

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. Short title. This Act may be cited as the  
5 Preventing Sexual Violence in Higher Education Act.

6 Section 5. Definitions. In this Act:

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

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

15 "Complainant" means a student who files a complaint  
16 alleging violation of the comprehensive policy through the  
17 higher education institution's complaint resolution procedure.

18 "Comprehensive policy" means a policy created and  
19 implemented by a higher education institution to address  
20 student allegations of sexual violence, domestic violence,  
21 dating violence, and stalking.

22 "Confidential advisor" means a person who is employed or  
23 contracted by a higher education institution to provide

1 emergency and ongoing support to student survivors of sexual  
2 violence with the training, duties, and responsibilities  
3 described in Section 20 of this Act.

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

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

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

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

23 "Survivor" means a student who has experienced sexual  
24 violence, domestic violence, dating violence, or stalking  
25 while enrolled at a higher education institution.

26 "Survivor-centered" means a systematic focus on the needs

1 and concerns of a survivor of sexual violence, domestic  
2 violence, dating violence, or stalking that (i) ensures the  
3 compassionate and sensitive delivery of services in a  
4 nonjudgmental manner; (ii) ensures an understanding of how  
5 trauma affects survivor behavior; (iii) maintains survivor  
6 safety, privacy, and, if possible, confidentiality; and (iv)  
7 recognizes that a survivor is not responsible for the sexual  
8 violence, domestic violence, dating violence, or stalking.

9 "Trauma-informed response" means a response involving an  
10 understanding of the complexities of sexual violence, domestic  
11 violence, dating violence, or stalking through training  
12 centered on the neurobiological impact of trauma, the influence  
13 of societal myths and stereotypes surrounding sexual violence,  
14 domestic violence, dating violence, or stalking, and  
15 understanding the behavior of perpetrators.

16 Section 10. Comprehensive policy. On or before August 1,  
17 2016, all higher education institutions shall adopt a  
18 comprehensive policy concerning sexual violence, domestic  
19 violence, dating violence, and stalking consistent with  
20 governing federal and State law. The higher education  
21 institution's comprehensive policy shall include, at a  
22 minimum, all of the following components:

23 (1) A definition of consent that, at a minimum,  
24 recognizes that (i) consent is a freely given agreement to  
25 sexual activity, (ii) a person's lack of verbal or physical

1 resistance or submission resulting from the use or threat  
2 of force does not constitute consent, (iii) a person's  
3 manner of dress does not constitute consent, (iv) a  
4 person's consent to past sexual activity does not  
5 constitute consent to future sexual activity, (v) a  
6 person's consent to engage in sexual activity with one  
7 person does not constitute consent to engage in sexual  
8 activity with another, (vi) a person can withdraw consent  
9 at any time, and (vii) a person cannot consent to sexual  
10 activity if that person is unable to understand the nature  
11 of the activity or give knowing consent due to  
12 circumstances, including without limitation the following:

13 (A) the person is incapacitated due to the use or  
14 influence of alcohol or drugs;

15 (B) the person is asleep or unconscious;

16 (C) the person is under age; or

17 (D) the person is incapacitated due to a mental  
18 disability.

19 Nothing in this Section prevents a higher education  
20 institution from defining consent in a more demanding  
21 manner.

22 (2) Procedures that students of the higher education  
23 institution may follow if they choose to report an alleged  
24 violation of the comprehensive policy, regardless of where  
25 the incident of sexual violence, domestic violence, dating  
26 violence, or stalking occurred, including all of the

1 following:

2 (A) Name and contact information for the Title IX  
3 coordinator, campus law enforcement or security, local  
4 law enforcement, and the community-based sexual  
5 assault crisis center.

6 (B) The name, title, and contact information for  
7 confidential advisors and other confidential resources  
8 and a description of what confidential reporting  
9 means.

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

20 (D) An option for students to electronically  
21 report.

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

23 (F) An option for students to confidentially  
24 report.

25 (G) An option for reports by third parties and  
26 bystanders.

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

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

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

25          (6) The name, telephone number, address, and website  
26          URL, if available, of community-based, State, and national

1 sexual assault crisis centers.

