



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4990

by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

110 ILCS 155/5
110 ILCS 155/10
110 ILCS 155/15
110 ILCS 155/20
110 ILCS 155/25
110 ILCS 155/30
110 ILCS 155/50 new
110 ILCS 155/55 new
735 ILCS 5/8-804

Amends the Preventing Sexual Violence in Higher Education Act. Makes changes concerning definitions. Requires a higher education institution's comprehensive policy to include sexual harassment. Provides that a confidential advisor is separate from a complaint advisor, unless a complainant chooses to have the confidential advisor also serve as the complaint advisor. Makes changes to the complaint resolution procedure, including the timeline of the complaint resolution procedure, protective measures and accommodations, the distribution of evidence that includes a private or intentionally digitally altered sexual image, the direct questioning of either party, support persons for survivors and respondents, and the notice of appeal. Provides that violations of the Act are actionable in civil court. Sets forth the relief a prevailing survivor is entitled to. Amends the Code of Civil Procedure to make changes concerning confidential advisors. Makes other changes. Effective July 1, 2027.

LRB104 18294 LNS 31734 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Sections 5, 10, 15, 20,
6 25, and 30 and by adding Sections 50 and 55 as follows:

7 (110 ILCS 155/5)

8 Sec. 5. Definitions. In this Act:

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

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

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

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

1 "Complaint advisor" means a person chosen by a complainant
2 or respondent or appointed by a higher education institution
3 at the request of the complainant or respondent to advise the
4 complainant or respondent regarding the complaint resolution
5 procedure and accompany the complainant or respondent to any
6 meeting or proceeding related to an alleged violation of the
7 comprehensive policy. "Complaint advisor" includes an
8 attorney. "Complaint advisor" does not include a complainant's
9 confidential advisor, unless the complainant requests that the
10 confidential advisor also serve as the complainant's complaint
11 advisor.

12 "Confidential advisor" means a person who is employed or
13 contracted by a higher education institution to provide
14 emergency and ongoing support to student survivors of sexual
15 violence, domestic violence, dating violence, stalking, and
16 sexual harassment, with the training, duties, and
17 responsibilities described in Section 20 of this Act.
18 "Confidential advisor" does not include a complainant's
19 complaint advisor, unless the complainant requests that the
20 confidential advisor also serve as the complainant's complaint
21 advisor.

22 "Dating violence" means any act of abuse committed by a
23 person who is or has been in a romantic or intimate
24 relationship with a survivor.

25 "Digital sexual harassment" means technology-facilitated
26 abusive acts or unwelcome communication based on sex,

1 including the actual or threatened dissemination of a private
2 or intentionally digitally altered sexual image without the
3 depicted individual's consent, as defined in the Civil
4 Remedies for Nonconsensual Dissemination of Private Sexual
5 Images Act.

6 "Domestic violence" means any act of abuse as defined in
7 the Illinois Domestic Violence Act of 1986.

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

12 "Interferes with or limits" includes, but is not limited
13 to, mental or physical health impacts, new or increased
14 challenges with focusing on academics or activities, fear or
15 anxiety about attending class or activities, or needing to
16 alter routines or class or activity schedules to avoid another
17 student.

18 "Lack of capacity" means an inability to give knowing and
19 affirming consent.

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

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

4 "Retaliation" means any action or inaction taken against a
5 person, including, but not limited to, intimidation, threats,
6 coercion, or discrimination, to purposefully or knowingly
7 interfere with any right or privilege secured by this Act or
8 Title IX of the federal Education Amendments of 1972 because
9 that person reported information, made a complaint, testified,
10 assisted, or participated or refused to participate in any
11 manner in an investigation, proceeding, or hearing, including
12 in an informal resolution process. "Retaliation" includes
13 actions by a student, a higher education institution, an
14 employee or other individual authorized by a higher education
15 institution to provide aid, a benefit, or a service under an
16 education program or activity of the higher education
17 institution, or a third party acting on behalf of a higher
18 education institution or a student or employee or another
19 individual.

20 "Sexual harassment" means unwelcome sex-based conduct by
21 one student toward another student that is sufficiently
22 serious that it interferes with or limits the other student's
23 ability to participate in or benefit from a program of a higher
24 education institution. "Sexual harassment" includes digital
25 sexual harassment.

26 "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 "Stalking" means when an individual engages in a course of
6 conduct directed at a specific person and when that individual
7 knows or should know that this course of conduct would cause a
8 reasonable person, as defined in the Stalking No Contact Order
9 Act, to fear for that person's safety. "Stalking" includes,
10 but is not limited to, following a person, conducting
11 surveillance of the person, appearing at the person's home,
12 work, or school when not necessary to accomplish a purpose
13 that is reasonable under the circumstances, making unwanted
14 phone calls, sending unwanted emails, sending unwanted
15 messages via social media, sending unwanted text messages,
16 leaving objects for the person, vandalizing the person's
17 property, injuring a pet, or using any electronic tracking
18 system or acquiring tracking information to determine the
19 person's location, movement, or travel patterns.

