



Sen. Graciela Guzmán

Filed: 5/22/2026

10400HB4990sam003

LRB104 18294 AAS 38178 a

1 AMENDMENT TO HOUSE BILL 4990

2 AMENDMENT NO. _____. Amend House Bill 4990, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Preventing Sexual Violence in Higher
6 Education Act is amended by changing Sections 5, 10, 15, 20,
7 25, and 30 and by adding Section 40 as follows:

8 (110 ILCS 155/5)

9 Sec. 5. Definitions. In this Act:

10 "Annual report" means the annual report required to be
11 submitted by a higher education institution to the Attorney
12 General and the Department of Human Rights under subsection
13 (b) of Section 9.21 of the Board of Higher Education Act that
14 includes the comprehensive policy adopted under Section 10 of
15 this Act and the written notification of survivor's rights and
16 options required under Section 15 of this Act.

1 "Awareness programming" means institutional action
2 designed to communicate the prevalence of sexual violence,
3 including without limitation training, poster and flyer
4 campaigns, electronic communications, films, guest speakers,
5 symposia, conferences, seminars, or panel discussions.

6 "Bystander intervention" includes without limitation the
7 act of challenging the social norms that support, condone, or
8 permit sexual violence.

9 "Complainant" means a student who files a complaint
10 alleging violation of the comprehensive policy through the
11 higher education institution's complaint resolution procedure.

12 "Comprehensive policy" means a policy created and
13 implemented by a higher education institution to address
14 student allegations of sexual violence, domestic violence,
15 dating violence, ~~and~~ stalking, and sexual harassment.

16 "Complaint advisor" means a person chosen by a complainant
17 or respondent to advise the complainant or respondent
18 regarding the complaint resolution procedure, who may
19 accompany the complainant or respondent to any meeting,
20 interview, or hearing with the individual or individuals who
21 will resolve a complaint related to an alleged violation of
22 the comprehensive policy and who may be appointed by a higher
23 education institution for a party at the request of that
24 party. "Complaint advisor" includes, but is not limited to, an
25 attorney. "Complaint advisor" does not include a complainant's
26 confidential advisor, unless the complainant requests that the

1 confidential advisor serve as the complainant's complaint
2 advisor and the confidential advisor agrees to serve as such.

3 "Confidential advisor" means a person who is employed or
4 contracted by a higher education institution to provide
5 emergency and ongoing support to student survivors of sexual
6 violence, domestic violence, dating violence, stalking, and
7 sexual harassment, with the training, duties, and
8 responsibilities described in Section 20 of this Act.

9 "Confidential advisor" does not include a complainant's
10 complaint advisor, unless the complainant requests that the
11 confidential advisor serve as the complainant's complaint
12 advisor and the confidential advisor agrees to serve as such.

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

16 "Digital sexual harassment" means technology-facilitated
17 abusive acts, including, but not limited to, repeated,
18 unwelcome electronic communications based on sex or containing
19 sexually-explicit material, and actual or threatened
20 dissemination of a private or digitally altered sexual image
21 without the depicted individual's consent, as defined in
22 Section 5 of the Civil Remedies for Nonconsensual
23 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 any action taken against a person,
17 including, but not limited to, intimidation, threats,
18 coercion, or discrimination, to purposefully or knowingly
19 interfere with any right or privilege secured by this Act or
20 Title IX of the federal Education Amendments of 1972 because
21 that person reported information, made a complaint, testified,
22 assisted, or participated or refused to participate in any
23 manner in an investigation, proceeding, or hearing, including
24 in an informal resolution process. "Retaliation" includes
25 actions by a student, a higher education institution, an
26 employee or other individual authorized by a higher education

1 institution to provide aid, a benefit, or a service under an
2 education program or activity of the higher education
3 institution, or a third party acting on behalf of a higher
4 education institution or a respondent.

5 "Sexual harassment" means unwelcome sex-based conduct,
6 including, but not limited to, unwanted sexual advances,
7 unwanted requests for sexual favors, or any unwanted verbal,
8 nonverbal, or physical conduct that is sex-based or that is
9 related to a person's sex, sexual orientation, or gender
10 identity, toward a student that (i) a reasonable person would
11 view as substantially interfering with the student's
12 educational performance or participation in a program or
13 activity of a higher education institution, including, but not
14 limited to, any mental or physical health impacts, any new or
15 increased challenges with focusing on academics or activities,
16 any fear or anxiety about attending class or activities, or
17 the need to alter routines or class or activity schedules to
18 avoid another student, or (ii) creates an environment that a
19 reasonable person would consider to be intimidating, hostile,
20 or offensive. "Sexual harassment" includes digital sexual
21 harassment.

