



Sen. Toi W. Hutchinson

Filed: 5/15/2015

09900HB0821sam001

LRB099 04641 SXM 35689 a

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 procedure.

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 involved in the complaint
23 resolution procedure who has been accused of violating a higher
24 education institution's comprehensive 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 "Survivor-centered" means a systematic focus on the needs
8 and concerns of a survivor of sexual violence, domestic
9 violence, dating violence, or stalking that (i) ensures the
10 compassionate and sensitive delivery of services in a
11 nonjudgmental manner; (ii) ensures an understanding of how
12 trauma affects survivor behavior; (iii) maintains survivor
13 safety, privacy, and, if possible, confidentiality; and (iv)
14 recognizes that a survivor is not responsible for the sexual
15 violence, domestic violence, dating violence, or stalking.

16 "Trauma-informed response" means a response involving an
17 understanding of the complexities of sexual violence, domestic
18 violence, dating violence, or stalking through training
19 centered on the neurobiological impact of trauma, the influence
20 of societal myths and stereotypes surrounding sexual violence,
21 domestic violence, dating violence, or stalking, and
22 understanding the behavior of perpetrators.

23 Section 10. Comprehensive policy. On or before August 1,
24 2016, all higher education institutions shall adopt a
25 comprehensive policy concerning sexual violence, domestic

1 violence, dating violence, and stalking consistent with
2 governing federal and State law. The higher education
3 institution's comprehensive policy shall include, at a
4 minimum, all of the following components:

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

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

22 (B) the person is asleep or unconscious;

23 (C) the person is under age; or

24 (D) the person is incapacitated due to a mental
25 disability.

26 Nothing in this Section prevents a higher education

1 institution from defining consent in a more demanding
2 manner.

3 (2) Procedures that students of the higher education
4 institution may follow if they choose to report an alleged
5 violation of the comprehensive policy, regardless of where
6 the incident of sexual violence, domestic violence, dating
7 violence, or stalking occurred, including all of the
8 following:

9 (A) Name and contact information for the Title IX
10 coordinator, campus law enforcement or security, local
11 law enforcement, and the community-based sexual
12 assault crisis center.

13 (B) The name, title, and contact information for
14 confidential advisors and other confidential resources
15 and a description of what confidential reporting
16 means.

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

1 (D) An option for students to electronically
2 report.

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

4 (F) An option for students to confidentially
5 report.

6 (G) An option for reports by third parties and
7 bystanders.

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

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

26 (5) The name, address, and telephone number of the

1 medical facility nearest to each campus of the higher
2 education institution where a survivor may have a medical
3 forensic examination completed at no cost to the survivor,
4 pursuant to the Sexual Assault Survivors Emergency
5 Treatment Act.

6 (6) The name, telephone number, address, and website
7 URL, if available, of community-based, State, and national
8 sexual assault crisis centers.

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

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

22 (9) A statement of the range of sanctions the higher
23 education institution may impose following the
24 implementation of its complaint resolution procedures in
25 response to an alleged violation of the comprehensive
26 policy.

1 (10) A statement of the higher education institution's
2 obligation to include an amnesty provision that provides
3 immunity to any student who reports, in good faith, an
4 alleged violation of the higher education institution's
5 comprehensive policy to a responsible employee, as defined
6 by federal law, so that the reporting student will not
7 receive a disciplinary sanction by the institution for a
8 student conduct violation, such as underage drinking, that
9 is revealed in the course of such a report, unless the
10 institution determines that the violation was egregious,
11 including without limitation an action that places the
12 health or safety of any other person at risk.

13 (11) A statement of the higher education institution's
14 prohibition on retaliation against those who, in good
15 faith, report or disclose an alleged violation of the
16 comprehensive policy, file a complaint, or otherwise
17 participate in the complaint resolution procedure and
18 available sanctions for individuals who engage in
19 retaliatory conduct.

