



Rep. Michelle Mussman

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1 AMENDMENT TO HOUSE BILL 821

2 AMENDMENT NO. _____. Amend House Bill 821 by replacing
3 everything after the enacting clause with the following:

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

1 higher education institution's complaint resolution process.

2 "Comprehensive policy" means a policy created and
3 implemented by a higher education institution to address
4 student allegations of sexual violence, domestic violence,
5 dating violence, and stalking.

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

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

15 "Primary prevention programming" means institutional
16 action and strategies intended to prevent sexual violence
17 before it occurs by means of changing social norms and other
18 approaches, including without limitation training, poster and
19 flyer campaigns, electronic communications, films, guest
20 speakers, symposia, conferences, seminars, or panel
21 discussions.

22 "Respondent" means a student who has been accused of
23 violating a higher education institution's comprehensive
24 policy.

25 "Sexual violence" means physical sexual acts attempted or
26 perpetrated against a person's will or when a person is

1 incapable of giving consent, including without limitation
2 rape, sexual assault, sexual battery, sexual abuse, and sexual
3 coercion.

4 "Survivor" means a student who has experienced sexual
5 violence, domestic violence, dating violence, or stalking
6 while enrolled at a higher education institution.

7 "Trauma-informed response" means a response involving an
8 understanding of the complexities of sexual violence through
9 training centered on the neurobiological impact of trauma, the
10 influence of societal myths and stereotypes surrounding sexual
11 violence, understanding the behavior of perpetrators, and
12 conducting an effective investigation.

13 "Victim-centered" means a systematic focus on the needs and
14 concerns of a victim of sexual violence that (i) ensures the
15 compassionate and sensitive delivery of services in a
16 nonjudgmental manner; (ii) ensures an understanding of how
17 trauma affects victim behavior; (iii) maintains victim safety,
18 privacy, and, if possible, confidentiality; and (iv)
19 recognizes that a victim is not responsible for the sexual
20 violence.

21 Section 10. Comprehensive policy. On or before August 1,
22 2016, all higher education institutions shall adopt a
23 comprehensive policy concerning sexual violence, domestic
24 violence, dating violence, and stalking consistent with
25 governing federal and State law. The higher education

1 institution's comprehensive policy shall include, at a
2 minimum, all of the following components:

3 (1) A definition of consent that, at a minimum,
4 recognizes that (i) consent is a freely given agreement to
5 sexual activity, (ii) a person's lack of verbal or physical
6 resistance or submission resulting from the use or threat
7 of force does not constitute consent, (iii) a person's
8 manner of dress does not constitute consent, (iv) a
9 person's consent to past sexual activity does not
10 constitute consent to future sexual activity, (v) a
11 person's consent to engage in sexual activity with one
12 person does not constitute consent to engage in sexual
13 activity with another, (vi) a person can withdraw consent
14 at any time, and (vii) a person cannot consent to sexual
15 activity if he or she is unable to understand the nature of
16 the activity or give knowing consent due to circumstances,
17 including without limitation the following:

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

20 (B) the person is asleep or unconscious;

21 (C) the person is under age; or

22 (D) the person has a mental disability.

23 Nothing in this Section prevents a higher education
24 institution from defining consent in a manner that is more
25 demanding.

26 (2) Procedures that students of the higher education

1 institution may follow if they choose to report a violation
2 of the comprehensive policy, regardless of where the
3 incident occurred, including all of the following:

4 (A) Name and contact information for the Title IX
5 coordinator, campus law enforcement or security, local
6 law enforcement, and the local sexual assault or rape
7 crisis service center.

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

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

22 (D) An option for students to electronically
23 report.

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

25 (F) An option for students to confidentially
26 report.

1 (G) An option for reports by third parties and
2 bystanders.

3 (3) The higher education institution's procedure for
4 responding to a report of an incident, including without
5 limitation (i) assisting and interviewing the survivor,
6 (ii) identifying and locating witnesses, (iii) contacting
7 and interviewing the respondent, (iv) contacting and
8 cooperating with law enforcement, when applicable, and (v)
9 providing information regarding the importance of
10 preserving 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 notice of a violation of
17 the comprehensive policy, as described in Section 15 of
18 this Act.

