



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4049

Introduced 1/13/2020, by Rep. Jonathan Carroll and David McSweeney

SYNOPSIS AS INTRODUCED:

775 ILCS 5/5A-101	from Ch. 68, par. 5A-101
775 ILCS 5/5A-102	from Ch. 68, par. 5A-102
775 ILCS 5/5A-103 new	

Amends the Elementary, Secondary, and Higher Education Article of the Illinois Human Rights Act. Defines "anti-Semitism". Provides that an institution of elementary, secondary, or higher education commits a civil rights violation if it fails to treat anti-Semitism in an identical manner to discrimination motivated by race. Describes anti-Semitism. Provides that nothing in the new provisions infringes on the constitutional protections for free speech or may be construed to conflict with federal or State discrimination laws.

LRB101 16078 LNS 65441 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 5A-101 and 5A-102 and by adding Section
6 5A-103 as follows:

7 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

8 Sec. 5A-101. Definitions. The following definitions are
9 applicable strictly in the content of this Article, except that
10 the term "sexual harassment in elementary, secondary, and
11 higher education" as defined herein has the meaning herein
12 ascribed to it whenever that term is used anywhere in this Act.

13 (A) Institution of Elementary, Secondary, or Higher
14 Education. "Institution of elementary, secondary, or higher
15 education" means: (1) a publicly or privately operated
16 university, college, community college, junior college,
17 business or vocational school, or other educational
18 institution offering degrees and instruction beyond the
19 secondary school level; or (2) a publicly or privately operated
20 elementary school or secondary school.

21 (B) Degree. "Degree" means: (1) a designation,
22 appellation, series of letters or words or other symbols which
23 signifies or purports to signify that the recipient thereof has

1 satisfactorily completed an organized academic, business or
2 vocational program of study offered beyond the secondary school
3 level; or (2) a designation signifying that the recipient has
4 graduated from an elementary school or secondary school.

5 (C) Student. "Student" means any individual admitted to or
6 applying for admission to an institution of elementary,
7 secondary, or higher education, or enrolled on a full or part
8 time basis in a course or program of academic, business or
9 vocational instruction offered by or through an institution of
10 elementary, secondary, or higher education.

11 (D) Elementary, Secondary, or Higher Education
12 Representative. "Elementary, secondary, or higher education
13 representative" means and includes the president, chancellor
14 or other holder of any executive office on the administrative
15 staff of an institution of higher education, an administrator
16 of an elementary school or secondary school, a member of the
17 faculty of an institution of higher education, including but
18 not limited to a dean or associate or assistant dean, a
19 professor or associate or assistant professor, and a full or
20 part time instructor or visiting professor, including a
21 graduate assistant or other student who is employed on a
22 temporary basis of less than full time as a teacher or
23 instructor of any course or program of academic, business or
24 vocational instruction offered by or through an institution of
25 higher education, and any teacher, instructor, or other
26 employee of an elementary school or secondary school.

1 (E) Sexual Harassment in Elementary, Secondary, and Higher
2 Education. "Sexual harassment in elementary, secondary, and
3 higher education" means any unwelcome sexual advances or
4 requests for sexual favors made by an elementary, secondary, or
5 higher education representative to a student, or any conduct of
6 a sexual nature exhibited by an elementary, secondary, or
7 higher education representative toward a student, when such
8 conduct has the purpose of substantially interfering with the
9 student's educational performance or creating an intimidating,
10 hostile or offensive educational environment; or when the
11 elementary, secondary, or higher education representative
12 either explicitly or implicitly makes the student's submission
13 to such conduct a term or condition of, or uses the student's
14 submission to or rejection of such conduct as a basis for
15 determining:

16 (1) Whether the student will be admitted to an
17 institution of elementary, secondary, or higher education;

18 (2) The educational performance required or expected
19 of the student;

20 (3) The attendance or assignment requirements
21 applicable to the student;

22 (4) To what courses, fields of study or programs,
23 including honors and graduate programs, the student will be
24 admitted;

25 (5) What placement or course proficiency requirements
26 are applicable to the student;

1 (6) The quality of instruction the student will
2 receive;

3 (7) What tuition or fee requirements are applicable to
4 the student;

5 (8) What scholarship opportunities are available to
6 the student;

7 (9) What extracurricular teams the student will be a
8 member of or in what extracurricular competitions the
9 student will participate;

10 (10) Any grade the student will receive in any
11 examination or in any course or program of instruction in
12 which the student is enrolled;

13 (11) The progress of the student toward successful
14 completion of or graduation from any course or program of
15 instruction in which the student is enrolled; or

16 (12) What degree, if any, the student will receive.