20 "Survivor" means a student who has self-identified as
21 having experienced sexual violence, domestic violence, dating
22 violence, ~~or~~ stalking, or sexual harassment while enrolled at
23 a higher education institution.

24 "Survivor-centered" means a systematic focus on the needs
25 and concerns of a survivor of sexual violence, domestic
26 violence, dating violence, ~~or~~ stalking, or sexual harassment

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

8 "Trauma-informed response" means a response involving an
9 understanding of the complexities of sexual violence, domestic
10 violence, dating violence, ~~or~~ stalking, or sexual harassment
11 through training centered on the neurobiological impact of
12 trauma, the influence of societal myths and stereotypes
13 surrounding sexual violence, domestic violence, dating
14 violence, ~~or~~ stalking, or sexual harassment, and understanding
15 the behavior of perpetrators. "Trauma-informed response"
16 includes empowering survivors to make their own decisions
17 regarding care, healing, supportive measures, and whether to
18 report or engage with systems and then supporting those
19 decisions.

20 "Unwelcome sex-based conduct" includes, but is not limited
21 to, unwanted sexual advances, unwanted requests for sexual
22 favours, and other unwanted verbal, nonverbal, or physical
23 conduct of a sexual nature or related to a person's sex or
24 sexual orientation.

25 (Source: P.A. 99-426, eff. 8-21-15.)

1 (110 ILCS 155/10)

2 Sec. 10. Comprehensive policy. All ~~On or before August 1,~~
3 ~~2016,~~ ~~all~~ higher education institutions shall adopt a
4 comprehensive policy concerning sexual violence, domestic
5 violence, dating violence, ~~and~~ stalking, and sexual harassment
6 consistent with governing federal and State law. The higher
7 education institution's comprehensive policy shall include, at
8 a minimum, all of the following components:

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

24 (A) the person exhibits a lack of capacity ~~is~~
25 ~~incapacitated~~ due to the use or influence of alcohol
26 or drugs;

- 1 (B) the person is asleep or unconscious;
- 2 (C) the person is under age; or
- 3 (D) the person exhibits a lack of capacity ~~is~~
4 ~~incapacitated~~ due to a mental disability.

5 Nothing in this Section prevents a higher education
6 institution from defining consent in a more demanding
7 manner.

8 (2) Procedures that students of the higher education
9 institution may follow if they choose to report an alleged
10 violation of the comprehensive policy, regardless of where
11 the incident of sexual violence, domestic violence, dating
12 violence, ~~or~~ stalking, or sexual harassment occurred,
13 including all of the following:

14 (A) Name and contact information for the Title IX
15 coordinator, campus law enforcement or security, local
16 law enforcement, and the community-based sexual
17 assault crisis center.

18 (B) The name, title, and contact information for
19 confidential advisors and other confidential resources
20 and a description of what confidential reporting
21 means.

22 (C) Information regarding the various individuals,
23 departments, or organizations to whom a student may
24 report a violation of the comprehensive policy,
25 specifying for each individual and entity (i) the
26 extent of the individual's or entity's reporting

1 obligation, (ii) the extent of the individual's or
2 entity's ability to protect the student's privacy, and
3 (iii) the extent of the individual's or entity's
4 ability to have confidential communications with the
5 student.

6 (D) An option for students to electronically
7 report.

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

9 (F) An option for students to confidentially
10 report.

11 (G) An option for reports by third parties and
12 bystanders. However, while third parties and
13 bystanders may report, no complaint resolution
14 procedure may begin unless the survivor agrees to
15 proceed with a report.

16 (H) Information about how the higher education
17 institution protects individuals who report from
18 retaliation.

19 (3) The higher education institution's procedure for
20 responding to a report of an alleged incident of sexual
21 violence, domestic violence, dating violence, ~~or~~ stalking,
22 or sexual harassment, including without limitation (i)
23 assisting and interviewing the survivor, (ii) identifying
24 and locating witnesses, (iii) contacting and interviewing
25 the respondent, (iv) contacting and cooperating with law
26 enforcement, when applicable, ~~and~~ (v) providing

1 information regarding the importance of preserving
2 physical evidence of the sexual violence and the
3 availability of a medical forensic examination at no
4 charge to the survivor, and (vi) protecting the survivor
5 from retaliation.