22 "Sexual violence" means physical sexual acts attempted or
23 perpetrated against a person's will or when a person is
24 incapable of giving consent, including without limitation
25 rape, sexual assault, sexual battery, sexual abuse, and sexual
26 coercion.

1 "Stalking" has the meaning given to that term in the
2 Stalking No Contact Order Act.

3 "Survivor" means a student enrolled at a higher education
4 institution who has self-identified as having experienced
5 sexual violence, domestic violence, dating violence, ~~or~~
6 stalking, or sexual harassment ~~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 (Source: P.A. 99-426, eff. 8-21-15.)

5 (110 ILCS 155/10)

6 Sec. 10. Comprehensive policy.

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

14 (1) A definition of consent that, at a minimum,
15 recognizes that (i) consent is a freely given agreement to
16 sexual activity, (ii) a person's lack of verbal or
17 physical resistance or submission resulting from the use
18 or threat of force does not constitute consent, (iii) a
19 person's manner of dress does not constitute consent, (iv)
20 a person's consent to past sexual activity does not
21 constitute consent to future sexual activity, (v) a
22 person's consent to engage in sexual activity with one
23 person does not constitute consent to engage in sexual
24 activity with another, (vi) a person can withdraw consent
25 at any time, and (vii) a person cannot consent to sexual

1 activity if that person is unable to understand the nature
2 of the activity or give knowing consent due to
3 circumstances, including without limitation the following:

4 (A) the person has a lack of capacity ~~is~~
5 ~~incapacitated~~ due to the use or influence of alcohol
6 or drugs;

7 (B) the person is asleep or unconscious;

8 (C) the person is under age; or

9 (D) the person has a lack of capacity ~~is~~
10 ~~incapacitated~~ due to a mental disability.

11 Nothing in this Section prevents a higher education
12 institution from defining consent in a more demanding
13 manner.

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

20 (A) Name and contact information for the Title IX
21 coordinator, campus law enforcement or security, local
22 law enforcement, and the community-based sexual
23 assault crisis center.

24 (B) The name, title, and contact information for
25 confidential advisors and other confidential resources
26 and a description of what confidential reporting

1 means.

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

12 (D) An option for students to electronically
13 report.

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

15 (F) An option for students to confidentially
16 report.

17 (G) An option for reports by third parties and
18 bystanders. However, while third parties and
19 bystanders may report, the higher education
20 institution may not compel a survivor's participation
21 in a complaint resolution procedure.

22 (H) Information about how the higher education
23 institution prohibits and responds to retaliation and
24 the process for reporting retaliation under the
25 comprehensive policy.

26 (3) The higher education institution's procedure for

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

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

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

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

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

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

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

1 of the comprehensive policy of the higher education
2 institution.

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

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

24 (b) On or before August 1, 2027, each higher education
25 institution shall update its comprehensive policy to ensure
26 compliance with this amendatory Act of the 104th General

1 Assembly.

2 (c) Each higher education institution shall act in
3 accordance with its comprehensive policy. Beginning August 1,
4 2027, any party that is aggrieved by a material failure of a
5 higher education institution to substantially comply with this
6 Section may bring a civil lawsuit. The lawsuit must be brought
7 no later than 4 years after the alleged violation of this
8 Section. The court may not find that a higher education
9 institution violated this Section if the higher education
10 institution demonstrates substantial compliance in good faith
11 with its comprehensive policy, adopted pursuant to this
12 Section, and applicable law in effect at the time of the
13 alleged violation. If the court finds by a preponderance of
14 the evidence that a higher education institution acted with
15 deliberate indifference in violating this Section or in
16 disregarding the safety of the aggrieved party, the court may
17 award actual and punitive damages. Punitive damages may be
18 awarded only if there is evidence of intentional misconduct or
19 deliberate indifference regarding student safety. The court,
20 as it deems appropriate, may grant, as relief, a permanent or
21 preliminary negative or mandatory injunction, temporary
22 restraining order, or other order.