17 (F) Anti-Semitism. "Anti-Semitism" means a certain
18 perception of the Jewish people, which may be expressed as
19 hatred toward Jewish people or rhetorical and physical
20 manifestations of anti-Semitism directed toward a person, his
21 or her property, or Jewish community institutions or religions
22 facilities.

23 (Source: P.A. 96-1319, eff. 7-27-10.)

24 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

25 Sec. 5A-102. Civil Rights Violations-Elementary,

1 Secondary, and Higher Education. It is a civil rights
2 violation:

3 (A) Elementary, Secondary, or Higher Education
4 Representative. For any elementary, secondary, or higher
5 education representative to commit or engage in sexual
6 harassment in elementary, secondary, or higher education.

7 (B) Institution of Elementary, Secondary, or Higher
8 Education. For any institution of elementary, secondary, or
9 higher education to fail to take remedial action, or to fail to
10 take appropriate disciplinary action against an elementary,
11 secondary, or higher education representative employed by such
12 institution, when such institution knows that such elementary,
13 secondary, or higher education representative was committing
14 or engaging in or committed or engaged in sexual harassment in
15 elementary, secondary, or higher education.

16 (C) Anti-Semitism. For any institution of elementary,
17 secondary, or higher education to fail to comply with Section
18 5A-103.

19 (Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

20 (775 ILCS 5/5A-103 new)

21 Sec. 5A-103. Discrimination motivated by anti-Semitism. An
22 institution of elementary, secondary, or higher education
23 shall treat discrimination by students or employees or
24 resulting from institutional policies motivated by
25 anti-Semitism in an identical manner to discrimination

1 motivated by race. Discrimination motivated by anti-Semitism
2 includes:

3 (1) Calling for, aiding, or justifying the killing or
4 harming of Jews, often in the name of a radical ideology or
5 an extremist view of religion.

6 (2) Making mendacious, dehumanizing, demonizing, or
7 stereotypical allegations about Jews as such or the power
8 of Jews as a collective, including, but not limited to, the
9 myth about a world Jewish conspiracy or of Jews controlling
10 the media, economy, government, or other societal
11 institutions.

12 (3) Accusing Jews as a people of being responsible for
13 real or imagined wrongdoings committed by a single Jewish
14 person or group, the State of Israel, or for acts committed
15 by non-Jews.

16 (4) Accusing Jews as a people or the State of Israel of
17 inventing or exaggerating the Holocaust.

18 (5) Accusing Jewish citizens of being more loyal to the
19 State of Israel, or the alleged priorities of Jews
20 worldwide, than to the interests of their own nation.

21 (6) Anti-Semitism related to the State of Israel,
22 including, but not limited to:

23 (i) Demonizing the State of Israel by using the
24 symbols and images associated with classic
25 anti-Semitism to characterize the State of Israel or
26 Israelis, drawing comparisons of contemporary Israeli

1 policy to that of Nazis, or blaming the State of Israel
2 for all interreligious or political tensions.

3 (ii) Applying a double standard to the State of
4 Israel by requiring behavior of the State of Israel
5 that is not expected or demanded of any other
6 democratic nation, or focusing peace or human rights
7 investigations only on the State of Israel.

8 (iii) Delegitimizing the State of Israel by
9 denying the Jewish people their right to
10 self-determination and denying the State of Israel the
11 right to exist.

12 However, criticism of the State of Israel that is
13 similar to criticism toward any other country may not be
14 regarded as anti-Semitic.

15 Nothing in this Section shall be construed to diminish or
16 infringe upon any right protected under the First Amendment to
17 the United States Constitution or Section 4 of Article I of the
18 Illinois State Constitution. Nothing in this Section shall be
19 construed to conflict with federal or State discrimination
20 laws.