20 Section 15. Student notification of rights and options.

21 (a) On or before August 1, 2016, upon being notified of an
22 alleged violation of the comprehensive policy by or on behalf
23 of a student, each higher education institution shall, at a
24 minimum, provide the survivor, when identified, with a concise
25 notification, written in plain language, of the survivor's

1 rights and options, including without limitation:

2 (1) the survivor's right to report or not report the
3 alleged incident to the higher education institution, law
4 enforcement, or both, including information about the
5 survivor's right to privacy and which reporting methods are
6 confidential;

7 (2) the contact information for the higher education
8 institution's Title IX coordinator or coordinators,
9 confidential advisors, a community-based sexual assault
10 crisis center, campus law enforcement, and local law
11 enforcement;

12 (3) the survivor's right to request and receive
13 assistance from campus authorities in notifying law
14 enforcement;

15 (4) the survivor's ability to request interim
16 protective measures and accommodations for survivors,
17 including without limitation changes to academic, living,
18 dining, working, and transportation situations, obtaining
19 and enforcing a campus-issued order of protection or no
20 contact order, if such protective measures and
21 accommodations are reasonably available, and an order of
22 protection or no contact order in State court;

23 (5) the higher education institution's ability to
24 provide assistance, upon the survivor's request, in
25 accessing and navigating campus and local health and mental
26 health services, counseling, and advocacy services; and

1 (6) a summary of the higher education institution's
2 complaint resolution procedures, under Section 25 of this
3 Act, if the survivor reports a violation of the
4 comprehensive policy.

5 (b) Within 12 hours after receiving an electronic report,
6 the higher education institution shall respond to the
7 electronic reporter and, at a minimum, provide the information
8 described in subdivisions (1) through (6) of subsection (a) of
9 this Section and a list of available resources. The higher
10 education institution may choose the manner in which it
11 responds including, but not limited to, through verbal or
12 electronic communication. Nothing in this subsection (b)
13 limits a higher education institution's obligations under
14 subsection (a) of this Section.

15 Section 20. Confidential advisor.

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

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

25 (c) All confidential advisors shall receive 40 hours of

1 training on sexual violence, if they have not already completed
2 this 40-hour training, before being designated a confidential
3 advisor and shall attend a minimum of 6 hours of ongoing
4 education training annually on issues related to sexual
5 violence to remain a confidential advisor. Confidential
6 advisors shall also receive periodic training on the campus
7 administrative processes, interim protective measures and
8 accommodations, and complaint resolution procedures.

9 (d) In the course of working with a survivor, each
10 confidential advisor shall, at a minimum, do all of the
11 following:

12 (1) Inform the survivor of the survivor's choice of
13 possible next steps regarding the survivor's reporting
14 options and possible outcomes, including without
15 limitation reporting pursuant to the higher education
16 institution's comprehensive policy and notifying local law
17 enforcement.

18 (2) Notify the survivor of resources and services for
19 survivors of sexual violence, including, but not limited
20 to, student services available on campus and through
21 community-based resources, including without limitation
22 sexual assault crisis centers, medical treatment
23 facilities, counseling services, legal resources, medical
24 forensic services, and mental health services.

25 (3) Inform the survivor of the survivor's rights and
26 the higher education institution's responsibilities

1 regarding orders of protection, no contact orders, or
2 similar lawful orders issued by the higher education
3 institution or a criminal or civil court.

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

8 (5) Upon the survivor's request and as appropriate,
9 liaise with campus officials, community-based sexual
10 assault crisis centers, or local law enforcement and, if
11 requested, assist the survivor with contacting and
12 reporting to campus officials, campus law enforcement, or
13 local law enforcement.

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

17 Section 25. Complaint resolution procedures.

18 (a) On or before August 1, 2016, each campus of a higher
19 education institution shall adopt one procedure to resolve
20 complaints of alleged student violations of the comprehensive
21 policy.