23 Upon a motion, a court shall award reasonable attorney's
24 fees and costs, including expert witness fees and other
25 litigation expenses, to a plaintiff who is a prevailing party
26 in any action brought under this subsection (c). In awarding

1 reasonable attorney's fees, the court shall consider the
2 degree to which the relief obtained relates to the relief
3 sought.

4 (d) Except where emergency injunctive relief is sought, an
5 aggrieved party must provide written notice to the higher
6 education institution identifying the alleged violation and
7 allow the higher education institution 30 days to cure or
8 address the alleged noncompliance prior to filing a civil
9 action under subsection (c), to be referred to as the 30-day
10 period to cure. The aggrieved party may bring a civil lawsuit
11 after the higher education institution's 30-day period to
12 cure. Emergency injunctive relief shall be limited to ongoing
13 or imminent violations of this Section. The applicable statute
14 of limitations shall toll during the 30-day period to cure.

15 (e) Nothing in this Section may be construed to require an
16 exhaustion of any administrative complaint process, other than
17 as provided in subsection (d), before civil law remedies may
18 be pursued.

19 (f) Notwithstanding any other provision of this Section,
20 if the Attorney General has reasonable cause to believe that a
21 higher education institution has engaged in a material
22 violation of Section 10, the Attorney General may commence a
23 civil action in the name of the People of the State of Illinois
24 to obtain appropriate equitable and declaratory relief.

25 (g) Nothing in this Section may be construed to limit the
26 authority of the Attorney General to bring an action or seek

1 relief under the Illinois Human Rights Act or any other
2 applicable law.

3 (h) Nothing in this Section shall preclude any other
4 remedy or relief available to an aggrieved party under
5 applicable law.

6 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16;
7 100-1087, eff. 1-1-19.)

8 (110 ILCS 155/15)

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

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

16 (1) the survivor's right to report or not report the
17 alleged incident to the higher education institution, law
18 enforcement, or both, including information about the
19 survivor's right to privacy and which reporting methods
20 are confidential, as well as the survivor's right to
21 participate or not participate in any investigation into
22 the alleged incident;

23 (2) the contact information for the higher education
24 institution's Title IX coordinator or coordinators,
25 confidential advisors, a community-based sexual assault

1 crisis center, campus law enforcement, and local law
2 enforcement;

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

6 (4) the survivor's ability to request ~~interim~~
7 protective and supportive measures ~~and accommodations for~~
8 ~~survivors~~, including without limitation changes to
9 academic, living, dining, working, and transportation
10 situations and, obtaining and enforcing a campus-issued
11 order of protection or no contact order, if such
12 protective and supportive measures ~~and accommodations~~ are
13 reasonably available, and an order of protection or no
14 contact order in State court;

15 (5) the higher education institution's ability to
16 provide assistance, upon the survivor's request, in
17 accessing and navigating campus and local health and
18 mental health services, counseling, and advocacy services;
19 ~~and~~

20 (6) a summary of the higher education institution's
21 complaint resolution procedures, under Section 25 of this
22 Act, if the survivor reports a violation of the
23 comprehensive policy; and-

24 (7) information about how the higher education
25 institution prohibits and responds to retaliation and the
26 process for reporting retaliation under the comprehensive

1 policy.

2 (b) Within 12 hours after receiving an electronic report
3 or by the next business day for other reports, the higher
4 education institution shall respond to the ~~electronic~~
5 reporter. If the reporter is not the survivor, the higher
6 education institution shall also contact the survivor, if
7 known, by the next business day following receipt of the
8 report. The separate responses to the reporter and the
9 survivor must ~~and~~, at a minimum, provide the information
10 described in subdivisions (1) through (7) ~~(6)~~ of subsection
11 (a) of this Section and a list of available resources. The
12 higher education institution may choose the manner in which it
13 responds including, but not limited to, through verbal or
14 electronic communication. Nothing in this subsection (b)
15 limits a higher education institution's obligations under
16 subsection (a) of this Section.

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

18 (110 ILCS 155/20)

19 Sec. 20. Confidential advisor.

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

23 (b) The confidential advisors may not be individuals on
24 campus who are designated as responsible employees under Title
25 IX of the federal Education Amendments of 1972. Nothing in

1 this Section precludes a higher education institution from
2 partnering with a community-based sexual assault crisis center
3 to provide confidential advisors.

