

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

6 (110 ILCS 155/35 new)

7 Sec. 35. Sexual misconduct climate survey.

8 (a) As used in this Section:

9 "Base survey" means a base set of common questions
10 recommended by the Task Force on Campus Sexual Misconduct
11 Climate Surveys and approved by the Executive Director of the
12 Board of Higher Education.

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17 or who has withdrawn from the higher education institution due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

19 "Trauma informed" means an understanding of the
20 complexities of sexual violence, domestic violence, dating
21 violence, or stalking through training centered on the
22 neurobiological impact of trauma, the influence of societal
23 myths and stereotypes surrounding sexual violence, domestic

1 violence, dating violence, or stalking, and understanding the
2 behavior of perpetrators.

3 (b) Each higher education institution shall annually
4 conduct a sexual misconduct climate survey of all students at
5 the institution. Each higher education institution's sexual
6 misconduct climate survey shall include the base survey, which
7 the Board of Higher Education shall provide to the institution
8 every 2 years. Each institution may append its own
9 campus-specific questions to the base survey if questions do
10 not require the disclosure of any personally identifying
11 information by the students and are trauma informed. The Board
12 of Higher Education, in consultation with the Office of the
13 Attorney General, as necessary, shall review any complaints
14 submitted by students who believe that questions included in
15 the campus sexual misconduct climate survey are traumatizing.
16 Within 120 days after completion of a sexual misconduct
17 climate survey, but no later than one year after the Board of
18 Higher Education issued the last base survey, each institution
19 shall compile a summary of the results of the sexual
20 misconduct climate survey, including, but not limited to, the
21 complete aggregated results for each base survey question, and
22 shall submit the summary to the Board of Higher Education, as
23 well as publish the summary on the institution's website in an
24 easily accessible manner.

25 (c) The Task Force on Campus Sexual Misconduct Climate
26 Surveys is created. The Task Force shall consist of the

1 following members:

2 (1) the Executive Director of the Board of Higher
3 Education or a designee, who shall serve as chairperson;

4 (2) the Governor or a designee;

5 (3) the Attorney General or a designee;

6 (4) the Director of Public Health or a designee;

7 (5) the following members appointed by the Governor:

8 (A) one member who is a student attending a public
9 higher education institution in Illinois;

10 (B) one member who is a student attending a
11 private higher education institution in Illinois;

12 (C) one member who is a student attending a
13 community college in Illinois;

14 (D) one member who is a representative of the
15 University of Illinois recommended by the president of
16 the university;

17 (E) one member who is a representative of the
18 Illinois Community College Board;

19 (F) one member who is a representative of private
20 colleges and universities recommended by the
21 Federation of Independent Illinois Colleges and
22 Universities;

23 (G) 3 members who are representatives of survivors
24 of sexual assault recommended by the Illinois
25 Coalition Against Sexual Assault, with one
26 specifically representing survivors in rural

1 communities and one specifically representing
2 survivors in urban communities;

3 (H) one member who is a representative of a
4 non-profit legal services organization that provides
5 legal representation to victims of campus sexual
6 assault in Illinois;

7 (I) one member who is a representative recommended
8 by the Illinois Coalition Against Domestic Violence;

9 (J) one member who is a representative recommended
10 by Equality Illinois;

11 (K) one member who is a representative of an
12 immigrant rights advocacy organization;

13 (L) one member who is a representative recommended
14 by the Every Voice Coalition or any successor
15 organization of the Every Voice Coalition;

16 (M) one member who is a researcher with experience
17 in the development and design of sexual misconduct
18 climate surveys; and

19 (N) one member who is a researcher of statistics,
20 data analytics, or econometrics with experience in
21 higher education survey analysis.

22 The Task Force shall hold its first meeting as soon as
23 practicable after the effective date of this amendatory Act of
24 the 102nd General Assembly. Administrative and other support
25 for the Task Force shall be provided by the Board of Higher
26 Education. Members of the Task Force shall serve 2-year terms

1 that commence on the date of appointment. Members shall
2 continue to serve until their successors are appointed. Any
3 vacancy shall be filled by the appointing authority. Any
4 vacancy occurring other than by expiration of the term shall
5 be filled for the balance of the unexpired term. A majority of
6 the Task Force shall constitute a quorum for the transaction
7 of any business.

8 Members of the Task Force shall serve without compensation
9 but shall be reimbursed for expenses necessarily incurred in
10 the performance of their duties if funds are available.
11 However, the higher education institution in which a student
12 member is enrolled may compensate that student for
13 participating on the Task Force through a work-study program
14 or by providing a stipend to support the work of the student
15 member on the Task Force.