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

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

15 (9) A statement of the range of sanctions the higher  
16 education institution may impose following the  
17 implementation of its complaint resolution procedures in  
18 response to an alleged violation of the comprehensive  
19 policy.

20 (10) A statement of the higher education institution's  
21 obligation to include an amnesty provision that provides  
22 immunity to any student who reports, in good faith, an  
23 alleged violation of the higher education institution's  
24 comprehensive policy to a responsible employee, as defined  
25 by federal law, so that the reporting student will not  
26 receive a disciplinary sanction by the institution for a

1 student conduct violation, such as underage drinking, that  
2 is revealed in the course of such a report, unless the  
3 institution determines that the violation was egregious,  
4 including without limitation an action that places the  
5 health or safety of any other person at risk.

6 (11) A statement of the higher education institution's  
7 prohibition on retaliation against those who, in good  
8 faith, report or disclose an alleged violation of the  
9 comprehensive policy, file a complaint, or otherwise  
10 participate in the complaint resolution procedure and  
11 available sanctions for individuals who engage in  
12 retaliatory conduct.

13 Section 15. Student notification of rights and options.

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

20 (1) the survivor's right to report or not report the  
21 alleged incident to the higher education institution, law  
22 enforcement, or both, including information about the  
23 survivor's right to privacy and which reporting methods are  
24 confidential;

25 (2) the contact information for the higher education



1 institution's Title IX coordinator or coordinators,  
2 confidential advisors, a community-based sexual assault  
3 crisis center, campus law enforcement, and local law  
4 enforcement;

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

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

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

24 (b) Within 12 hours after receiving an electronic report,  
25 the higher education institution shall respond to the  
26 electronic reporter and, at a minimum, provide the information

1 described in subdivisions (1) through (6) of subsection (a) of  
2 this Section and a list of available resources. The higher  
3 education institution may choose the manner in which it  
4 responds including, but not limited to, through verbal or  
5 electronic communication. Nothing in this subsection (b)  
6 limits a higher education institution's obligations under  
7 subsection (a) of this Section.

8 Section 20. Confidential advisor.

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

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

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

1 accommodations, and complaint resolution procedures.

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

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

11 (2) Notify the survivor of resources and services for  
12 survivors of sexual violence, including, but not limited  
13 to, student services available on campus and through  
14 community-based resources, including without limitation  
15 sexual assault crisis centers, medical treatment  
16 facilities, counseling services, legal resources, medical  
17 forensic services, and mental health services.

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

23 (4) Provide confidential services to and have  
24 privileged, confidential communications with survivors of  
25 sexual violence in accordance with Section 8-804 of the  
26 Code of Civil Procedure.

1           (5) Upon the survivor's request and as appropriate,  
2           liaise with campus officials, community-based sexual  
3           assault crisis centers, or local law enforcement and, if  
4           requested, assist the survivor with contacting and  
5           reporting to campus officials, campus law enforcement, or  
6           local law enforcement.

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

10          Section 25. Complaint resolution procedures.

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

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

19                (1) Complainants alleging student violation of the  
20                comprehensive policy shall have the opportunity to request  
21                that the complaint resolution procedure begin promptly and  
22                proceed in a timely manner.

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

1           (3) All individuals whose duties include resolution of  
2           complaints of student violations of the comprehensive  
3           policy shall receive a minimum of 8 to 10 hours of annual  
4           training on issues related to sexual violence, domestic  
5           violence, dating violence, and stalking and how to conduct  
6           the higher education institution's complaint resolution  
7           procedures, in addition to the annual training required for  
8           employees as provided in subsection (c) of Section 30 of  
9           this Act.

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 case  
13           of a conflict of interest or recusal and (ii) an individual  
14           or individuals with no prior involvement in the initial  
15           determination or finding hear any appeal brought by a  
16           party.

17           (5) The individual or individuals resolving a  
18           complaint shall use a preponderance of the evidence  
19           standard to determine whether the alleged violation of the  
20           comprehensive policy occurred.