4 (b-5) A confidential advisor is separate from a complaint
5 advisor, unless the complainant and confidential advisor agree
6 to have the confidential advisor also serve as the complaint
7 advisor. Unless prohibited by Title IX of the federal
8 Education Amendments of 1972 or other federal law, a
9 complainant has a right to have both a support person, which
10 may be the confidential advisor if the person so chooses, and a
11 complaint advisor at any meeting or proceeding related to an
12 alleged violation of the comprehensive policy or under Title
13 IX of the federal Education Amendments of 1972. The higher
14 education institution must not require or appoint a
15 confidential advisor to serve as the complainant's complaint
16 advisor.

17 (c) All confidential advisors shall receive 40 hours of
18 training on sexual violence, if they have not already
19 completed this 40-hour training, before being designated a
20 confidential advisor and shall attend a minimum of 6 hours of
21 ongoing education training annually on issues related to
22 sexual violence to remain a confidential advisor. Confidential
23 advisors shall also receive periodic training on the campus
24 administrative processes, ~~interim~~ protective and supportive
25 measures and accommodations, and complaint resolution
26 procedures.

1 (d) In the course of working with a survivor, each
2 confidential advisor shall, at a minimum, do all of the
3 following:

4 (1) Inform the survivor of the survivor's choice of
5 possible next steps regarding the survivor's reporting
6 options and possible outcomes, including without
7 limitation reporting pursuant to the higher education
8 institution's comprehensive policy and notifying local law
9 enforcement.

10 (2) Notify the survivor of resources and services for
11 survivors of sexual violence, including, but not limited
12 to, student services available on campus and through
13 community-based resources, including without limitation
14 sexual assault crisis centers, medical treatment
15 facilities, counseling services, legal resources, medical
16 forensic services, and mental health services. A
17 confidential advisor must inform the survivor if
18 requesting or receiving certain resources or services may
19 affect confidentiality.

20 (3) Inform the survivor of the survivor's rights and
21 the higher education institution's responsibilities
22 regarding orders of protection, no contact orders, or
23 similar lawful orders issued by the higher education
24 institution or a criminal or civil court.

25 (4) Provide confidential services to and have
26 privileged, confidential communications with survivors of

1 sexual violence in accordance with Section 8-804 of the
2 Code of Civil Procedure.

3 (5) Upon the survivor's request and as appropriate,
4 liaise with campus officials, community-based sexual
5 assault crisis centers, or local law enforcement and, if
6 requested, assist the survivor with contacting and
7 reporting to campus officials, campus law enforcement, or
8 local law enforcement. A confidential advisor must inform
9 the survivor if requesting or receiving certain resources
10 or services may affect confidentiality.

11 (6) Upon the survivor's request, liaise with the
12 necessary campus authorities to secure ~~interim~~ protective
13 and supportive measures ~~and accommodations~~ for the
14 survivor.

15 (7) Upon the survivor's request, liaise with the
16 necessary campus authorities to assist the survivor in
17 responding to and advocating against any retaliation by
18 the respondent or any other individual, including agents
19 of the higher education institution.

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

21 (110 ILCS 155/25)

22 Sec. 25. Complaint resolution procedures.

23 (a) On or before August 1, 2016, each campus of a higher
24 education institution shall adopt one procedure to resolve
25 complaints of alleged student violations of the comprehensive

1 policy.

2 (b) For each campus, a higher education institution's
3 complaint resolution procedures for allegations of student
4 violation of the comprehensive policy shall provide, at a
5 minimum, all of the following:

6 (1) Complainants and respondents ~~alleging student~~
7 ~~violation of the comprehensive policy~~ shall have the right
8 to have opportunity to request that the complaint
9 resolution procedure begin promptly and be completed
10 within 120 days after the complaint was received by the
11 higher education institution. A reasonable extension of
12 this timeframe is allowed on a case-by-case basis for good
13 cause, with notice to the parties that includes the reason
14 for the delay. Written notification must be provided to
15 the complainant and the respondent if the complaint
16 resolution procedure extends beyond 120 days. Both parties
17 shall have the right to the consideration of any
18 additional protective and supportive measures that may be
19 necessary due to a delay in the complaint resolution
20 procedure ~~proceed in a timely manner.~~

21 (2) The higher education institution shall determine
22 the individuals who will resolve complaints of alleged
23 student violations of the comprehensive policy.