22 (b) For each campus, a higher education institution's
23 complaint resolution procedures for allegations of student
24 violation of the comprehensive policy shall provide, at a
25 minimum, all of the following:

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

5 (2) The higher education institution shall determine
6 the individuals who will resolve complaints of alleged
7 student violations of the comprehensive policy.

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

17 (4) The higher education institution shall have a
18 sufficient number of individuals trained to resolve
19 complaints so that (i) a substitution can occur in the case
20 of a conflict of interest or recusal and (ii) an individual
21 or individuals with no prior involvement in the initial
22 determination or finding hear any appeal brought by a
23 party.

24 (5) The individual or individuals resolving a
25 complaint shall use a preponderance of the evidence
26 standard to determine whether the alleged violation of the

1 comprehensive policy occurred.

2 (6) The complainant and respondent shall (i) receive
3 notice of the individual or individuals with authority to
4 make a finding or impose a sanction in their proceeding
5 before the individual or individuals initiate contact with
6 either party and (ii) have the opportunity to request a
7 substitution if the participation of an individual with
8 authority to make a finding or impose a sanction poses a
9 conflict of interest.

10 (7) The higher education institution shall have a
11 procedure to determine interim protective measures and
12 accommodations available pending the resolution of the
13 complaint.

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

18 (9) The complainant, regardless of this person's level
19 of involvement in the complaint resolution procedure, and
20 the respondent shall have the opportunity to provide or
21 present evidence and witnesses on their behalf during the
22 complaint resolution procedure.

23 (10) The complainant and the respondent may not
24 directly cross examine one another, but may, at the
25 discretion and direction of the individual or individuals
26 resolving the complaint, suggest questions to be posed by

1 the individual or individuals resolving the complaint and
2 respond to the other party.

3 (11) Both parties may request and must be allowed to
4 have an advisor of their choice accompany them to any
5 meeting or proceeding related to an alleged violation of
6 the comprehensive policy, provided that the involvement of
7 the advisor does not result in undue delay of the meeting
8 or proceeding. The advisor must comply with any rules in
9 the higher education institution's complaint resolution
10 procedure regarding the advisor's role. If the advisor
11 violates the rules or engages in behavior or advocacy that
12 harasses, abuses, or intimidates either party, a witness,
13 or an individual resolving the complaint, that advisor may
14 be prohibited from further participation.

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

21 (13) The complainant and the respondent are entitled to
22 simultaneous, written notification of the results of the
23 complaint resolution procedure, including information
24 regarding appeal rights, within 7 days of a decision or
25 sooner if required by State or federal law.

26 (14) The complainant and the respondent shall, at a

1 minimum, have the right to timely appeal the complaint
2 resolution procedure's findings or imposed sanctions if
3 the party alleges (i) a procedural error occurred, (ii) new
4 information exists that would substantially change the
5 outcome of the finding, or (iii) the sanction is
6 disproportionate with the violation. The individual or
7 individuals reviewing the findings or imposed sanctions
8 shall not have participated previously in the complaint
9 resolution procedure 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 necessary to resolve the complaint or to
18 implement interim protective measures and accommodations
19 or when provided by State or federal law.

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

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

25 (1) The higher education institution's comprehensive

1 policy, as well as options and resources available to
2 survivors.

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

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

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

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

25 (6) The telephone number and website URL for
26 community-based, State, and national hotlines providing

1 information to sexual violence survivors.

2 (b) Beginning with the 2016-2017 academic year, each higher
3 education institution shall provide sexual violence primary
4 prevention and awareness programming for all students who
5 attend one or more classes on campus, which shall include, at a
6 minimum, annual training as described in this subsection (b).
7 Nothing in this Section shall be construed to limit the higher
8 education institution's ability to conduct additional ongoing
9 sexual violence primary prevention and awareness programming.

