

SB3825



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3825

Introduced 2/14/2020, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

110 ILCS 155/35 new

Amends the Preventing Sexual Violence in Higher Education Act. Provides that the amendatory Act may be referred to as the Every Voice Act. Requires each higher education institution to conduct a sexual misconduct climate survey every 2 years of all students at its institution. Creates the Task Force on Campus Sexual Climate Surveys to develop and recommend to the Attorney General a base survey to be distributed to higher education institutions to be used with the institutions' sexual misconduct climate surveys. Provides that there shall be established within the Office of the Attorney General a data repository for all summaries of sexual misconduct climate surveys submitted by higher education institutions to the Attorney General. Requires each higher education institution to publish the campus level results of its survey. Requires the Attorney General to establish rules and procedures. Allows the Attorney General to impose a fine not to exceed \$150,000 on a higher education institution that violates or fails to carry out the provisions. Defines terms.

LRB101 17938 CMG 67374 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 1. This Act may be referred to as the Every Voice
5 Act.

6 Section 5. The Preventing Sexual Violence in Higher
7 Education Act is amended by adding Section 35 as follows:

8 (110 ILCS 155/35 new)

9 Sec. 35. Sexual misconduct climate survey.

10 (a) As used in this Section:

11 "Base survey" means a base set of common questions
12 recommended by the Task Force on Campus Sexual Misconduct
13 Climate Surveys that is approved by the Attorney General.

14 "Student" means a person who is enrolled in a public or
15 private degree-granting post-secondary higher education
16 institution, whether part-time, full-time, or as an extension
17 student, including any person who has taken a leave of absence
18 or who has withdrawn from the higher education institution due
19 to being a victim of sexual misconduct.

20 (b) Every 2 years, each higher education institution shall
21 conduct a sexual misconduct climate survey of all students at
22 its institution. Each higher education institution's sexual

1 misconduct climate survey shall include the base survey, which
2 the Attorney General shall provide to the institution. Each
3 institution may append its own campus-specific questions to the
4 base survey if questions do not require the disclosure of any
5 personally-identifying information by the students and are not
6 unnecessarily traumatizing for victims of sexual violence. The
7 Attorney General shall review any complaints submitted by
8 students who believe that questions included in the campus
9 sexual misconduct climate survey are unnecessarily
10 traumatizing. Within 120 days after completion of a sexual
11 misconduct climate survey, but no later than one year after the
12 Attorney General issued the last base survey, each institution
13 shall compile a summary of the results of the sexual misconduct
14 climate survey, including, but not limited to, the complete
15 aggregated results for each base survey question, and shall
16 submit the summary to the Attorney General as well as publish
17 the summary on the institution's website in an easily
18 accessible manner.

19 (c) The Task Force on Campus Sexual Misconduct Surveys is
20 created. The Task Force shall consist of the following 17
21 members:

22 (1) the Illinois Attorney General, or a designee, who
23 shall serve as a co-chair;

24 (2) the executive director of the Illinois Board of
25 Higher Education, or a designee, who shall serve as a
26 co-chair;

1 (3) the Director of Public Health, or a designee; and
2 (4) fourteen other members who shall be appointed by
3 the Governor as follows:

4 (A) one of whom shall be a student attending a
5 public higher education institution in Illinois;

6 (B) one of whom shall be a student attending a
7 private higher education institution in Illinois;

8 (C) one of whom shall be a representative of the
9 University of Illinois recommended by the president of
10 the university;

11 (D) one of whom shall be a representative of the
12 Illinois Community College Board;

13 (E) one of whom shall be a representative of
14 private colleges and universities recommended by the
15 Federation of Independent Illinois Colleges and
16 Universities;

17 (F) three of whom shall be representatives of
18 survivors of sexual assault recommended by the
19 Illinois Coalition Against Sexual Assault, with one
20 specifically representing survivors in rural
21 communities and one specifically representing
22 survivors in urban communities;

23 (G) one of whom shall be a representative of a
24 non-profit legal services organization that provides
25 legal representation to victims of campus sexual
26 assault in Illinois;

1 (H) one of whom shall be a representative
2 recommended by the Illinois Coalition Against Domestic
3 Violence;

4 (I) one of whom shall be a representative
5 recommended by Equality Illinois;

6 (J) one of whom shall be a representative
7 recommended by Every Voice Coalition or any successor
8 organization of Every Voice Coalition;

9 (K) one of whom shall be a researcher with
10 experience in the development and design of sexual
11 misconduct climate surveys; and

12 (L) one of whom shall be a researcher of
13 statistics, data analytics, or econometrics with
14 experience in higher education survey analysis.

15 The Task Force shall hold its first meeting as soon as
16 practicable after the effective date of this amendatory Act of
17 the 101st General Assembly. Members of the Task Force shall
18 receive no compensation from serving as members.
19 Administrative and other support for the Task Force shall be
20 provided by the Office of the Attorney General.

