

1 AN ACT concerning education.

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

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

6 (110 ILCS 155/35)

7 Sec. 35. Sexual misconduct climate survey.

8 (a) As used in this Section:

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

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18 or who has withdrawn from the higher education institution due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

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

1 myths and stereotypes surrounding sexual violence, domestic
2 violence, dating violence, or stalking, and understanding the
3 behavior of perpetrators.

4 (b) Beginning after the effective date of this amendatory
5 Act of the 104th General Assembly, each higher education
6 institution shall biennially conduct a sexual misconduct
7 climate survey of all students at the institution. Each higher
8 education institution shall annually conduct a sexual
9 misconduct climate survey of all students at the institution.
10 Each higher education institution's sexual misconduct climate
11 survey shall include the base survey, which the Board of
12 Higher Education or Illinois Community College Board,
13 whichever is applicable, shall provide to the institution
14 every 2 years. Each institution may append its own
15 campus-specific questions to the base survey if questions do
16 not require the disclosure of any personally identifying
17 information by the students and are trauma informed. The Board
18 of Higher Education and Illinois Community College Board, in
19 consultation with the Office of the Attorney General, as
20 necessary, shall review any complaints submitted by students
21 who believe that questions included in the campus sexual
22 misconduct climate survey are traumatizing. Within 120 days
23 after completion of a sexual misconduct climate survey, but no
24 later than one year after the Board of Higher Education or
25 Illinois Community College Board, whichever is applicable,
26 issued the last base survey, each institution shall compile a

1 summary of the results of the sexual misconduct climate
2 survey, including, but not limited to, the complete aggregated
3 results for each base survey question, and shall submit the
4 summary to the Board of Higher Education or Illinois Community
5 College Board, as well as publish the summary on the
6 institution's website in an easily accessible manner.

7 (c) The Task Force on Campus Sexual Misconduct Climate
8 Surveys is created. The Task Force shall consist of the
9 following members:

- 10 (1) the Executive Director of the Board of Higher
11 Education or a designee, who shall serve as chairperson;
- 12 (2) the Governor or a designee;
- 13 (3) one member of the Senate, appointed by the
14 President of the Senate;
- 15 (4) one member of the House of Representatives,
16 appointed by the Speaker of the House of Representatives;
- 17 (5) one member of the Senate, appointed by the
18 Minority Leader of the Senate;
- 19 (6) one member of the House of Representatives,
20 appointed by the Minority Leader of the House of
21 Representatives;
- 22 (7) the Attorney General or a designee;
- 23 (8) the Director of Public Health or a designee; **and**
- 24 (9) the Executive Director of the Illinois Community
College Board or a designee;
- 25 (10) the following members appointed by the Board of

1 Higher Education:

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

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

6 (C) one member who is a representative of the
7 University of Illinois recommended by the president of
8 the university;

9 (D) one member who is a representative of private
10 colleges and universities recommended by the
11 Federation of Independent Illinois Colleges and
12 Universities;

13 (E) one member who is a chief student service
14 officer at a public or private university; and

15 (F) one member with expertise in institutional
16 research within a 4-year institution of higher
17 education;

18 (11) the following members appointed by the Illinois
19 Community College Board:

20 (A) one member who is a student attending a
21 community college in Illinois;

22 (B) one member who is a representative of the
23 community college system recommended by the Illinois
24 Council of Community College Presidents;

25 (C) one member who is a chief student service
26 officer at a community college;

1 (D) one member with expertise in institutional
2 research within a 2-year institution of higher
3 education; and

4 (12) ~~(9)~~ the following members appointed by the
5 Governor:

6 (A) (Blank); one member who is a student attending
7 a public higher education institution in Illinois;

8 (B) (Blank); one member who is a student attending
9 a private higher education institution in Illinois;

10 (C) (Blank); one member who is a student attending
11 a community college in Illinois;

12 (D) (Blank); one member who is a representative of
13 the University of Illinois recommended by the
14 president of the university;

15 (E) (Blank); one member who is a representative of
16 the Illinois Community College Board;

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

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

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

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

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

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

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

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

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

The Task Force shall hold its first meeting as soon as practicable after the effective date of this amendatory Act of the 102nd General Assembly. Administrative and other support for the Task Force shall be provided by the Board of Higher Education. Members of the Task Force shall serve 2-year terms that commence on the date of appointment. Members shall continue to serve until their successors are appointed. Any

1 vacancy shall be filled by the appointing authority. Any
2 vacancy occurring other than by expiration of the term shall
3 be filled for the balance of the unexpired term. A majority of
4 the Task Force shall constitute a quorum for the transaction
5 of any business.