24 (3) All individuals whose duties include resolution of
25 complaints of student violations of the comprehensive
26 policy shall receive a minimum of 8 to 10 hours of annual

1 training on issues related to sexual violence, domestic
2 violence, dating violence, ~~and~~ stalking, and sexual
3 harassment and how to conduct the higher education
4 institution's complaint resolution procedures, in addition
5 to the annual training required for employees as provided
6 in subsection (c) of Section 30 of this Act. The initial
7 training must be completed prior to such individuals
8 participating in the investigation of or resolution of
9 complaints.

10 (4) The higher education institution shall have a
11 sufficient number of individuals trained to resolve
12 complaints so that (i) a substitution can occur in the
13 case of a conflict of interest or recusal and (ii) an
14 individual or individuals with no prior involvement in the
15 initial determination or finding hear any appeal brought
16 by a party.

17 (4.5) The higher education institution may consolidate
18 complaints by a complainant against more than one
19 respondent or by more than one complainant against one or
20 more respondents if the allegations arise out of the same
21 facts or circumstances and if the higher education
22 institution provides the complainant with a timely written
23 notice of its intent to consolidate and offers the
24 complainant a reasonable opportunity to respond. However,
25 in a consolidated complaint resolution proceeding, the
26 individual or individuals resolving the complaints must

1 take reasonable measures to protect the privacy of each
2 complainant and respondent.

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

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

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

26 Nothing in this Section prohibits a higher education

1 institution from following its emergency or regular
2 removal or expulsion processes.

3 If the higher education institution determines that,
4 to provide reasonable protective and supportive measures,
5 it must burden either the complainant or the respondent,
6 the higher education institution must minimize the burden
7 on the complainant to the extent possible, unless the
8 higher education institution is obligated to address the
9 protective and supportive measures under Title IX of the
10 federal Education Amendments of 1972 and Title IX requires
11 burdening the complainant instead of the respondent.

12 The higher education institution shall provide or
13 facilitate reasonable protective and supportive measures
14 within the scope of services, programs, and accommodations
15 reasonably available through the higher education
16 institution and bear the cost of those reasonable
17 protective and supportive measures. The higher education
18 institution shall have a procedure for providing
19 reasonable protective and supportive measures to all
20 students who report sexual violence, domestic violence,
21 dating violence, stalking, and sexual harassment. Those
22 protective and supportive measures shall be available even
23 if a student does not file a formal complaint, the
24 student's complaint is dismissed, or there is no finding
25 of responsibility in the complaint resolution procedure.

26 Protective and supportive measures may include, but

1 are not limited to, counseling; extensions of deadlines;
2 granting requests to change enrollment options after
3 deadlines and other course-related adjustments; campus
4 escort services; increased security and monitoring of
5 certain areas of the campus; campus no contact orders and
6 honoring protective orders entered by a civil or criminal
7 court; leaves of absence to seek medical care, legal
8 assistance, counseling, safety planning, advocacy, or
9 other assistance without penalty from the higher education
10 institution; excused absences to attend, participate in,
11 or prepare for a court, campus, administrative, or
12 quasi-judicial proceeding; training and education programs
13 related to sexual violence, domestic violence, dating
14 violence, stalking, or sexual harassment; and changes in a
15 class schedule, a campus employment or work schedule,
16 housing, or an extracurricular or other activity.

17 A higher education institution must make a good faith
18 effort to accommodate requests for reasonable protective
19 and supportive measures. Each request for protective and
20 supportive measures must be evaluated on an individualized
21 basis to determine the reasonableness of the request, and,
22 if the original request is determined to be unreasonable,
23 the higher education institution must consider alternative
24 reasonable protective and supportive measures to address
25 the party's needs. The major or course enrolled in by the
26 party, on its own, is not a reason to deny protective and

1 supportive measures. If the higher education institution
2 cannot grant a survivor's request and a comparable
3 alternative is not available, the higher education
4 institution must consider whether there are any other
5 reasonably available options that could support the
6 survivor or meet the survivor's needs and offer those
7 options to the survivor.