19 (5) The name, address, and telephone number of the
20 nearest medical facility where a survivor may have a
21 medical forensic examination completed at no cost to the
22 survivor.

23 (6) The name, telephone number, address, and website
24 URL, if available, of local, State, and national rape or
25 sexual assault crisis centers.

26 (7) A statement notifying survivors of immediate steps

1 and interim remedies reasonably available from the higher
2 education institution, including without limitation
3 obtaining and enforcing a no contact order or protective
4 order and changing academic schedules, living
5 arrangements, campus transportation, or work placement or
6 schedules in response to a violation of the comprehensive
7 policy.

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

12 (9) A statement of the range of sanctions the higher
13 education institution may impose following the
14 implementation of its complaint resolution procedures in
15 response to a violation of the comprehensive policy.

16 (10) A statement of the higher education institution's
17 obligation to include an amnesty provision that provides
18 immunity to any student who reports, in good faith,
19 violation of the higher education institution's
20 comprehensive policy to a responsible employee, as defined
21 by federal law, so that he or she will not receive a
22 disciplinary sanction by the institution for a student
23 conduct violation, such as underage drinking, that is
24 revealed in the course of such a report, unless the
25 institution determines that the violation was egregious,
26 including without limitation an action that places the

1 health or safety of any other person at risk.

2 (11) A statement of the higher education institution's
3 prohibition on retaliation against those who, in good
4 faith, report or disclose a violation of the comprehensive
5 policy, file a complaint, or otherwise participate in the
6 complaint resolution process and available sanctions for
7 individuals who engage in retaliatory conduct.

8 Section 15. Student notification of rights and options.

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

15 (1) the survivor's right to report or not report the
16 incident to the higher education institution, law
17 enforcement, or both, including information about the
18 survivor's right to privacy and which reporting methods are
19 confidential;

20 (2) the contact information for the higher education
21 institution's Title IX coordinator or coordinators,
22 confidential advisors, local rape crisis centers, campus
23 law enforcement, and local law enforcement;

24 (3) the survivor's right to request and receive
25 assistance from campus authorities in notifying law

1 enforcement;

2 (4) the availability of interim remedies to survivors
3 of sexual violence, domestic violence, dating violence,
4 and stalking, including without limitation obtaining and
5 enforcing an order of protection or civil no contact order
6 on campus or in State court, changing housing, or changing
7 the class schedule;

8 (5) the higher education institution's ability to
9 provide assistance, upon the survivor's request, in
10 accessing and navigating campus and local health and mental
11 health services, counseling, and advocacy services; and

12 (6) a summary of the higher education institution's
13 complaint resolution procedures, under Section 25 of this
14 Act, if the student survivor reports a violation of the
15 comprehensive policy.

16 (b) Within 12 hours after receiving an electronic report,
17 the higher education institution shall contact, electronically
18 or otherwise, the individual who submitted the electronic
19 report of sexual violence, domestic violence, dating violence,
20 or stalking. The higher education institution shall provide the
21 individual making the electronic report a copy of the concise,
22 written notification of the student survivor's rights and
23 options and a list of available resources as a part of the
24 initial contact with the electronic reporter.

25 Section 20. Confidential advisor.

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

4 (b) The confidential advisors may not be individuals on
5 campus who are designated as responsible employees under Title
6 IX of the federal Education Amendments of 1972. Nothing in this
7 Section precludes a higher education institution from
8 partnering with a sexual assault or rape crisis center to
9 provide confidential advisors.

10 (c) All confidential advisors shall receive 40 hours of
11 training on sexual violence before being designated a
12 confidential advisor and shall attend a minimum of 6 hours of
13 ongoing education training annually on issues related to sexual
14 violence to remain a confidential advisor. Confidential
15 advisors shall also receive periodic training on the campus
16 administrative processes, interim measures, academic and other
17 accommodations, and the Title IX complaint resolution
18 procedures.