10 Each higher education institution's annual training shall,
11 at a minimum, provide each student who attends one or more
12 classes on campus information regarding the higher education
13 institution's comprehensive policy, including without
14 limitation the following:

15 (1) the institution's definitions of consent,
16 inability to consent, and retaliation as they relate to
17 sexual violence;

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

20 (3) reporting to the confidential advisor or other
21 confidential resources;

22 (4) available survivor services; and

23 (5) strategies for bystander intervention and risk
24 reduction.

25 At the beginning of each academic year, each higher
26 education institution shall provide each student of the higher

1 education institution with an electronic copy or hard copy of
2 its comprehensive policy, procedures, and related protocols.

3 (c) Beginning in the 2016-2017 academic year, a higher
4 education institution shall provide annual survivor-centered
5 and trauma-informed response training to any employee of the
6 higher education institution who is involved in (i) the receipt
7 of a student report of an alleged incident of sexual violence,
8 domestic violence, dating violence, or stalking, (ii) the
9 referral or provision of services to a survivor, or (iii) any
10 campus complaint resolution procedure that results from an
11 alleged incident of sexual violence, domestic violence, dating
12 violence, or stalking. Employees falling under this
13 description include without limitation the Title IX
14 coordinator, members of the higher education institution's
15 campus law enforcement, and campus security. An enrolled
16 student at or a contracted service provider of the higher
17 education institution with the employee responsibilities
18 outlined in clauses (i) through (iii) of this paragraph shall
19 also receive annual survivor-centered and trauma-informed
20 response training.

21 The higher education institution shall design the training
22 to improve the trainee's ability to understand (i) the higher
23 education institution's comprehensive policy; (ii) the
24 relevant federal and State law concerning survivors of sexual
25 violence, domestic violence, dating violence, and stalking at
26 higher education institutions; (iii) the roles of the higher

1 education institution, medical providers, law enforcement, and
2 community agencies in ensuring a coordinated response to a
3 reported incident of sexual violence; (iv) the effects of
4 trauma on a survivor; (v) the types of conduct that constitute
5 sexual violence, domestic violence, dating violence, and
6 stalking, including same-sex violence; and (vi) consent and the
7 role drugs and alcohol use can have on the ability to consent.
8 The training shall also seek to improve the trainee's ability
9 to respond with cultural sensitivity; provide services to or
10 assist in locating services for a survivor, as appropriate; and
11 communicate sensitively and compassionately with a survivor of
12 sexual violence, domestic violence, dating violence, or
13 stalking.

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

16 (110 ILCS 12/10)

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

18 (a) In this Section:

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

23 "Sexual violence" means physical sexual acts attempted or
24 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 (b) Each ~~public institution~~ of higher education
5 institution shall either establish their own campus-wide task
6 force or participate in a regional task force, as set out in
7 this Section, on or before August 1, 2016. The task forces
8 shall be composed of representatives of campus staff, campus
9 students, community-based organizations, and law enforcement.
10 The task forces shall work toward improving coordination
11 between ~~by December 1, 1996, a community task force for the~~
12 ~~purpose of coordinating with~~ community leaders and service
13 providers to prevent sexual violence, domestic violence,
14 dating violence, and stalking ~~assaults~~ and to ensure a
15 coordinated response both in terms of law enforcement and
16 victim services.

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

24 The president or chancellor of each higher education
25 institution or the president's or chancellor's designee
26 shall invite each of the following entities to identify an

1 individual to serve on the campus-wide task force:

2 (A) a community-based sexual assault crisis
3 center;

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

5 (C) local law enforcement; and

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

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

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

4 (I) best practices as they relate to prevention,
5 awareness, education, and response to sexual violence,
6 domestic violence, dating violence, and stalking;

7 (II) the higher education institution's
8 comprehensive policy and procedures; and

9 (III) collaboration and information-sharing among
10 the higher education institution, community-based
11 organizations, and law enforcement, including without
12 limitation discussing memoranda of understanding,
13 protocols, or other practices for cooperation.

