



Rep. Mary Beth Canty

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LRB104 08892 LNS 24803 a

1 AMENDMENT TO HOUSE BILL 3689

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3689 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Preventing Sexual Violence in Higher  
5 Education Act is amended by changing Sections 5, 10, 15, 20,  
6 25, and 30 and by adding Sections 50 and 55 as follows:

7 (110 ILCS 155/5)

8 Sec. 5. Definitions. In this Act:

9 "Awareness programming" means institutional action  
10 designed to communicate the prevalence of sexual violence,  
11 including without limitation training, poster and flyer  
12 campaigns, electronic communications, films, guest speakers,  
13 symposia, conferences, seminars, or panel discussions.

14 "Bystander intervention" includes without limitation the  
15 act of challenging the social norms that support, condone, or  
16 permit sexual violence.

1 "Complainant" means a student who files a complaint  
2 alleging violation of the comprehensive policy through the  
3 higher education institution's complaint resolution procedure.

4 "Comprehensive policy" means a policy created and  
5 implemented by a higher education institution to address  
6 student allegations of sexual violence, domestic violence,  
7 dating violence, and stalking.

8 "Confidential advisor" means a person who is employed or  
9 contracted by a higher education institution to provide  
10 emergency and ongoing support to student survivors of sexual  
11 violence with the training, duties, and responsibilities  
12 described in Section 20 of this Act. "Confidential advisor"  
13 does not include the advisor specific to a complaint  
14 resolution procedure.

15 "Dating violence" means any act of abuse committed by a  
16 person who is or has been in a romantic or intimate  
17 relationship with a survivor.

18 "Digital sexual harassment" means technology-facilitated  
19 abusive acts, based on sex, including the intentional or  
20 threatened dissemination of a private or intentionally  
21 digitally altered sexual image without the depicted  
22 individual's consent, as defined in the Civil Remedies for  
23 Nonconsensual Dissemination of Private Sexual Images Act.

24 "Domestic violence" means any act of abuse as defined in  
25 the Illinois Domestic Violence Act of 1986.

26 "Higher education institution" means a public university,

1 a public community college, or an independent, not-for-profit  
2 or for-profit higher education institution located in this  
3 State.

4 "Lack of capacity" means an inability to give knowing and  
5 affirming consent.

6 "Primary prevention programming" means institutional  
7 action and strategies intended to prevent sexual violence  
8 before it occurs by means of changing social norms and other  
9 approaches, including without limitation training, poster and  
10 flyer campaigns, electronic communications, films, guest  
11 speakers, symposia, conferences, seminars, or panel  
12 discussions.

13 "Respondent" means a student involved in the complaint  
14 resolution procedure who has been accused of violating a  
15 higher education institution's comprehensive policy.

16 "Retaliation" means intimidation, threats, coercion, or  
17 discrimination against any person by a higher education  
18 institution, a student, or an employee or other individual  
19 authorized by a higher education institution to provide aid, a  
20 benefit, or a service under a higher education institution's  
21 education program or activity or a third party acting on the  
22 employee's or other individual's behalf, for the purpose of  
23 interfering with any right or privilege secured by this Act or  
24 Title IX of the federal Education Amendments of 1972, because  
25 the person has reported information, made a complaint,  
26 testified, assisted, or participated or refused to participate

1 in any manner in an investigation, proceeding, or hearing,  
2 including in an informal resolution process.

3 "Sexual harassment" means unwelcome sex-based conduct by  
4 one student toward another student that is sufficiently  
5 serious that it substantially interferes with or limits the  
6 other student's ability to participate in or benefit from any  
7 program of the higher education institution. "Sexual  
8 harassment" includes digital sexual harassment.

9 "Sexual violence" means physical sexual acts attempted or  
10 perpetrated against a person's will or when a person is  
11 incapable of giving consent, including without limitation  
12 rape, sexual assault, sexual battery, sexual abuse, and sexual  
13 coercion.

14 "Stalking" means when an individual engages in a course of  
15 conduct directed at a specific person and when that individual  
16 knows or should know that this course of conduct would cause a  
17 reasonable person to fear for the person's safety, as defined  
18 in the Stalking No Contact Order Act. "Stalking" includes, but  
19 is not limited to, following a person, conducting surveillance  
20 of the person, appearing at the person's home, work, or school  
21 when not necessary to accomplish a purpose that is reasonable  
22 under the circumstances, making unwanted phone calls, sending  
23 unwanted emails, sending unwanted messages via social media,  
24 sending unwanted text messages, leaving objects for the  
25 person, vandalizing the person's property, injuring a pet, or  
26 using any electronic tracking system or acquiring tracking

1 information to determine the targeted person's location,  
2 movement, or travel patterns.