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

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

17 (9.5) The higher education institution may not
18 distribute any evidence that includes a private or
19 intentionally digitally altered sexual image by physical
20 or electronic means, except as required by law, a
21 subpoena, or a court order. The complainant, the
22 respondent, and each party's complaint advisor shall have
23 the opportunity to view physical or electronic copies of
24 any private or intentionally digitally altered sexual
25 image evidence in person in a higher education institution
26 office and only in the presence of the individual

1 resolving the complaint, a Title IX coordinator or a
2 member of the Title IX coordinator's staff, or the legal
3 counsel representing the higher education institution. If
4 either party is unable to view this evidence in person,
5 that party and the party's complainant 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 complaint advisor must not
9 create physical or electronic copies of private or
10 intentionally digitally altered sexual image evidence. All
11 private or intentionally digitally altered sexual image
12 evidence must be kept in the strictest of confidence by
13 the higher education institution and its employees during
14 and after the completion of the complaint resolution
15 procedure, and evidence shall be retained as required
16 under the federal Family Educational Rights and Privacy
17 Act of 1974.

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

1 that the higher education institution is obligated to
2 address under Title IX of the federal Education Amendments
3 of 1972 if, at the time of the complaint resolution
4 procedure, Title IX rules require allowing
5 cross-examination by the parties' complaint advisors. If
6 Title IX rules require allowing cross-examination by the
7 parties' complaint advisors, the higher education
8 institution must appoint a complaint advisor for any party
9 that does not have one.

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

23 (12) The complainant and the respondent may not be
24 compelled to testify, if the complaint resolution
25 procedure involves a hearing, in the presence of the other
26 party. If a party invokes this right, the higher education

1 institution shall provide a procedure by which each party
2 can, at a minimum, hear the other party's testimony.

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

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

22 (14) The complainant and the respondent shall, at a
23 minimum, have the right to timely appeal the complaint
24 resolution procedure's findings or imposed sanctions if
25 the party alleges (i) a procedural error occurred, (ii)
26 new information exists that would substantially change the

1 outcome of the finding, or (iii) the sanction is
2 disproportionate with the violation. The individual or
3 individuals reviewing the findings or imposed sanctions
4 shall not have participated previously in the complaint
5 resolution procedure and shall not have a conflict of
6 interest with either party. The complainant and the
7 respondent shall receive written notice of an appeal and
8 the alleged grounds for appeal within 7 days after the
9 appeal was submitted to the higher education institution,
10 and the nonappealing party shall be provided an
11 opportunity to submit a response to the higher education
12 institution. The complainant and the respondent shall
13 receive notice of the appeal decision in writing within 7
14 days after the conclusion of the review of findings or
15 sanctions or sooner if required by federal or State law.

16 (15) The higher education institution shall not
17 disclose the identity of the complainant ~~survivor~~ or the
18 respondent, except as necessary to resolve the complaint
19 or to implement ~~interim~~ protective and supportive measures
20 ~~and accommodations~~ or when provided by State or federal
21 law.

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

23 (110 ILCS 155/30)

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

25 (a) On or before August 1, 2016, a higher education

1 institution shall prominently publish, timely update, and have
2 easily available on its Internet website all of the following
3 information:

4 (1) The higher education institution's comprehensive
5 policy, as well as options and resources available to
6 survivors.

7 (2) The higher education institution's student
8 notification of rights and options described in Section 15
9 of this Act.

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

12 (4) An explanation of the role of (i) Title IX
13 coordinators, including deputy or assistant Title IX
14 coordinators, under Title IX of the federal Education
15 Amendments of 1972, (ii) responsible employees under Title
16 IX of the federal Education Amendments of 1972, (iii)
17 campus security authorities under the federal Jeanne Clery
18 Disclosure of Campus Security Policy and Campus Crime
19 Statistics Act, and (iv) mandated reporters under the
20 Abused and Neglected Child Reporting Act and the reporting
21 obligations of each, as well as the level of
22 confidentiality each is allowed to provide to reporting
23 students under relevant federal and State law.

24 (5) The name, title, and contact information for all
25 confidential advisors, counseling services, and
26 confidential resources that can provide a confidential

1 response to a report and a description of what
2 confidential reporting means.