21 (d) The Task Force shall develop and recommend to the
22 Attorney General the base survey for distribution to higher
23 education institutions and provide the Attorney General with
24 any related recommendations regarding the content, timing, and
25 application of the base survey. The Task Force shall deliver
26 the base survey and related recommendations, including, but not

1 limited to, recommendations on achieving statistically valid
2 response rates, to the Attorney General no less often than
3 every 2 years and for the first time on or before June 31,
4 2021.

5 (e) In developing the base survey, the Task Force shall:

6 (1) utilize best practices from peer-reviewed research
7 and consult with individuals with expertise in the
8 development and use of sexual misconduct climate surveys by
9 higher education institutions;

10 (2) review sexual misconduct climate surveys which
11 have been developed and previously utilized by higher
12 education institutions in Illinois and by other states that
13 mandate campus climate surveys;

14 (3) provide opportunities for written comment from
15 survivors and organizations that work directly with
16 survivors of sexual misconduct to ensure the adequacy and
17 appropriateness of the proposed content;

18 (4) consult with institutions on strategies for
19 optimizing the effectiveness of the survey; and

20 (5) account for the diverse needs and differences of
21 Illinois' higher education institutions.

22 (f) The base survey shall gather information on topics,
23 including, but not limited to:

24 (1) the number and type of incidents, both reported to
25 the higher education institution and unreported to the
26 higher education institution, of sexual misconduct at the

- 1 higher education institution;
- 2 (2) when and where incidents of sexual misconduct
3 occurred;
- 4 (3) student awareness of institutional policies and
5 procedures related to campus sexual misconduct;
- 6 (4) whether a student reported the sexual misconduct to
7 the higher education institution and, if so, to which
8 campus resource such report was made and, if not, the
9 reason for the student's decision not to report;
- 10 (5) whether a student reported the sexual misconduct to
11 law enforcement and, if so, to which law enforcement agency
12 such report was made;
- 13 (6) whether a student was informed of or referred to
14 local, State, campus, or other resources, or victim support
15 services, including appropriate medical care, advocacy,
16 counseling, and legal services;
- 17 (7) whether a student was provided information
18 regarding his or her right to protection from retaliation,
19 access to school-based accommodations, and criminal
20 justice remedies;
- 21 (8) contextual factors, such as the involvement of
22 force, incapacitation, coercion, or drug or alcohol
23 facilitation;
- 24 (9) demographic information that could be used to
25 identify at-risk groups, including, but not limited to,
26 gender;

1 (10) perceptions of campus safety among members of the
2 campus community and confidence in the institution's
3 ability to protect against and respond to incidents of
4 sexual misconduct;

5 (11) whether the student has chosen to withdraw or has
6 taken a leave of absence from the institution or
7 transferred to another institution;

8 (12) whether the student has withdrawn from any classes
9 or has been placed on academic probation as a result of the
10 incident; and

11 (13) other questions as determined by the Task Force.

12 (g) The sexual misconduct climate survey shall collect
13 anonymous responses and shall not provide for the public
14 disclosure of any personally identifying information. No
15 institution shall use or attempt to use information collected
16 through the sexual misconduct climate survey to identify or
17 contact any individual student on campus, nor shall the results
18 of the survey be used as the basis for any type of
19 investigation or disciplinary or legal proceeding.

20 (h) There shall be established within the Office of the
21 Attorney General a data repository for all summaries of sexual
22 misconduct climate surveys submitted by higher education
23 institutions to the Attorney General in accordance with
24 subsection (b). The Attorney General shall ensure that the
25 sexual misconduct climate survey data submitted by all
26 institutions will be available to the public in an easily

1 accessible manner on the Attorney General's website.

2 (i) Each higher education institution shall publish on the
3 institution's website in an easily accessible manner: (i) the
4 campus level results of the survey; (ii) the annual security
5 report required under 20 U.S.C. 1092, the federal Clery Act;
6 and (iii) a link to the Attorney General's statewide data on
7 sexual misconduct climate survey data as set forth in
8 subsection (h).

9 (j) The Attorney General shall establish rules and
10 procedures, including deadlines for dissemination and
11 collection of survey information, consistent with the purposes
12 of this Section and shall promote the effective solicitation to
13 achieve the highest practical response rate, collection, and
14 publication of statistical information gathered from Illinois'
15 higher education institutions.

16 (k) Notwithstanding any other provision of law to the
17 contrary, upon determination and after reasonable notice and
18 opportunity for a hearing that a higher education institution
19 has violated or failed to carry out any provision of this
20 Section or any rule adopted under this Section, the Attorney
21 General may impose a civil penalty upon such institution not to
22 exceed \$150,000, which shall be adjusted for inflation
23 annually, for each violation. The Attorney General shall use
24 any such civil penalty funds to provide oversight of this
25 Section and to provide services to sexual assault victims.