3 "Survivor" means a student who has self-identified as  
4 having experienced sexual violence, domestic violence, dating  
5 violence, ~~or~~ stalking, or sexual harassment, and the incident  
6 occurred while the survivor was ~~while~~ enrolled at a higher  
7 education institution.

8 "Survivor-centered" means a systematic focus on the needs  
9 and concerns of a survivor of sexual violence, domestic  
10 violence, dating violence, ~~or~~ stalking, or sexual harassment  
11 that (i) ensures the compassionate and sensitive delivery of  
12 services in a nonjudgmental manner; (ii) ensures an  
13 understanding of how trauma affects survivor behavior; (iii)  
14 maintains survivor safety, privacy, and, if possible,  
15 confidentiality; and (iv) recognizes that a survivor is not  
16 responsible for the sexual violence, domestic violence, dating  
17 violence, ~~or~~ stalking, or sexual harassment.

18 "Trauma-informed response" means a response involving an  
19 understanding of the complexities of sexual violence, domestic  
20 violence, dating violence, ~~or~~ stalking, or sexual harassment  
21 through training centered on the neurobiological impact of  
22 trauma, the influence of societal myths and stereotypes  
23 surrounding sexual violence, domestic violence, dating  
24 violence, ~~or~~ stalking, or sexual harassment, and understanding  
25 the behavior of perpetrators. "Trauma-informed response"  
26 includes empowering survivors to make their own decisions

1 regarding care, healing, supportive measures, and whether to  
2 report or engage with systems and then supporting those  
3 decisions.

4 "Unwelcome sex-based conduct" includes, but are not  
5 limited to, unwanted sexual advances, unwanted requests for  
6 sexual favors, and other unwanted verbal, nonverbal, or  
7 physical conduct of a sexual nature or related to a person's  
8 sex or sexual orientation.

9 (Source: P.A. 99-426, eff. 8-21-15.)

10 (110 ILCS 155/10)

11 Sec. 10. Comprehensive policy. All ~~On or before August 1,~~  
12 ~~2016,~~ all higher education institutions shall adopt a  
13 comprehensive policy concerning sexual violence, domestic  
14 violence, dating violence, ~~and~~ stalking, and sexual harassment  
15 consistent with governing federal and State law. The higher  
16 education institution's comprehensive policy shall include, at  
17 a minimum, all of the following components:

18 (1) A definition of consent that, at a minimum,  
19 recognizes that (i) consent is a freely given agreement to  
20 sexual activity, (ii) a person's lack of verbal or  
21 physical resistance or submission resulting from the use  
22 or threat of force does not constitute consent, (iii) a  
23 person's manner of dress does not constitute consent, (iv)  
24 a person's consent to past sexual activity does not  
25 constitute consent to future sexual activity, (v) a

1 person's consent to engage in sexual activity with one  
2 person does not constitute consent to engage in sexual  
3 activity with another, (vi) a person can withdraw consent  
4 at any time, and (vii) a person cannot consent to sexual  
5 activity if that person is unable to understand the nature  
6 of the activity or give knowing consent due to  
7 circumstances, including without limitation the following:

8 (A) the person exhibits a lack of capacity ~~is~~  
9 ~~incapacitated~~ due to the use or influence of alcohol  
10 or drugs;

11 (B) the person is asleep or unconscious;

12 (C) the person is under age; or

13 (D) the person exhibits a lack of capacity ~~is~~  
14 ~~incapacitated~~ due to a mental disability.

15 Nothing in this Section prevents a higher education  
16 institution from defining consent in a more demanding  
17 manner.

18 (2) Procedures that students of the higher education  
19 institution may follow if they choose to report an alleged  
20 violation of the comprehensive policy, regardless of where  
21 the incident of sexual violence, domestic violence, dating  
22 violence, ~~or~~ stalking, or sexual harassment occurred,  
23 including all of the following:

24 (A) Name and contact information for the Title IX  
25 coordinator, campus law enforcement or security, local  
26 law enforcement, and the community-based sexual

1 assault crisis center.

2 (B) The name, title, and contact information for  
3 confidential advisors and other confidential resources  
4 and a description of what confidential reporting  
5 means.