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

6 (b) Beginning with the 2016-2017 academic year, each
7 higher education institution shall provide sexual violence
8 primary prevention and awareness programming for all students
9 who attend one or more classes on campus, which shall include,
10 at a minimum, annual training as described in this subsection
11 (b). Nothing in this Section shall be construed to limit the
12 higher education institution's ability to conduct additional
13 ongoing sexual violence primary prevention and awareness
14 programming.

15 Each higher education institution's annual training shall,
16 at a minimum, provide each student who attends one or more
17 classes on campus information regarding the higher education
18 institution's comprehensive policy, including without
19 limitation the following:

20 (1) the institution's definitions of consent,
21 inability to consent, and retaliation as they relate to
22 sexual violence;

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

25 (3) reporting to the confidential advisor or other
26 confidential resources;

1 (4) available survivor services; and

2 (5) strategies for bystander intervention and risk
3 reduction.

4 At the beginning of each academic year, each higher
5 education institution shall provide each student of the higher
6 education institution with an electronic copy or hard copy of
7 its comprehensive policy, procedures, and related protocols.

8 (c) ~~A Beginning in the 2016-2017 academic year,~~ a higher
9 education institution shall provide annual survivor-centered
10 and trauma-informed response training to any employee of the
11 higher education institution who is involved in (i) the
12 receipt of a student report of an alleged incident of sexual
13 violence, domestic violence, dating violence, ~~or~~ stalking, or
14 sexual harassment, (ii) the referral or provision of services
15 to a survivor, or (iii) any campus complaint resolution
16 procedure that results from an alleged incident of sexual
17 violence, domestic violence, dating violence, ~~or~~ stalking, or
18 sexual harassment. Employees falling under this description
19 include without limitation the Title IX coordinator, members
20 of the higher education institution's campus law enforcement,
21 and campus security. An enrolled student at or a contracted
22 service provider of the higher education institution with the
23 employee responsibilities outlined in clauses (i) through
24 (iii) of this paragraph shall also receive annual
25 survivor-centered and trauma-informed response training.

26 The higher education institution shall design the training

1 to improve the trainee's ability to understand (i) the higher
2 education institution's comprehensive policy; (ii) the
3 relevant federal and State law concerning survivors of sexual
4 violence, domestic violence, dating violence, ~~and~~ stalking,
5 and sexual harassment at higher education institutions; (iii)
6 the roles of the higher education institution, medical
7 providers, law enforcement, and community agencies in ensuring
8 a coordinated response to a reported incident of sexual
9 violence; (iv) the effects of trauma on a survivor; (v) the
10 types of conduct that constitute sexual violence, domestic
11 violence, dating violence, ~~and~~ stalking, and sexual
12 harassment, including same-sex violence and digital sexual
13 harassment; and (vi) consent and the role drugs and alcohol
14 use can have on the ability to consent. The training shall also
15 seek to improve the trainee's ability to respond with cultural
16 sensitivity; provide services to or assist in locating
17 services for a survivor, as appropriate; and communicate
18 sensitively and compassionately with a survivor of sexual
19 violence, domestic violence, dating violence, ~~or~~ stalking, or
20 sexual harassment.

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

22 (110 ILCS 155/40 new)

23 Sec. 40. Civil penalty for annual report noncompliance.

24 (a) The Attorney General may impose a civil penalty on a
25 higher education institution for failure to submit a complete

1 annual report, as required under subsection (b) of Section
2 9.21 of the Board of Higher Education Act.

3 (b) Before imposing a civil penalty under this Section,
4 the Attorney General shall provide to a higher education
5 institution written notice of the reasons for the Attorney
6 General's decision to impose a civil penalty on the higher
7 education institution and shall give the higher education
8 institution 30 calendar days after receipt of the notice to
9 comply with subsection (b) of Section 9.21 of the Board of
10 Higher Education Act.

11 (c) A civil penalty imposed under this Section may not
12 exceed:

13 (1) \$500 for a first violation;

14 (2) \$1,500 for a second violation; and

15 (3) \$2,500 for a third or subsequent violation.

16 (d) The Attorney General may waive any civil penalty
17 imposed under this Section.

18 (e) In determining the amount of the civil penalty imposed
19 under this Section, the Attorney General shall consider the
20 size of the higher education institution and the gravity of
21 the violation.