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

14 (d) The Task Force shall develop and recommend to the
15 Board of Higher Education and Illinois Community College Board
16 the base survey for distribution to higher education
17 institutions and provide the Board of Higher Education and
18 Illinois Community College Board with any related
19 recommendations regarding the content, timing, and application
20 of the base survey. The Task Force shall deliver the base
21 survey and related recommendations, including, but not limited
22 to, recommendations on achieving statistically valid response
23 rates, to the Board of Higher Education and Illinois Community
24 College Board no less often than every 2 years and for the
25 first time on or before July 31, 2023. Beginning after the
26 effective date of this amendatory Act of the 104th General

Assembly, Thereafter, the Task Force shall meet to recommend updates and revisions to the base survey in the year 2025 and in the year 2027 to review the results of the survey and to implement updates and improvements. The Task Force is dissolved after the completion of the 2027 base survey. After the dissolution of the Task Force, the Executive Director of the Board of Higher Education or a designee and the Executive Director of the Illinois Community College Board or a designee shall review the base survey every 2 years to consider any feedback that has been received and to implement improvements.

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

12 (1) utilize best practices from peer-reviewed research
13 and consult with individuals with expertise in the
14 development and use of sexual misconduct climate surveys
15 by higher education institutions, specifically the survey
design should consider survey length and time to complete,
16 respondent experience, minimization of question
17 redundancy, and question skip logic and branching
18 dependent on the respondent answers;

20 (2) review sexual misconduct climate surveys that have
21 been developed and previously utilized by higher education
22 institutions in Illinois and by other states that mandate
23 campus climate surveys;

24 (3) provide opportunities for written comment from
25 survivors and organizations that work directly with
survivors of sexual misconduct to ensure the adequacy and

appropriateness of the proposed content;

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

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

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

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

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

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

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

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

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

(6) whether a student was informed of or referred to

1 local, State, campus, or other resources or victim support
2 services, including appropriate medical care, advocacy,
3 counseling, and legal services;

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

8 (8) contextual factors, such as the involvement of
9 force, incapacitation, coercion, or drug or alcohol
10 facilitation;

11 (9) demographic information that could be used to
12 identify at-risk groups, including, but not limited to,
13 gender, race, immigration status, national origin,
14 ethnicity, disability status, sexual orientation, and
15 gender identity;

16 (10) perceptions of campus safety among members of the
17 campus community and confidence in the institution's
18 ability to protect against and respond to incidents of
19 sexual misconduct;

20 (11) whether the student has chosen to withdraw or has
21 taken a leave of absence from the institution or
22 transferred to another institution;

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

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

1 All questions on the base survey shall be optional or shall
2 offer the student the option to select "I prefer not to answer"
3 as a response on the survey.

4 (g) The sexual misconduct climate survey shall collect
5 anonymous responses and shall not provide for the public
6 disclosure of any personally identifying information. No
7 institution may use or attempt to use information collected
8 through the sexual misconduct climate survey to identify or
9 contact any individual student on campus, nor shall the
10 results of the survey be used as the basis for any type of
11 investigation or disciplinary or legal proceeding.

12 (h) There shall be established within the Office of the
13 Board of Higher Education and the Office of the Illinois
14 Community College Board a data repository for all summaries of
15 sexual misconduct climate surveys submitted by higher
16 education institutions to the Board of Higher Education or
17 Illinois Community College Board in accordance with subsection
18 (b). The Board of Higher Education and Illinois Community
19 College Board shall ensure that the sexual misconduct climate
20 survey data submitted by all applicable institutions is
21 available to the public in an easily accessible manner on the
22 Board of Higher Education's or Illinois Community College
23 Board's website.

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

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

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

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

(4) a link to the Board of Higher Education's and Illinois Community College Board's statewide data on sexual misconduct climate survey data as set forth in subsection (h).

(j) The Board of Higher Education and Illinois Community College Board shall establish rules and procedures, including deadlines for dissemination and collection of survey information, consistent with the purposes of this Section and shall promote effective solicitation to achieve the highest practical response rate, collection, and publication of statistical information gathered from higher education institutions.

(k) (Blank). Upon determination, after reasonable notice and opportunity for a hearing, that a higher education institution has violated or failed to carry out any provision of this Section or any rule adopted under this Section, the Board of Higher Education or Illinois Community College Board, whichever is applicable, may impose a civil penalty upon such institution not to exceed \$50,000, which shall be adjusted for inflation annually, for each violation. The Board of Higher Education and Illinois Community College Board shall use any

1 ~~such civil penalty funds to provide oversight of this Section~~
2 ~~and to provide funding to community organizations that provide~~
3 ~~services to sexual assault victims. The Attorney General may~~
4 ~~bring an action in the circuit court to enforce the collection~~
5 ~~of any monetary penalty imposed under this subsection (k).~~

6 (Source: P.A. 102-325, eff. 8-6-21; 103-288, eff. 7-28-23.)