6 (C) Information regarding the various individuals,  
7 departments, or organizations to whom a student may  
8 report a violation of the comprehensive policy,  
9 specifying for each individual and entity (i) the  
10 extent of the individual's or entity's reporting  
11 obligation, (ii) the extent of the individual's or  
12 entity's ability to protect the student's privacy, and  
13 (iii) the extent of the individual's or entity's  
14 ability to have confidential communications with the  
15 student.

16 (D) An option for students to electronically  
17 report.

18 (E) An option for students to anonymously report.

19 (F) An option for students to confidentially  
20 report.

21 (G) An option for reports by third parties and  
22 bystanders. However, while third parties and  
23 bystanders may report, no complaint resolution  
24 procedure may begin unless the survivor agrees to  
25 proceed with a report.

26 (H) Information about how the higher education

1           institution protects individuals who report from  
2           retaliation.

3           (3) The higher education institution's procedure for  
4           responding to a report of an alleged incident of sexual  
5           violence, domestic violence, dating violence, ~~or~~ stalking,  
6           or sexual harassment, including without limitation (i)  
7           assisting and interviewing the survivor, (ii) identifying  
8           and locating witnesses, (iii) contacting and interviewing  
9           the respondent, (iv) contacting and cooperating with law  
10          enforcement, when applicable, ~~and~~ (v) providing  
11          information regarding the importance of preserving  
12          physical evidence of the sexual violence and the  
13          availability of a medical forensic examination at no  
14          charge to the survivor, and (vi) protecting the survivor  
15          from retaliation.

16          (4) A statement of the higher education institution's  
17          obligation to provide survivors with concise information,  
18          written in plain language, concerning the survivor's  
19          rights and options, upon receiving a report of an alleged  
20          violation of the comprehensive policy, as described in  
21          Section 15 of this Act.

22          (5) The name, address, and telephone number of the  
23          medical facility nearest to each campus of the higher  
24          education institution where a survivor may have a medical  
25          forensic examination completed at no cost to the survivor,  
26          pursuant to the Sexual Assault Survivors Emergency

1 Treatment Act.

2 (6) The name, telephone number, address, and website  
3 URL, if available, of community-based, State, and national  
4 sexual assault crisis centers.

5 (7) A statement notifying survivors of the interim  
6 protective measures and accommodations reasonably  
7 available from the higher education institution that a  
8 survivor may request in response to an alleged violation  
9 of the comprehensive policy, including without limitation  
10 changes to academic, living, dining, transportation, and  
11 working situations, obtaining and enforcing campus no  
12 contact orders, and honoring an order of protection or no  
13 contact order entered by a State civil or criminal court.

14 (8) The higher education institution's complaint  
15 resolution procedures if a student alleges violation of  
16 the comprehensive violence policy, including, at a  
17 minimum, the guidelines set forth in Section 25 of this  
18 Act.

19 (9) A statement of the range of sanctions the higher  
20 education institution may impose following the  
21 implementation of its complaint resolution procedures in  
22 response to an alleged violation of the comprehensive  
23 policy. Sanctions may include, but are not limited to,  
24 suspension, expulsion, or removal of the student found,  
25 after complaint resolution procedures, to be in violation  
26 of the comprehensive policy of the higher education

1 institution.

2 (10) A statement of the higher education institution's  
3 obligation to include an amnesty provision that provides  
4 immunity to any student who reports, in good faith, an  
5 alleged violation of the higher education institution's  
6 comprehensive policy to a responsible employee, as defined  
7 by federal law, so that the reporting student will not  
8 receive a disciplinary sanction by the institution for a  
9 student conduct violation, such as underage drinking or  
10 possession or use of a controlled substance, that is  
11 revealed in the course of such a report, unless the  
12 institution determines that the violation ~~was egregious,~~  
13 ~~including without limitation an action that~~ places the  
14 health or safety of any other person at significant or  
15 serious risk.

16 (11) A statement of the higher education institution's  
17 prohibition on retaliation against those who, in good  
18 faith, report or disclose an alleged violation of the  
19 comprehensive policy, file a complaint, or otherwise  
20 participate in the complaint resolution procedure and  
21 available sanctions for individuals who engage in  
22 retaliatory conduct.

23 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16;  
24 100-1087, eff. 1-1-19.)