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

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

1 (A) best practices as they relate to prevention of,
2 awareness of, education concerning, and the response
3 to sexual violence, domestic violence, dating
4 violence, and stalking;

5 (B) sexual violence policies and procedures; and

6 (C) collaboration and information-sharing among
7 higher education institutions, community-based
8 organizations, and law enforcement, including without
9 limitation discussing memoranda of understanding,
10 protocols, or other practices for cooperation.

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

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

14 (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

15 Sec. 9.21. Human Relations.

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

21 (1) require each public institution of higher
22 education to include, in the general education
23 requirements for obtaining a degree, coursework on
24 improving human relations to include race, ethnicity,

1 gender and other issues related to improving human
2 relations to address racism and sexual harassment on their
3 campuses, through existing courses;

4 (2) require each public institution of higher
5 education to report annually ~~monthly~~ to the Department of
6 Human Rights and the Attorney General on each adjudicated
7 case in which a finding of racial, ethnic or religious
8 intimidation or sexual harassment made in a grievance,
9 affirmative action or other proceeding established by that
10 institution to investigate and determine allegations of
11 racial, ethnic or religious intimidation and sexual
12 harassment; and

13 (3) require each public institution of higher
14 education to forward to the local State's Attorney any
15 report received by campus security or by a university
16 police department alleging the commission of a hate crime
17 as defined under Section 12-7.1 of the Criminal Code of
18 2012.

19 (b) In this subsection (b):

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

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

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

17 (3) The number, type, and number of attendees, if
18 applicable, of primary prevention and awareness
19 programming at the higher education institution.

20 (4) The number of incidents of sexual violence,
21 domestic violence, dating violence, and stalking reported
22 to the Title IX coordinator or other responsible employee,
23 pursuant to Title IX of the federal Education Amendments of
24 1972, of the higher education institution.

25 (5) The number of confidential and anonymous reports to
26 the higher education institution of sexual violence,

1 domestic violence, dating violence, and stalking.

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

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

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

11 (9) The number of allegations of sexual violence,
12 domestic violence, dating violence, and stalking that the
13 higher education institution reviewed through its
14 complaint resolution procedure.

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

24 The Office of the Attorney General shall maintain on its
25 Internet website for public inspection a list of all higher
26 education institutions that fail to comply with the annual

1 reporting requirements as set forth in this subsection (b).

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

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

5 (735 ILCS 5/8-804 new)

6 Sec. 8-804. Confidential advisor.

7 (a) This Section is intended to protect students at higher
8 education institutions in this State who are survivors of
9 sexual violence from public disclosure of communications they
10 make in confidence to confidential advisors. Because of the
11 fear, stigma, and trauma that often result from incidents of
12 sexual violence, many survivors hesitate to report or seek
13 help, even when it is available at no cost to them. As a
14 result, they not only fail to receive needed medical care and
15 emergency counseling, but may lack the psychological support
16 necessary to report the incident of sexual violence to the
17 higher education institution or law enforcement.

18 (b) In this Section:

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

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

5 "Sexual violence" means physical sexual acts attempted or
6 perpetrated against a person's will or when a person is
7 incapable of giving consent, including without limitation
8 rape, sexual assault, sexual battery, sexual abuse, and sexual
9 coercion.

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

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

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

1 The confidential advisor shall have no obligation to report
2 crimes to the higher education institution or law enforcement,
3 except to report to the Title IX coordinator, as defined by
4 Title IX of the federal Education Amendments of 1972, on a
5 monthly basis the number and type of incidents of sexual
6 violence reported exclusively to the confidential advisor in
7 accordance with the higher education institution's reporting
8 requirements under subsection (b) of Section 9.21 of the Board
9 of Higher Education Act and under federal law.

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

26 (e) This privilege shall not preclude an individual from

1 asserting a greater privilege under federal or State law that
2 applies.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".