19 (d) In the course of working with a survivor, each
20 confidential advisor shall, at a minimum, do all of the
21 following:

22 (1) Inform the survivor of the survivor's choice of
23 possible next steps regarding the survivor's reporting
24 options and possible outcomes, including without
25 limitation reporting pursuant to the higher education
26 institution's comprehensive policy and notifying local law

1 enforcement.

2 (2) Notify the survivor of resources and services for
3 student survivors of sexual violence, including, but not
4 limited to, student services available on campus and
5 through community-based resources, including without
6 limitation sexual assault or rape crisis centers, medical
7 treatment facilities, counseling services, legal options,
8 medical forensic services, and mental health services.

9 (3) Advise the survivor of the survivor's rights and
10 the higher education institution's responsibilities
11 regarding orders of protection, no contact orders, or
12 similar lawful orders issued by the higher education
13 institution or a criminal or civil court.

14 (4) Provide confidential services to and have
15 privileged, confidential communications with students in
16 accordance with Section 8-804 of the Code of Civil
17 Procedure.

18 (5) Upon the survivor's request and as appropriate,
19 liaise with campus officials, rape crisis centers, sexual
20 assault centers, or local law enforcement and, if
21 requested, assist the survivor with contacting and
22 reporting to campus officials, campus law enforcement, or
23 local law enforcement.

24 (6) Upon the survivor's request, liaise with the
25 necessary campus authorities to secure interim remedies
26 and accommodations for the survivor.

1 Section 25. Complaint resolution guidelines.

2 (a) On or before August 1, 2016, each higher education
3 institution shall adopt one procedure to resolve complaints of
4 student violations of the comprehensive policy.

5 (b) A higher education institution's complaint resolution
6 procedure for allegations of student violation of the
7 comprehensive policy shall provide, at a minimum, all of the
8 following:

9 (1) Complainants alleging student violation of the
10 comprehensive policy shall have the opportunity to request
11 that the complaint resolution process begin promptly and
12 proceed in a timely manner.

13 (2) The higher education institution shall determine
14 the individuals who will resolve complaints of student
15 violations of the comprehensive policy.

16 (3) All individuals whose duties include resolution of
17 complaints of student violations of the comprehensive
18 policy shall receive a minimum of 8 to 10 hours of annual
19 training on issues related to sexual violence, domestic
20 violence, dating violence, and stalking and how to conduct
21 the higher education institution's complaint resolution
22 process, in addition to the annual training required for
23 employees as provided in subsection (c) of Section 30 of
24 this Act.

25 (4) The higher education institution shall have a

1 sufficient number of individuals trained to resolve
2 complaints so that (i) a substitution can occur in the case
3 of a conflict of interest or recusal and (ii) an individual
4 or individuals with no prior involvement in the initial
5 determination or finding hear any appeal brought by a
6 party.

7 (5) The individual or individuals resolving a
8 complaint shall use a preponderance of the evidence
9 standard to determine whether the alleged violation of the
10 comprehensive policy occurred.

11 (6) The complainant and respondent shall (i) receive
12 notice of the individual or individuals with
13 decision-making authority in their proceeding prior to
14 having any contact with the individual or individuals and
15 (ii) have the opportunity to request a substitution if the
16 participation of a decision maker poses a conflict of
17 interest.

18 (7) The higher education institution shall have a
19 process to determine interim actions and remedies
20 available pending the resolution of the complaint.

21 (8) Any proceeding, meeting, or hearing held to resolve
22 complaints of student violations of the comprehensive
23 policy shall protect the privacy of the participating
24 parties and witnesses.

25 (9) The complainant, regardless of his or her level of
26 involvement in the process, and the respondent shall have

1 the opportunity to provide or present evidence and
2 witnesses on their behalf during the complaint resolution
3 process.

4 (10) The complainant and the respondent may not
5 directly cross examine one another, but may, at the
6 discretion and direction of the individual or individuals
7 resolving the complaint, suggest questions to be posed by
8 the individual or individuals resolving the complaint and
9 respond to the other party.

10 (11) Both parties may request to have an advisor of
11 their choice accompany them to any meeting or proceeding
12 related to a violation of the comprehensive policy,
13 provided that the involvement of the advisor does not
14 result in undue delay of the meeting or proceeding and that
15 the advisor participates in a respectful manner. If the
16 advisor engages in behavior or advocacy that harasses,
17 abuses, or intimidates either party, that advisor may be
18 prohibited from further participation.