25 (110 ILCS 155/15)

1           Sec. 15. Student notification of rights and options.

2           (a) Upon ~~On or before August 1, 2016, upon~~ being notified  
3 of an alleged violation of the comprehensive policy by or on  
4 behalf of a student, each higher education institution shall,  
5 at a minimum, provide the survivor, when identified, with a  
6 concise notification, written in plain language, of the  
7 survivor's rights and options, including without limitation:

8           (1) the survivor's right to report or not report the  
9 alleged incident to the higher education institution, law  
10 enforcement, or both, including information about the  
11 survivor's right to privacy and which reporting methods  
12 are confidential;

13           (2) the contact information for the higher education  
14 institution's Title IX coordinator or coordinators,  
15 confidential advisors, a community-based sexual assault  
16 crisis center, campus law enforcement, and local law  
17 enforcement;

18           (3) the survivor's right to request and receive  
19 assistance from campus authorities in notifying law  
20 enforcement;

21           (4) the survivor's ability to request interim  
22 protective measures and accommodations for survivors,  
23 including without limitation changes to academic, living,  
24 dining, working, and transportation situations, obtaining  
25 and enforcing a campus-issued order of protection or no  
26 contact order, if such protective measures and

1 accommodations are reasonably available, and an order of  
2 protection or no contact order in State court;

3 (5) the higher education institution's ability to  
4 provide assistance, upon the survivor's request, in  
5 accessing and navigating campus and local health and  
6 mental health services, counseling, and advocacy services;  
7 ~~and~~

8 (6) a summary of the higher education institution's  
9 complaint resolution procedures, under Section 25 of this  
10 Act, if the survivor reports a violation of the  
11 comprehensive policy; ~~and~~ -

12 (7) a summary of the higher education institution's  
13 process for protecting survivors from retaliation.

14 (b) Within 12 hours after receiving an electronic report  
15 or by the next business day for other reports, the higher  
16 education institution shall respond to the ~~electronic~~  
17 reporter. If the reporter is not the survivor, the higher  
18 education institution shall also contact the survivor, if  
19 known, by the next business day following receipt of the  
20 report. The response to the reporter and survivor ~~and~~, at a  
21 minimum, must provide the information described in  
22 subdivisions (1) through (7) ~~(6)~~ of subsection (a) of this  
23 Section and a list of available resources. The higher  
24 education institution may choose the manner in which it  
25 responds including, but not limited to, through verbal or  
26 electronic communication. Nothing in this subsection (b)

1 limits a higher education institution's obligations under  
2 subsection (a) of this Section.

3 (Source: P.A. 99-426, eff. 8-21-15.)

4 (110 ILCS 155/20)

5 Sec. 20. Confidential advisor.

6 (a) Each higher education institution shall provide  
7 students with access to confidential advisors to provide  
8 emergency and ongoing support to survivors of sexual violence.

9 (b) The confidential advisors may not be individuals on  
10 campus who are designated as responsible employees under Title  
11 IX of the federal Education Amendments of 1972. Nothing in  
12 this Section precludes a higher education institution from  
13 partnering with a community-based sexual assault crisis center  
14 to provide confidential advisors.

15 (b-5) A confidential advisor is separate from the advisor  
16 specific to a complaint resolution procedure unless a  
17 complainant chooses to have the confidential advisor serve as  
18 the advisor specific to the complaint resolution procedure.  
19 Unless prohibited by Title IX of the federal Education  
20 Amendments of 1972 or other federal law, complainants have a  
21 right to have both a support person, which may be the  
22 confidential advisor if the person so chooses, and an advisor  
23 specific to the complaint resolution procedure at any meeting  
24 or proceeding related to an alleged violation of the  
25 comprehensive policy or under Title IX of the federal

1 Education Amendments of 1972. The higher education institution  
2 must not require or appoint the confidential advisor to serve  
3 as the survivor's complaint resolution procedure advisor.

4 (c) All confidential advisors shall receive 40 hours of  
5 training on sexual violence, if they have not already  
6 completed this 40-hour training, before being designated a  
7 confidential advisor and shall attend a minimum of 6 hours of  
8 ongoing education training annually on issues related to  
9 sexual violence to remain a confidential advisor. Confidential  
10 advisors shall also receive periodic training on the campus  
11 administrative processes, interim protective measures and  
12 accommodations, and complaint resolution procedures.

13 (d) In the course of working with a survivor, each  
14 confidential advisor shall, at a minimum, do all of the  
15 following:

16 (1) Inform the survivor of the survivor's choice of  
17 possible next steps regarding the survivor's reporting  
18 options and possible outcomes, including without  
19 limitation reporting pursuant to the higher education  
20 institution's comprehensive policy and notifying local law  
21 enforcement.