21           (6) The complainant and respondent shall (i) receive  
22           notice of the individual or individuals with authority to  
23           make a finding or impose a sanction in their proceeding  
24           before the individual or individuals initiate contact with  
25           either party and (ii) have the opportunity to request a  
26           substitution if the participation of an individual with

1 authority to make a finding or impose a sanction poses a  
2 conflict of interest.

3 (7) The higher education institution shall have a  
4 procedure to determine interim protective measures and  
5 accommodations available pending the resolution of the  
6 complaint.

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

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

16 (10) The complainant and the respondent may not  
17 directly cross examine one another, but may, at the  
18 discretion and direction of the individual or individuals  
19 resolving the complaint, suggest questions to be posed by  
20 the individual or individuals resolving the complaint and  
21 respond to the other party.

22 (11) Both parties may request and must be allowed to  
23 have an advisor of their choice accompany them to any  
24 meeting or proceeding related to an alleged violation of  
25 the comprehensive policy, provided that the involvement of  
26 the advisor does not result in undue delay of the meeting

1 or proceeding. The advisor must comply with any rules in  
2 the higher education institution's complaint resolution  
3 procedure regarding the advisor's role. If the advisor  
4 violates the rules or engages in behavior or advocacy that  
5 harasses, abuses, or intimidates either party, a witness,  
6 or an individual resolving the complaint, that advisor may  
7 be prohibited from further participation.

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

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

19 (14) The complainant and the respondent shall, at a  
20 minimum, have the right to timely appeal the complaint  
21 resolution procedure's findings or imposed sanctions if  
22 the party alleges (i) a procedural error occurred, (ii) new  
23 information exists that would substantially change the  
24 outcome of the finding, or (iii) the sanction is  
25 disproportionate with the violation. The individual or  
26 individuals reviewing the findings or imposed sanctions

1 shall not have participated previously in the complaint  
2 resolution procedure and shall not have a conflict of  
3 interest with either party. The complainant and the  
4 respondent shall receive the appeal decision in writing  
5 within 7 days after the conclusion of the review of  
6 findings or sanctions or sooner if required by federal or  
7 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 Section 30. Campus training, education, and awareness.

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

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

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

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



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

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

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

21           (b) Beginning with the 2016-2017 academic year, each higher  
22 education institution shall provide sexual violence primary  
23 prevention and awareness programming for all students who  
24 attend one or more classes on campus, which shall include, at a  
25 minimum, annual training as described in this subsection (b).  
26 Nothing in this Section shall be construed to limit the higher

1 education institution's ability to conduct additional ongoing  
2 sexual violence primary prevention and awareness programming.

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

8 (1) the institution's definitions of consent,  
9 inability to consent, and retaliation as they relate to  
10 sexual violence;

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

13 (3) reporting to the confidential advisor or other  
14 confidential resources;

15 (4) available survivor services; and

16 (5) strategies for bystander intervention and risk  
17 reduction.

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

22 (c) Beginning in the 2016-2017 academic year, a higher  
23 education institution shall provide annual survivor-centered  
24 and trauma-informed response training to any employee of the  
25 higher education institution who is involved in (i) the receipt  
26 of a student report of an alleged incident of sexual violence,

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

14 The higher education institution shall design the training  
15 to improve the trainee's ability to understand (i) the higher  
16 education institution's comprehensive policy; (ii) the  
17 relevant federal and State law concerning survivors of sexual  
18 violence, domestic violence, dating violence, and stalking at  
19 higher education institutions; (iii) the roles of the higher  
20 education institution, medical providers, law enforcement, and  
21 community agencies in ensuring a coordinated response to a  
22 reported incident of sexual violence; (iv) the effects of  
23 trauma on a survivor; (v) the types of conduct that constitute  
24 sexual violence, domestic violence, dating violence, and  
25 stalking, including same-sex violence; and (vi) consent and the  
26 role drugs and alcohol use can have on the ability to consent.

1 The training shall also seek to improve the trainee's ability  
2 to respond with cultural sensitivity; provide services to or  
3 assist in locating services for a survivor, as appropriate; and  
4 communicate sensitively and compassionately with a survivor of  
5 sexual violence, domestic violence, dating violence, or  
6 stalking.

