherwise earned until completion of all sanctions imposed, if any.

Appeals

Either party may appeal the hearing panel's decision by giving written notification to the Coordinator of the grounds for appeal within five (5) working days following receipt of the hearing panel's decision. Appeals will be shared with the other party. An informal process or investigation findings which have been accepted by the respondent may not be appealed.

- **Grounds for Appeal:** grounds for appeal are limited to:
 - o A procedural error occurred that significantly impacted the outcome of the hearing, or

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- o The discovery of new evidence, unavailable during the original hearing or investigation, which could substantially impact the original findings or sanction. A summary of this new evidence and its potential impact on the findings must be included.
- **Appeals Process.** If the coordinator determines that the appeal meets the limited grounds for appeal and is timely, the appeal will be given to the appeals authority; otherwise, any findings and sanctions of the hearing panel will stand. Sanctions imposed by the disciplinary authority will be in effect during the appeal, barring the disciplinary authority's decision to stay some part of a sanction. Stays of sanctions may only be granted in exigent circumstances. Graduation, internships, or study abroad do not in and of themselves constitute exigent circumstances.
- **Outcome.** The appeals authority's written decision on the appeal will be simultaneously provided to all parties within ten working days from receipt of the appeal. This decision is final. If the appeals authority determines that new evidence should be considered, it will return the complaint to the original hearing panel to reconsider in light of the new evidence only. The reconsideration of the Panel is not appealable. If the appeals authority determines that a material procedural or substantive error occurred, it may return the complaint to the original panel with instructions to reconvene to cure the error. Appeal hearings are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeal decisions are to defer to the original Panel, making changes to the findings only where there is clear error and to the sanction only if there is a compelling justification.

POLICY REVIEW & MODIFICATION. The Academy reserves the right to modify or amend this policy at any time. Any modifications shall not be retroactively applied to any pending investigations.

Education and prevention programs

EDUCATION PROGRAMING

The American Academy of Art College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; participating in the faculty orientation program; and presenting educational programs throughout the year.

Specifically, the Academy offers the following for new students during mandatory orientation and college success seminar course:

- Online training for all new students, faculty and staff. Annual training for all current students, faculty and staff.
- Handouts in new student orientation packets with bystander intervention tips and options for reporting sexual assault, dating violence, domestic violence and stalking.
- In-class presentation and discussion to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.
- Student advising will meet one-on-one with each new student and provide materials including pamphlets and information on procedures to follow if a crime of dating violence, domestic violence, sexual assault or staking has occurred.
- On-going informational programming through co-curricular activities, the library, student advising, and career services.

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Programming content includes:

The educational programs focus on primary prevention and awareness programs for all incoming students and new faculty and staff and ongoing awareness and prevention programs for students, faculty and staff and include the following:

- Identifying sexual assault, domestic violence, dating violence and stalking as prohibited by the American Academy of Art College's policies and state criminal law;
- Defines what behavior constitutes sexual assault, domestic violence, dating violence and stalking pursuant to the American Academy of Art College's policies and state criminal law;
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provide an overview of the information in this report.

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Campus Crime Statistics							
Category		On-Campus			Non-Campus/ Public Property		
		2019	2020	2021	2019	2020	2021
		Criminal Homicide by Type					
Murder/non-negligent		0	0	0	0	0	0
Negligent manslaughter		0	0	0	0	0	0
		Other Criminal Offenses					
Aggravated Assault		0	0	0	1	0	0
Robbery		0	0	0	6	2	3
Burglary		0	0	0	0	0	0
Motor Vehicle theft		0	0	0	1	2	2
Arson		0	0	0	0	0	0
Domestic Violence		0	0	0	2	2	0
Dating Violence		0	0	0	1	2	0
Stalking		0	0	0	0	0	1
		Forcible Sex Offences by Type					
Rape		0	0	0	1	0	0
Fondling		0	0	0	0	0	0
		Non-Forcible					

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		Sexual Offences by Type					
Incest		0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0
		Law Violations					
Liquor Law Violations		0	0	0	0	0	0
Drug Law Violations		0	0	0	1	0	0
Weapons Possession		0	0	0	0	3	3
		Arrests on Campus					
Liquor Law Violations		0	0	0	0	0	0
Drug Law Violations		0	0	0	0	0	0
Weapons Possession		0	0	0	0	0	0
		Hate Crimes					
Larceny-Theft		0	0	0	0	0	0
Simple Assault		0	0	0	0	0	0
Intimidation		0	0	0	0	0	0
Destruction/Damag e/Vandalism		0	0	0	0	0	0
Any other crime involving bodily injury		0	0	0	0	0	0
Unfounded crime		0	0	0	1	0	0
Hate crimes categories include: Real or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity,							

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disability.							
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