22 (2) Notify the survivor of resources and services for  
23 survivors of sexual violence, including, but not limited  
24 to, student services available on campus and through  
25 community-based resources, including without limitation  
26 sexual assault crisis centers, medical treatment

1 facilities, counseling services, legal resources, medical  
2 forensic services, and mental health services. A  
3 confidential advisor must inform the survivor if  
4 requesting or receiving certain resources or services that  
5 may affect confidentiality.

6 (3) Inform the survivor of the survivor's rights and  
7 the higher education institution's responsibilities  
8 regarding orders of protection, no contact orders, or  
9 similar lawful orders issued by the higher education  
10 institution or a criminal or civil court.

11 (4) Provide confidential services to and have  
12 privileged, confidential communications with survivors of  
13 sexual violence in accordance with Section 8-804 of the  
14 Code of Civil Procedure.

15 (5) Upon the survivor's request and as appropriate,  
16 liaise with campus officials, community-based sexual  
17 assault crisis centers, or local law enforcement and, if  
18 requested, assist the survivor with contacting and  
19 reporting to campus officials, campus law enforcement, or  
20 local law enforcement. A confidential advisor must inform  
21 the survivor if requesting or receiving certain resources  
22 or services that may affect confidentiality.

23 (6) Upon the survivor's request, liaise with the  
24 necessary campus authorities to secure interim protective  
25 measures and accommodations for the survivor.

26 (7) Upon the survivor's request, liaise with the

1       necessary campus authorities to assist the survivor in  
2       responding to and advocating against any retaliation by  
3       the respondent or any other individual, including agents  
4       of the higher education institution.

5       (Source: P.A. 99-426, eff. 8-21-15.)

6           (110 ILCS 155/25)

7           Sec. 25. Complaint resolution procedures.

8           (a) On or before August 1, 2016, each campus of a higher  
9       education institution shall adopt one procedure to resolve  
10      complaints of alleged student violations of the comprehensive  
11      policy.

12          (b) For each campus, a higher education institution's  
13      complaint resolution procedures for allegations of student  
14      violation of the comprehensive policy shall provide, at a  
15      minimum, all of the following:

16           (1) Complainants alleging student violation of the  
17      comprehensive policy shall have the right to have  
18      ~~opportunity to request that~~ the complaint resolution  
19      procedure begin promptly and be completed within 120 days  
20      after the complaint was received by the higher education  
21      institution. A reasonable extension of this timeframe is  
22      allowed on a case-by-case basis for good cause, with  
23      notice to the parties that includes the reason for the  
24      delay. Written notification must be provided to a  
25      complainant and the respondent if the complaint resolution

1 procedure extends beyond 120 days. A complainant shall  
2 have a right to the consideration of any additional  
3 accommodations that may be necessary due to a delay in the  
4 complaint resolution procedure ~~proceed in a timely manner.~~

5 (2) The higher education institution shall determine  
6 the individuals who will resolve complaints of alleged  
7 student violations of the comprehensive policy.

8 (3) All individuals whose duties include resolution of  
9 complaints of student violations of the comprehensive  
10 policy shall receive a minimum of 8 to 10 hours of annual  
11 training on issues related to sexual violence, domestic  
12 violence, dating violence, ~~and~~ stalking, and sexual  
13 harassment and how to conduct the higher education  
14 institution's complaint resolution procedures, in addition  
15 to the annual training required for employees as provided  
16 in subsection (c) of Section 30 of this Act. The initial  
17 training must be completed prior to such individuals  
18 participating in the investigation of and resolution of  
19 complaints.

20 (4) The higher education institution shall have a  
21 sufficient number of individuals trained to resolve  
22 complaints so that (i) a substitution can occur in the  
23 case of a conflict of interest or recusal and (ii) an  
24 individual or individuals with no prior involvement in the  
25 initial determination or finding hear any appeal brought  
26 by a party.

1           (5) The individual or individuals resolving a  
2 complaint shall use a preponderance of the evidence  
3 standard to determine whether the alleged violation of the  
4 comprehensive policy occurred.

5           (6) The complainant and respondent shall (i) receive  
6 notice of the individual or individuals with authority to  
7 make a finding or impose a sanction in their proceeding  
8 before the individual or individuals initiate contact with  
9 either party and (ii) have the opportunity to request a  
10 substitution if the participation of an individual with  
11 authority to make a finding or impose a sanction poses a  
12 conflict of interest.