7 Section 75. The Campus Security Enhancement Act of 2008 is  
8 amended by changing Section 10 as follows:

9 (110 ILCS 12/10)

10 Sec. 10. Task ~~Community task~~ force.

11 (a) In this Section:

12 "Higher education institution" means a public university,  
13 a public community college, or an independent, not-for-profit  
14 or for-profit higher education institution located in this  
15 State.

16 "Sexual violence" means physical sexual acts attempted or  
17 perpetrated against a person's will or when a person is  
18 incapable of giving consent, including without limitation  
19 rape, sexual assault, sexual battery, sexual abuse, and sexual  
20 coercion.

21 (b) Each ~~public institution~~ of higher education  
22 institution shall either establish their own campus-wide task  
23 force or participate in a regional task force, as set out in  
24 this Section, on or before August 1, 2016. The task forces

1 shall be composed of representatives of campus staff, campus  
2 students, community-based organizations, and law enforcement.  
3 The task forces shall work toward improving coordination  
4 between ~~by December 1, 1996, a community task force for the~~  
5 ~~purpose of coordinating with~~ community leaders and service  
6 providers to prevent sexual violence, domestic violence,  
7 dating violence, and stalking ~~assaults~~ and to ensure a  
8 coordinated response both in terms of law enforcement and  
9 victim services.

10 (1) The participants of the campus-wide task force  
11 shall consist of individuals, including campus staff,  
12 faculty, and students, selected by the president or  
13 chancellor of each higher education institution or the  
14 president's or chancellor's designee, which must include  
15 various stakeholders on the issue of sexual violence,  
16 domestic violence, dating violence, and stalking.

17 The president or chancellor of each higher education  
18 institution or the president's or chancellor's designee  
19 shall invite each of the following entities to identify an  
20 individual to serve on the campus-wide task force:

21 (A) a community-based sexual assault crisis  
22 center;

23 (B) a community-based domestic violence agency;

24 (C) local law enforcement; and

25 (D) the local State's Attorney's office.

26 Each higher education institution may make available

1 to members of the campus-wide task force training on (i)  
2 the awareness and prevention of sexual violence, domestic  
3 violence, dating violence, and stalking and communicating  
4 with and providing assistance to a student survivor of  
5 sexual violence, domestic violence, dating violence, and  
6 stalking; (ii) the higher education institution's  
7 comprehensive policy concerning sexual violence, domestic  
8 violence, dating violence, and stalking; (iii) the  
9 provisions of federal and State law concerning survivors of  
10 sexual violence, domestic violence, dating violence, and  
11 stalking at higher education institutions; (iv)  
12 survivor-centered responses and the role of  
13 community-based advocates; (v) the role and functions of  
14 each member on such campus-wide task force for the purpose  
15 of ensuring a coordinated response to reported incidences  
16 of sexual violence, domestic violence, dating violence,  
17 and stalking; and (vi) trauma-informed responses to sexual  
18 violence, domestic violence, dating violence, and  
19 stalking.

20 The campus-wide task force shall meet at least 2 times  
21 per calendar year for the purpose of discussing and  
22 improving upon the following areas:

23 (I) best practices as they relate to prevention,  
24 awareness, education, and response to sexual violence,  
25 domestic violence, dating violence, and stalking;

26 (II) the higher education institution's

1 comprehensive policy and procedures; and

2 (III) collaboration and information-sharing among  
3 the higher education institution, community-based  
4 organizations, and law enforcement, including without  
5 limitation discussing memoranda of understanding,  
6 protocols, or other practices for cooperation.

7 (2) Any regional task force in which a higher education  
8 institution participates shall have representatives from  
9 the following: higher education institutions,  
10 community-based sexual assault crisis centers and domestic  
11 violence organizations, and law enforcement agencies in  
12 the region, including, police, State's Attorney's offices,  
13 and other relevant law enforcement agencies. A higher  
14 education institution shall send appropriate designees,  
15 including faculty, staff, and students, to participate in  
16 the regional task force.