16 (d) The Task Force shall develop and recommend to the
17 Board of Higher Education the base survey for distribution to
18 higher education institutions and provide the Board of Higher
19 Education with any related recommendations regarding the
20 content, timing, and application of the base survey. The Task
21 Force shall deliver the base survey and related
22 recommendations, including, but not limited to,
23 recommendations on achieving statistically valid response
24 rates, to the Board of Higher Education no less often than
25 every 2 years and for the first time on or before July 31,
26 2022. Thereafter, the Task Force shall meet in the year 2024

1 and in the year 2026 to review the results of the survey and to
2 implement updates and improvements. The Task Force is
3 dissolved after the completion of the 2026 base survey. After
4 the dissolution of the Task Force, the Executive Director of
5 the Board of Higher Education or a designee shall review the
6 base survey every 2 years to consider any feedback that has
7 been received and to implement improvements.

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

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

13 (2) review sexual misconduct climate surveys that have
14 been developed and previously utilized by higher education
15 institutions in Illinois and by other states that mandate
16 campus climate surveys;

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

21 (4) consult with institutions on strategies for
22 optimizing the effectiveness of the survey;

23 (5) account for the diverse needs and differences of
24 higher education institutions; and

25 (6) review the base survey to ensure that the strategy
26 for gathering information is trauma informed.

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

3 (1) the number and type of incidents, both reported to
4 the higher education institution and unreported to the
5 higher education institution, of sexual misconduct at the
6 higher education institution;

7 (2) when and where incidents of sexual misconduct
8 occurred, such as on campus, off campus, abroad, or
9 online;

10 (3) student awareness of institutional policies and
11 procedures related to campus sexual misconduct;

12 (4) whether a student reported the sexual misconduct
13 to the higher education institution and, if so, to which
14 campus resource such report was made and, if not, the
15 reason for the student's decision not to report;

16 (5) whether a student reported the sexual misconduct
17 to law enforcement and, if so, to which law enforcement
18 agency such report was made;

19 (6) whether a student was informed of or referred to
20 local, State, campus, or other resources or victim support
21 services, including appropriate medical care, advocacy,
22 counseling, and legal services;

23 (7) whether a student was provided information
24 regarding his or her right to protection from retaliation,
25 access to school-based accommodations, and criminal
26 justice remedies;

1 (8) contextual factors, such as the involvement of
2 force, incapacitation, coercion, or drug or alcohol
3 facilitation;

4 (9) demographic information that could be used to
5 identify at-risk groups, including, but not limited to,
6 gender, race, immigration status, national origin,
7 ethnicity, disability status, sexual orientation, and
8 gender identity;

9 (10) perceptions of campus safety among members of the
10 campus community and confidence in the institution's
11 ability to protect against and respond to incidents of
12 sexual misconduct;

13 (11) whether the student has chosen to withdraw or has
14 taken a leave of absence from the institution or
15 transferred to another institution;

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

19 (13) other questions as determined by the Task Force.
20 All questions on the base survey shall be optional or shall
21 offer the student the option to select "I prefer not to answer"
22 as a response on the survey.

23 (g) The sexual misconduct climate survey shall collect
24 anonymous responses and shall not provide for the public
25 disclosure of any personally identifying information. No
26 institution may use or attempt to use information collected

1 through the sexual misconduct climate survey to identify or
2 contact any individual student on campus, nor shall the
3 results of the survey be used as the basis for any type of
4 investigation or disciplinary or legal proceeding.

5 (h) There shall be established within the Office of the
6 Board of Higher Education a data repository for all summaries
7 of sexual misconduct climate surveys submitted by higher
8 education institutions to the Board of Higher Education in
9 accordance with subsection (b). The Board of Higher Education
10 shall ensure that the sexual misconduct climate survey data
11 submitted by all institutions is available to the public in an
12 easily accessible manner on the Board of Higher Education's
13 website.

14 (i) Each higher education institution shall publish on the
15 institution's website in an easily accessible manner:

16 (1) the campus level results of the survey;

17 (2) the annual security report required under the
18 federal Jeanne Clery Disclosure of Campus Security Policy
19 and Campus Crime Statistics Act;

20 (3) the reports required under Section 9.21 of the
21 Board of Higher Education Act; and

22 (4) a link to the Board of Higher Education's
23 statewide data on sexual misconduct climate survey data as
24 set forth in subsection (h).

25 (j) The Board of Higher Education shall establish rules
26 and procedures, including deadlines for dissemination and

1 collection of survey information, consistent with the purposes
2 of this Section and shall promote effective solicitation to
3 achieve the highest practical response rate, collection, and
4 publication of statistical information gathered from higher
5 education institutions.

6 (k) Upon determination, after reasonable notice and
7 opportunity for a hearing, that a higher education institution
8 has violated or failed to carry out any provision of this
9 Section or any rule adopted under this Section, the Board of
10 Higher Education may impose a civil penalty upon such
11 institution not to exceed \$50,000, which shall be adjusted for
12 inflation annually, for each violation. The Board of Higher
13 Education shall use any such civil penalty funds to provide
14 oversight of this Section and to provide funding to community
15 organizations that provide services to sexual assault victims.
16 The Attorney General may bring an action in the circuit court
17 to enforce the collection of any monetary penalty imposed
18 under this subsection (k).

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.