13           (7) The higher education institution shall have a  
14 procedure to determine interim protective measures and  
15 accommodations available pending the resolution of the  
16 complaint. Such interim protective measures must not be  
17 overly burdensome to the survivor or result in excluding  
18 the survivor from participation in, denying the survivor  
19 the benefits of, or subjecting the survivor to  
20 discrimination under any education program or activity or  
21 otherwise interfere with any right or privilege secured by  
22 this Act or Title IX of the federal Education Amendments  
23 of 1972.

24           Interim and supportive measures may burden the  
25 respondent, but must not be overly burdensome in that they  
26 deny the respondent access to the respondent's education.

1 Nothing in this Section prohibits a higher education  
2 institution from following its emergency removal process.

3 The higher education institution shall bear the cost  
4 of reasonable interim accommodations. The higher education  
5 institution shall have a procedure for providing  
6 reasonable interim protective measures and accommodations  
7 to all students who report sexual violence, domestic  
8 violence, dating violence, stalking, and sexual  
9 harassment. Such measures and accommodations shall be  
10 available even if a student does not file a formal  
11 complaint, the student's complaint is dismissed, or there  
12 is no finding of responsibility in the complaint  
13 resolution procedure. These measures and accommodations  
14 may include, but are not limited to, counseling;  
15 extensions of deadlines and other course-related  
16 adjustments; campus escort services; increased security  
17 and monitoring of certain areas of the campus; campus no  
18 contact orders and honoring protective orders entered by a  
19 State civil or criminal court; leaves of absence to seek  
20 medical care, legal assistance, counseling, safety  
21 planning, or other assistance without penalty from the  
22 higher education institution; excused absences to attend,  
23 participate in, or prepare for a court proceeding;  
24 training and education programs related to sexual  
25 violence, domestic violence, dating violence, stalking, or  
26 sexual harassment; and changes in a class, work, housing,

1       or an extracurricular or any other activity. A higher  
2       education institution must make a good faith effort to  
3       accommodate requests for interim protective measures and  
4       accommodations. If the higher education institution cannot  
5       grant a survivor's request and a comparable alternative is  
6       not available, the higher education institution must  
7       consider whether there are any other reasonably available  
8       options that could support the survivor or meet the  
9       survivor's needs and offer those options to the survivor.

10       (8) Any proceeding, meeting, or hearing held to  
11       resolve complaints of alleged student violations of the  
12       comprehensive policy shall protect the privacy of the  
13       participating parties and witnesses.

14       (9) The complainant, regardless of this person's level  
15       of involvement in the complaint resolution procedure, and  
16       the respondent shall have the opportunity to provide or  
17       present evidence and witnesses on their behalf during the  
18       complaint resolution procedure.

19       (9.5) The higher education institution may not  
20       distribute any evidence that includes a private or  
21       intentionally digitally altered sexual image by physical  
22       or electronic means, except as legally required by a  
23       subpoena or court order or as requested by the  
24       complainant. The complainant, the respondent, and each  
25       party's advisor shall have the opportunity to view  
26       physical or electronic copies of any private or

1 intentionally digitally altered sexual image evidence in  
2 person in a higher education institution office and only  
3 in the presence of an individual resolving the complaint.  
4 If either party is unable to view this evidence in person,  
5 that party and that party's advisor may view it  
6 temporarily via an electronic procedure established by the  
7 higher education institution that ensures confidentiality.  
8 Each party and each party's advisor must not create  
9 physical or electronic copies of private or intentionally  
10 digitally altered sexual image evidence. All private or  
11 intentionally digitally altered sexual image evidence must  
12 be kept in the strictest of confidence by the higher  
13 education institution and its employees during and after  
14 the completion of the complaint resolution procedure, and  
15 evidence shall be retained as required under the federal  
16 Educational Rights and Privacy Act of 1974.

17 (10) The complainant, ~~and~~ the respondent, and each  
18 party's complaint resolution procedure advisor, may not  
19 directly question the other party ~~cross-examine one~~  
20 ~~another,~~ but may, at the discretion and direction of the  
21 individual or individuals resolving the complaint, suggest  
22 questions to be posed to the party by the individual or  
23 individuals resolving the complaint ~~and respond to the~~  
24 ~~other party.~~ This prohibition does not apply to any  
25 complaint resolution procedure that involves a complaint  
26 that the higher education institution is obligated to

1 address under Title IX of the federal Education Amendments  
2 of 1972 if, at the time of the complaint resolution  
3 procedure, Title IX rules require cross examination by the  
4 parties' advisors.