19 (12) The complainant and the respondent may not be
20 compelled to testify, if the complaint resolution
21 procedure involves a hearing, in the presence of the other
22 party. If a party invokes this right, the higher education
23 institution shall provide a process by which the other
24 party can see and hear the other party's testimony.

25 (13) The complainant and the respondent are entitled to
26 simultaneous, written notification of the results of any

1 complaint resolution proceeding, including information
2 regarding appeal rights, within 7 days of a decision or
3 sooner if required by State or federal law.

4 (14) The complainant and the respondent shall have the
5 right to timely appeal the complaint resolution
6 proceeding's findings or imposed sanctions. The individual
7 or individuals reviewing the findings or imposed sanctions
8 shall not have participated previously in the complaint
9 resolution process and shall not have a conflict of
10 interest with either party. The complainant and the
11 respondent shall receive the appeal decision in writing
12 within 7 days after the conclusion of the review of
13 findings or sanctions or sooner if required by federal or
14 State law.

15 (15) The higher education institution shall not
16 disclose the identity of the survivor or the respondent,
17 except as provided by State or federal law.

18 Section 30. Campus training, education, and awareness.

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

23 (1) The higher education institution's comprehensive
24 policy, as well as options and resources available to
25 survivors.

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

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

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

18 (5) The name, title, and contact information for all
19 confidential advisors, counseling services, and
20 confidential resources that can provide a confidential
21 response to a report and a description of what confidential
22 reporting means.

23 (6) The telephone number and website URL for local,
24 State, and national hotlines providing information to
25 sexual violence survivors.

26 (b) Beginning with the 2016-2017 academic year, each higher

1 education institution shall provide sexual violence primary
2 prevention and awareness programming for all students who
3 attend one or more classes on campus, which shall include, at a
4 minimum, annual training as described in this subsection (b).
5 Nothing in this Section shall be construed to limit the higher
6 education institution's ability to conduct additional ongoing
7 sexual violence primary prevention and awareness programming.

8 The annual training shall ensure that each student who
9 attends one or more classes on campus receives information
10 regarding the higher education institution's comprehensive
11 policy, including without limitation the following:

12 (1) the institution's definitions of consent,
13 inability to consent, and retaliation as they relate to
14 sexual violence;

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

17 (3) reporting to the confidential advisor or other
18 confidential resources;

19 (4) available survivor services; and

20 (5) strategies for bystander intervention and risk
21 reduction.

22 At the beginning of each academic year, each higher
23 education institution shall provide each student, student
24 group, team, and organization of the higher education
25 institution with an electronic copy or hard copy of its
26 comprehensive policy and related protocols.

1 (c) Beginning in the 2016-2017 academic year, a higher
2 education institution shall provide annual victim-centered and
3 trauma-informed response training to any employee of the higher
4 education institution who is involved in (i) the receipt of a
5 student report of an alleged incident of sexual violence,
6 domestic violence, dating violence, or stalking, (ii) the
7 referral or provision of services to a survivor, or (iii) any
8 campus complaint resolution proceedings that result from an
9 alleged incident. Employees falling under this description
10 include without limitation the Title IX coordinator, members of
11 the higher education institution's campus law enforcement, and
12 campus security. An enrolled student who is appointed to serve
13 as a residence-life advisor and an employee or contracted
14 service provider that provides campus security shall also
15 receive annual victim-centered and trauma-informed response
16 training.

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

1 violence, domestic violence, dating violence, and stalking,
2 including same-sex violence; and (vi) consent and the role
3 drugs and alcohol use can have on the ability to consent. The
4 training shall also seek to improve the trainee's ability to
5 respond with cultural sensitivity; provide services to or
6 assist in locating services for a survivor, as appropriate; and
7 communicate sensitively and compassionately with a survivor of
8 sexual violence, domestic violence, dating violence, or
9 stalking.