17 The regional task force shall meet at least 2 times per  
18 calendar year for the purpose of discussing and improving  
19 upon the following areas:

20 (A) best practices as they relate to prevention of,  
21 awareness of, education concerning, and the response  
22 to sexual violence, domestic violence, dating  
23 violence, and stalking;

24 (B) sexual violence policies and procedures; and

25 (C) collaboration and information-sharing among  
26 higher education institutions, community-based

1           organizations, and law enforcement, including without  
2           limitation discussing memoranda of understanding,  
3           protocols, or other practices for cooperation.

4           (Source: P.A. 88-629, eff. 9-9-94.)

5           Section 80. The Board of Higher Education Act is amended by  
6           changing Section 9.21 as follows:

7           (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

8           Sec. 9.21. Human Relations.

9           (a) The Board shall monitor, budget, evaluate, and report  
10          to the General Assembly in accordance with Section 9.16 of this  
11          Act on programs to improve human relations to include race,  
12          ethnicity, gender and other issues related to improving human  
13          relations. The programs shall at least:

14               (1) require each public institution of higher  
15               education to include, in the general education  
16               requirements for obtaining a degree, coursework on  
17               improving human relations to include race, ethnicity,  
18               gender and other issues related to improving human  
19               relations to address racism and sexual harassment on their  
20               campuses, through existing courses;

21               (2) require each public institution of higher  
22               education to report annually ~~monthly~~ to the Department of  
23               Human Rights and the Attorney General on each adjudicated  
24               case in which a finding of racial, ethnic or religious



1 intimidation or sexual harassment made in a grievance,  
2 affirmative action or other proceeding established by that  
3 institution to investigate and determine allegations of  
4 racial, ethnic or religious intimidation and sexual  
5 harassment; and

6 (3) require each public institution of higher  
7 education to forward to the local State's Attorney any  
8 report received by campus security or by a university  
9 police department alleging the commission of a hate crime  
10 as defined under Section 12-7.1 of the Criminal Code of  
11 2012.

12 (b) In this subsection (b):

13 "Higher education institution" means a public university,  
14 a public community college, or an independent, not-for-profit  
15 or for-profit higher education institution located in this  
16 State.

17 "Sexual violence" means physical sexual acts attempted or  
18 perpetrated against a person's will or when a person is  
19 incapable of giving consent, including without limitation  
20 rape, sexual assault, sexual battery, sexual abuse, and sexual  
21 coercion.

22 On or before November 1, 2017 and on or before every  
23 November 1 thereafter, each higher education institution shall  
24 provide an annual report, concerning the immediately preceding  
25 calendar year, to the Department of Human Rights and the  
26 Attorney General with all of the following components:

1           (1) A copy of the higher education institution's most  
2           recent comprehensive policy adopted in accordance with  
3           Section 10 of the Preventing Sexual Violence in Higher  
4           Education Act.

5           (2) A copy of the higher education institution's most  
6           recent concise, written notification of a survivor's  
7           rights and options under its comprehensive policy,  
8           required pursuant to Section 15 of the Preventing Sexual  
9           Violence in Higher Education Act.

10           (3) The number, type, and number of attendees, if  
11           applicable, of primary prevention and awareness  
12           programming at the higher education institution.

13           (4) The number of incidents of sexual violence,  
14           domestic violence, dating violence, and stalking reported  
15           to the Title IX coordinator or other responsible employee,  
16           pursuant to Title IX of the federal Education Amendments of  
17           1972, of the higher education institution.

18           (5) The number of confidential and anonymous reports to  
19           the higher education institution of sexual violence,  
20           domestic violence, dating violence, and stalking.

21           (6) The number of allegations in which the survivor  
22           requested not to proceed with the higher education  
23           institution's complaint resolution procedure.

24           (7) The number of allegations of sexual violence,  
25           domestic violence, dating violence, and stalking that the  
26           higher education institution investigated.

1           (8) The number of allegations of sexual violence,  
2           domestic violence, dating violence, and stalking that were  
3           referred to local or State law enforcement.