5 (11) Both parties may request and must be allowed to  
6 have an advisor of their choice accompany them to any  
7 meeting or proceeding related to an alleged violation of  
8 the comprehensive policy, provided that the involvement of  
9 the advisor does not result in undue delay of the meeting  
10 or proceeding. The advisor must comply with any rules in  
11 the higher education institution's complaint resolution  
12 procedure regarding the advisor's role. If the advisor  
13 violates the rules or engages in behavior or advocacy that  
14 harasses, abuses, or intimidates either party, a witness,  
15 or an individual resolving the complaint, that advisor may  
16 be prohibited from further participation. An advisor  
17 specific to the complaint resolution procedure is separate  
18 from a confidential advisor.

19 (12) The complainant and the respondent may not be  
20 compelled to testify, if the complaint resolution  
21 procedure involves a hearing, in the presence of the other  
22 party. If a party invokes this right, the higher education  
23 institution shall provide a procedure by which each party  
24 can, at a minimum, hear the other party's testimony.

25 (12.5) Survivors of sexual violence, domestic  
26 violence, dating violence, stalking, or sexual harassment

1       have a right to have a support person of their choosing at  
2       any meeting or proceeding related to an alleged violation  
3       of the comprehensive policy or under Title IX of the  
4       federal Education Amendments of 1972. If a support person  
5       violates the rules or engages in behavior that harasses,  
6       abuses, or intimidates either party, a witness, or an  
7       individual resolving the complaint, that support person  
8       may be prohibited from further participation. Nothing in  
9       this paragraph (12.5) prohibits a higher education  
10       institution from allowing respondents to have their own  
11       support person.

12       (13) The complainant and the respondent are entitled  
13       to simultaneous, written notification of the results of  
14       the complaint resolution procedure, including information  
15       regarding appeal rights, within 7 days of a decision or  
16       sooner if required by State or federal law.

17       (14) The complainant and the respondent shall, at a  
18       minimum, have the right to timely appeal the complaint  
19       resolution procedure's findings or imposed sanctions if  
20       the party alleges (i) a procedural error occurred, (ii)  
21       new information exists that would substantially change the  
22       outcome of the finding, or (iii) the sanction is  
23       disproportionate with the violation. The individual or  
24       individuals reviewing the findings or imposed sanctions  
25       shall not have participated previously in the complaint  
26       resolution procedure and shall not have a conflict of

1 interest with either party. The complainant and the  
2 respondent shall receive written notice of any appeal and  
3 the allegations asserted within 7 days after being  
4 submitted to the higher education institution and notice  
5 of the appeal decision in writing within 7 days after the  
6 conclusion of the review of findings or sanctions or  
7 sooner if required by federal or State law.

8 (15) The higher education institution shall not  
9 disclose the identity of the survivor or the respondent,  
10 except as necessary to resolve the complaint or to  
11 implement interim protective measures and accommodations  
12 or when provided by State or federal law.

13 (Source: P.A. 99-426, eff. 8-21-15.)

14 (110 ILCS 155/30)

15 Sec. 30. Campus training, education, and awareness.

16 (a) On or before August 1, 2016, a higher education  
17 institution shall prominently publish, timely update, and have  
18 easily available on its Internet website all of the following  
19 information:

20 (1) The higher education institution's comprehensive  
21 policy, as well as options and resources available to  
22 survivors.

23 (2) The higher education institution's student  
24 notification of rights and options described in Section 15  
25 of this Act.

1           (3) The name and contact information for all of the  
2 higher education institution's Title IX coordinators.

3           (4) An explanation of the role of (i) Title IX  
4 coordinators, including deputy or assistant Title IX  
5 coordinators, under Title IX of the federal Education  
6 Amendments of 1972, (ii) responsible employees under Title  
7 IX of the federal Education Amendments of 1972, (iii)  
8 campus security authorities under the federal Jeanne Clery  
9 Disclosure of Campus Security Policy and Campus Crime  
10 Statistics Act, and (iv) mandated reporters under the  
11 Abused and Neglected Child Reporting Act and the reporting  
12 obligations of each, as well as the level of  
13 confidentiality each is allowed to provide to reporting  
14 students under relevant federal and State law.

15           (5) The name, title, and contact information for all  
16 confidential advisors, counseling services, and  
17 confidential resources that can provide a confidential  
18 response to a report and a description of what  
19 confidential reporting means.

20           (6) The telephone number and website URL for  
21 community-based, State, and national hotlines providing  
22 information to sexual violence survivors.

23           (b) Beginning with the 2016-2017 academic year, each  
24 higher education institution shall provide sexual violence  
25 primary prevention and awareness programming for all students  
26 who attend one or more classes on campus, which shall include,

1 at a minimum, annual training as described in this subsection  
2 (b). Nothing in this Section shall be construed to limit the  
3 higher education institution's ability to conduct additional  
4 ongoing sexual violence primary prevention and awareness  
5 programming.