22 Section 10. The Code of Civil Procedure is amended by
23 changing Section 8-804 as follows:

24 (735 ILCS 5/8-804)

1 Sec. 8-804. Confidential advisor.

2 (a) This Section is intended to protect students at higher
3 education institutions in this State who are survivors of
4 sexual violence, domestic violence, dating violence, stalking,
5 or sexual harassment from public disclosure of communications
6 they make in confidence to confidential advisors. Because of
7 the fear, stigma, and trauma that often result from incidents
8 of gender-based ~~sexual~~ violence, many survivors hesitate to
9 report or seek help, even when it is available at no cost to
10 them. As a result, they not only fail to receive needed medical
11 care and emergency counseling, but may lack the psychological
12 support necessary to report the incident ~~of sexual violence~~ to
13 the higher education institution or law enforcement.

14 (b) In this Section:

15 "Confidential advisor" means a person who is employed or
16 contracted by a higher education institution to provide
17 emergency and ongoing support to survivors ~~of sexual violence~~
18 with the training, duties, and responsibilities described in
19 Section 20 of the Preventing Sexual Violence in Higher
20 Education Act.

21 "Dating violence" has the meaning given to that term in
22 the Preventing Sexual Violence in Higher Education Act.

23 "Domestic violence" has the meaning given to that term in
24 the Preventing Sexual Violence in Higher Education Act.

25 "Gender-based violence" means sexual violence, domestic
26 violence, dating violence, stalking, or sexual harassment.

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

5 "Sexual harassment" has the meaning given to that term in
6 the Preventing Sexual Violence in Higher Education Act.

7 "Sexual violence" has the meaning given to that term in
8 the Preventing Sexual Violence in Higher Education Act ~~means~~
9 ~~physical sexual acts attempted or perpetrated against a~~
10 ~~person's will or when a person is incapable of giving consent,~~
11 ~~including without limitation rape, sexual assault, sexual~~
12 ~~battery, sexual abuse, and sexual coercion.~~

13 "Stalking" has the meaning given to that term in the
14 Preventing Sexual Violence in Higher Education Act.

15 "Survivor" has the meaning given to that term in the
16 Preventing Sexual Violence in Higher Education Act ~~means a~~
17 ~~student who has experienced sexual violence while enrolled at~~
18 ~~a higher education institution.~~

19 (c) All communications between a confidential advisor and
20 a survivor ~~pertaining to an incident of sexual violence~~ shall
21 remain confidential, unless the survivor consents to the
22 disclosure of the communication in writing, the disclosure
23 falls within one of the exceptions outlined in subsection (d)
24 of this Section, or failure to disclose the communication
25 would violate State or federal law. Communications include all
26 records kept by the confidential advisor in the course of

1 providing the survivor with services ~~related to the incident~~
2 ~~of sexual violence.~~

3 (d) The confidential advisor may disclose confidential
4 communications between the confidential advisor and the
5 survivor if failure to disclose would result in a clear,
6 imminent risk of serious physical injury to or death of the
7 survivor or another person.

8 The confidential advisor shall have no obligation to
9 report crimes to the higher education institution or law
10 enforcement, except to report to the Title IX coordinator, as
11 defined by Title IX of the federal Education Amendments of
12 1972, on a monthly basis the number and type of incidents of
13 sexual violence, domestic violence, dating violence, stalking,
14 and sexual harassment reported exclusively to the confidential
15 advisor in accordance with the higher education institution's
16 reporting requirements under subsection (b) of Section 9.21 of
17 the Board of Higher Education Act and under federal law.

18 If, in any judicial proceeding, a party alleges that the
19 communications are necessary to the determination of any issue
20 before the court and written consent to disclosure has not
21 been given, the party may ask the court to consider ordering
22 the disclosure of the communications. In such a case,
23 communications may be disclosed if the court finds, after in
24 camera examination of the communication, that the
25 communication is relevant, probative, and not unduly
26 prejudicial or inflammatory or is otherwise clearly

1 admissible; that other evidence is demonstrably unsatisfactory
2 as evidence of the facts sought to be established by the
3 communication or communications; and that disclosure is more
4 important to the interests of substantial justice than
5 protection from injury to the confidential advisor-survivor
6 relationship, to the survivor, or to any other individual whom
7 disclosure is likely to harm.

8 (e) This privilege shall not preclude an individual from
9 asserting a greater privilege under federal or State law that
10 applies.

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

12 Section 99. Effective date. This Act takes effect July 1,
13 2027."