4           (9) The number of allegations of sexual violence,  
5           domestic violence, dating violence, and stalking that the  
6           higher education institution reviewed through its  
7           complaint resolution procedure.

8           (10) With respect to all allegations of sexual  
9           violence, domestic violence, dating violence, and stalking  
10           reviewed under the higher education institution's  
11           complaint resolution procedure, an aggregate list of the  
12           number of students who were (i) dismissed or expelled, (ii)  
13           suspended, (iii) otherwise disciplined, or (iv) found not  
14           responsible for violation of the comprehensive policy  
15           through the complaint resolution procedure during the  
16           reporting period.

17           The Office of the Attorney General shall maintain on its  
18           Internet website for public inspection a list of all higher  
19           education institutions that fail to comply with the annual  
20           reporting requirements as set forth in this subsection (b).

21           (Source: P.A. 97-1150, eff. 1-25-13.)

22           Section 85. The Code of Civil Procedure is amended by  
23           adding Section 8-804 as follows:

24           (735 ILCS 5/8-804 new)

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 from public disclosure of communications they  
5 make in confidence to confidential advisors. Because of the  
6 fear, stigma, and trauma that often result from incidents of  
7 sexual violence, many survivors hesitate to report or seek  
8 help, even when it is available at no cost to them. As a  
9 result, they not only fail to receive needed medical care and  
10 emergency counseling, but may lack the psychological support  
11 necessary to report the incident of sexual violence to the  
12 higher education institution or law enforcement.

13       (b) In this Section:

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

20       "Higher education institution" means a public university,  
21 a public community college, or an independent, not-for-profit  
22 or for-profit higher education institution located in this  
23 State.

24       "Sexual violence" means physical sexual acts attempted or  
25 perpetrated against a person's will or when a person is  
26 incapable of giving consent, including without limitation

1 rape, sexual assault, sexual battery, sexual abuse, and sexual  
2 coercion.

3 "Survivor" means a student who has experienced sexual  
4 violence while enrolled at a higher education institution.

5 (c) All communications between a confidential advisor and a  
6 survivor pertaining to an incident of sexual violence shall  
7 remain confidential, unless the survivor consents to the  
8 disclosure of the communication in writing, the disclosure  
9 falls within one of the exceptions outlined in subsection (d)  
10 of this Section, or failure to disclose the communication would  
11 violate State or federal law. Communications include all  
12 records kept by the confidential advisor in the course of  
13 providing the survivor with services related to the incident of  
14 sexual violence.

15 (d) The confidential advisor may disclose confidential  
16 communications between the confidential advisor and the  
17 survivor if failure to disclose would result in a clear,  
18 imminent risk of serious physical injury to or death of the  
19 survivor or another person.

20 The confidential advisor shall have no obligation to report  
21 crimes to the higher education institution or law enforcement,  
22 except to report to the Title IX coordinator, as defined by  
23 Title IX of the federal Education Amendments of 1972, on a  
24 monthly basis the number and type of incidents of sexual  
25 violence reported exclusively to the confidential advisor in  
26 accordance with the higher education institution's reporting

1 requirements under subsection (b) of Section 9.21 of the Board  
2 of Higher Education Act and under federal law.

3 If, in any judicial proceeding, a party alleges that the  
4 communications are necessary to the determination of any issue  
5 before the court and written consent to disclosure has not been  
6 given, the party may ask the court to consider ordering the  
7 disclosure of the communications. In such a case,  
8 communications may be disclosed if the court finds, after in  
9 camera examination of the communication, that the  
10 communication is relevant, probative, and not unduly  
11 prejudicial or inflammatory or is otherwise clearly  
12 admissible; that other evidence is demonstrably unsatisfactory  
13 as evidence of the facts sought to be established by the  
14 communication or communications; and that disclosure is more  
15 important to the interests of substantial justice than  
16 protection from injury to the confidential advisor-survivor  
17 relationship, to the survivor, or to any other individual whom  
18 disclosure is likely to harm.

19 (e) This privilege shall not preclude an individual from  
20 asserting a greater privilege under federal or State law that  
21 applies.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.