6 Each higher education institution's annual training shall,  
7 at a minimum, provide each student who attends one or more  
8 classes on campus information regarding the higher education  
9 institution's comprehensive policy, including without  
10 limitation the following:

11 (1) the institution's definitions of consent,  
12 inability to consent, and retaliation as they relate to  
13 sexual violence;

14 (2) reporting to the higher education institution,  
15 campus law enforcement, and local law enforcement;

16 (3) reporting to the confidential advisor or other  
17 confidential resources;

18 (4) available survivor services; and

19 (5) strategies for bystander intervention and risk  
20 reduction.

21 At the beginning of each academic year, each higher  
22 education institution shall provide each student of the higher  
23 education institution with an electronic copy or hard copy of  
24 its comprehensive policy, procedures, and related protocols.

25 (c) ~~A Beginning in the 2016-2017 academic year,~~ a higher  
26 education institution shall provide annual survivor-centered

1 and trauma-informed response training to any employee of the  
2 higher education institution who is involved in (i) the  
3 receipt of a student report of an alleged incident of sexual  
4 violence, domestic violence, dating violence, ~~or~~ stalking, or  
5 sexual harassment, (ii) the referral or provision of services  
6 to a survivor, or (iii) any campus complaint resolution  
7 procedure that results from an alleged incident of sexual  
8 violence, domestic violence, dating violence, ~~or~~ stalking, or  
9 sexual harassment. Employees falling under this description  
10 include without limitation the Title IX coordinator, members  
11 of the higher education institution's campus law enforcement,  
12 and campus security. An enrolled student at or a contracted  
13 service provider of the higher education institution with the  
14 employee responsibilities outlined in clauses (i) through  
15 (iii) of this paragraph shall also receive annual  
16 survivor-centered and trauma-informed response training.

17 The higher education institution shall design the training  
18 to improve the trainee's ability to understand (i) the higher  
19 education institution's comprehensive policy; (ii) the  
20 relevant federal and State law concerning survivors of sexual  
21 violence, domestic violence, dating violence, ~~and~~ stalking,  
22 and sexual harassment at higher education institutions; (iii)  
23 the roles of the higher education institution, medical  
24 providers, law enforcement, and community agencies in ensuring  
25 a coordinated response to a reported incident of sexual  
26 violence; (iv) the effects of trauma on a survivor; (v) the

1 types of conduct that constitute sexual violence, domestic  
2 violence, dating violence, ~~and~~ stalking, and sexual  
3 harassment, including same-sex violence and digital sexual  
4 harassment; and (vi) consent and the role drugs and alcohol  
5 use can have on the ability to consent. The training shall also  
6 seek to improve the trainee's ability to respond with cultural  
7 sensitivity; provide services to or assist in locating  
8 services for a survivor, as appropriate; and communicate  
9 sensitively and compassionately with a survivor of sexual  
10 violence, domestic violence, dating violence, ~~or~~ stalking, or  
11 sexual harassment.

12 (Source: P.A. 99-426, eff. 8-21-15.)

13 (110 ILCS 155/50 new)

14 Sec. 50. Cause of action. Violations of this Act are  
15 actionable in civil court as described in this Section. A  
16 survivor has a cause of action against any higher education  
17 institution that responds or fails to respond to sexual  
18 violence, domestic violence, dating violence, stalking, or  
19 sexual harassment in a way that shows reckless disregard for  
20 the requirements of this Act or that shows reckless disregard  
21 for the life or safety of the survivor and constitutes gross  
22 negligence.

23 (110 ILCS 155/55 new)

24 Sec. 55. Relief. A prevailing survivor is entitled to

1 relief that includes, but is not limited to:

2 (1) declaratory relief;

3 (2) injunctive relief;

4 (3) recovery of costs and attorney's fees, including,  
5 but not limited to, costs for expert testimony and witness  
6 fees;

7 (4) compensatory damages, including, but not limited  
8 to, economic loss, including damage to, destruction of, or  
9 loss of use of personal property, lost wages, or loss of  
10 past or future earning capacity;

11 (5) damages for personal injury, disease, or mental or  
12 emotional harm, including medical, rehabilitation, pain  
13 and suffering, or physical impairment; and

14 (6) punitive damages.

15 Section 99. Effective date. This Act takes effect July 1,  
16 2026."