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

12 (110 ILCS 12/10)

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

14 (a) In this Section:

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

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

24 (b) Each ~~public institution~~ of higher education

1 institution shall either establish their own campus-wide task
2 force or participate in a regional task force, as set out in
3 this Section, on or before August 1, 2016. The task forces
4 shall be composed of representatives of campus staff, campus
5 students, community-based organizations, and law enforcement.
6 The task forces shall work toward improving coordination by
7 ~~December 1, 1996, a community task force for the purpose of~~
8 ~~coordinating~~ with community leaders and service providers to
9 prevent sexual violence, domestic violence, dating violence,
10 and stalking assaults and to ensure a coordinated response both
11 in terms of law enforcement and victim services.

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

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

23 (A) a community-based sexual assault or rape
24 crisis service center;

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

26 (C) local law enforcement; and

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

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

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

25 (I) best practices as they relate to prevention,
26 awareness, education, and response to sexual violence,

1 domestic violence, dating violence, and stalking;

2 (II) the higher education institution's
3 comprehensive policy and procedures; and

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

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

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

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

26 (B) sexual violence policies and procedures; and

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

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

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

9 (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

10 Sec. 9.21. Human Relations.

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

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

23 (2) require each public institution of higher
24 education to report annually ~~monthly~~ to the Department of

1 Human Rights and the Attorney General on each adjudicated
2 case in which a finding of racial, ethnic or religious
3 intimidation or sexual harassment made in a grievance,
4 affirmative action or other proceeding established by that
5 institution to investigate and determine allegations of
6 racial, ethnic or religious intimidation and sexual
7 harassment; and

8 (3) require each public institution of higher
9 education to forward to the local State's Attorney any
10 report received by campus security or by a university
11 police department alleging the commission of a hate crime
12 as defined under Section 12-7.1 of the Criminal Code of
13 2012.

14 (b) In this subsection (b):

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

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

24 On or before November 1, 2017 and on or before every
25 November 1 thereafter, each higher education institution shall
26 provide an annual report, concerning the immediately preceding

1 calendar year, to the Department of Human Rights and the
2 Attorney General with all of the following components:

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

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

12 (3) The number, type, and attendance, if applicable, of
13 primary prevention and awareness programming at the higher
14 education institution.

15 (4) The number of incidents of sexual violence,
16 domestic violence, dating violence, and stalking reported
17 to the Title IX coordinator or other responsible employee,
18 pursuant to Title IX of the federal Education Amendments of
19 1972, of the higher education institution.

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

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

26 (7) The number of allegations of sexual violence,

1 domestic violence, dating violence, and stalking that the
2 higher education institution investigated.

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

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

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

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

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

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

1 (735 ILCS 5/8-804 new)

2 Sec. 8-804. Confidential advisor.

3 (a) This Section is intended to protect students at higher
4 education institutions in this State who are survivors of
5 sexual violence from public disclosure of statements they make
6 in confidence to confidential advisors. Because of the fear,
7 stigma, and trauma that often result from incidents of sexual
8 violence, many survivors hesitate to report or seek help, even
9 when it is available at no cost to them. As a result, they not
10 only fail to receive needed medical care and emergency
11 counseling, but may lack the psychological support necessary to
12 report the incident of sexual violence to the higher education
13 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 student survivors of sexual
18 violence with the training, duties, and responsibilities
19 described in Section 20 of the Preventing Sexual Violence in
20 Higher Education Act.

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

25 "Sexual violence" means physical sexual acts attempted or

1 perpetrated against a person's will or when a person is
2 incapable of giving consent, including without limitation
3 rape, sexual assault, sexual battery, sexual abuse, and sexual
4 coercion.

5 "Survivor" means a student who has experienced sexual
6 violence, domestic violence, dating violence, or stalking
7 while enrolled at a higher education institution.

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

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

23 The confidential advisor shall have no obligation to report
24 crimes to the higher education institution or law enforcement,
25 except to report to the Title IX coordinator, as defined by
26 Title IX of the federal Education Amendments of 1972, on a

1 monthly basis the number and type of incidents of sexual
2 violence reported exclusively to the confidential advisor in
3 accordance with the higher education institution's reporting
4 requirements under subsection (b) of Section 9.21 of the Board
5 of Higher Education Act and under federal law.

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

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