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

12 (5) The name, address, and telephone number of the
13 medical facility nearest to each campus of the higher
14 education institution where a survivor may have a medical
15 forensic examination completed at no cost to the survivor,
16 pursuant to the Sexual Assault Survivors Emergency
17 Treatment Act.

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

21 (7) A statement notifying survivors of the ~~interim~~
22 protective measures and accommodations reasonably
23 available from the higher education institution that a
24 survivor may request in response to an alleged violation
25 of the comprehensive policy, including without limitation
26 changes to academic, living, dining, transportation, and

1 working situations, obtaining and enforcing campus no
2 contact orders, and honoring an order of protection or no
3 contact order entered by a State civil or criminal court.

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

9 (9) A statement of the range of sanctions the higher
10 education institution may impose following the
11 implementation of its complaint resolution procedures in
12 response to an alleged violation of the comprehensive
13 policy. Sanctions may include, but are not limited to,
14 suspension, expulsion, or removal of the student found,
15 after complaint resolution procedures, to be in violation
16 of the comprehensive policy of the higher education
17 institution.

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

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

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

13 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16;
14 100-1087, eff. 1-1-19.)

15 (110 ILCS 155/15)

16 Sec. 15. Student notification of rights and options.

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

23 (1) the survivor's right to report or not report the
24 alleged incident to the higher education institution, law
25 enforcement, or both, including information about the

1 survivor's right to privacy and which reporting methods
2 are confidential, as well as the survivor's right to
3 participate or not participate in any investigation into
4 the alleged incident;

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

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

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

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

26 (6) a summary of the higher education institution's

1 complaint resolution procedures, under Section 25 of this
2 Act, if the survivor reports a violation of the
3 comprehensive policy; ~~and-~~

4 (7) a summary of the higher education institution's
5 process for protecting survivors from retaliation.

6 (b) Within 12 hours after receiving an electronic report
7 or by the next business day for other reports, the higher
8 education institution shall respond to the ~~electronic~~
9 reporter. If the reporter is not the survivor, the higher
10 education institution shall also contact the survivor, if
11 known, by the next business day following receipt of the
12 report. The separate responses to the reporter and the
13 survivor must ~~and,~~ at a minimum, provide the information
14 described in subdivisions (1) through (7) ~~(6)~~ of subsection
15 (a) of this Section and a list of available resources. The
16 higher education institution may choose the manner in which it
17 responds including, but not limited to, through verbal or
18 electronic communication. Nothing in this subsection (b)
19 limits a higher education institution's obligations under
20 subsection (a) of this Section.

21 (Source: P.A. 99-426, eff. 8-21-15.)

22 (110 ILCS 155/20)

23 Sec. 20. Confidential advisor.

24 (a) Each higher education institution shall provide
25 students with access to confidential advisors to provide

1 emergency and ongoing support to survivors of sexual violence.

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

8 (b-5) A confidential advisor is separate from a complaint
9 advisor, unless a complainant chooses to have the confidential
10 advisor also serve as the complaint advisor. Unless prohibited
11 by Title IX of the federal Education Amendments of 1972 or
12 other federal law, a complainant has a right to have both a
13 support person, which may be the confidential advisor if the
14 person so chooses, and a complaint advisor at any meeting or
15 proceeding related to an alleged violation of the
16 comprehensive policy or under Title IX of the federal
17 Education Amendments of 1972. The higher education institution
18 must not require or appoint a confidential advisor to serve as
19 the complainant's complaint advisor.

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

1 administrative processes, ~~interim~~ protective measures and
2 accommodations, and complaint resolution procedures.

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

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

12 (2) Notify the survivor of resources and services for
13 survivors of sexual violence, including, but not limited
14 to, student services available on campus and through
15 community-based resources, including without limitation
16 sexual assault crisis centers, medical treatment
17 facilities, counseling services, legal resources, medical
18 forensic services, and mental health services. A
19 confidential advisor must inform the survivor if
20 requesting or receiving certain resources or services that
21 may affect confidentiality.

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

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

5 (5) Upon the survivor's request and as appropriate,
6 liaise with campus officials, community-based sexual
7 assault crisis centers, or local law enforcement and, if
8 requested, assist the survivor with contacting and
9 reporting to campus officials, campus law enforcement, or
10 local law enforcement. A confidential advisor must inform
11 the survivor if requesting or receiving certain resources
12 or services that may affect confidentiality.

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

16 (7) Upon the survivor's request, liaise with the
17 necessary campus authorities to assist the survivor in
18 responding to and advocating against any retaliation by
19 the respondent or any other individual, including agents
20 of the higher education institution.

21 (Source: P.A. 99-426, eff. 8-21-15.)

22 (110 ILCS 155/25)

23 Sec. 25. Complaint resolution procedures.

24 (a) On or before August 1, 2016, each campus of a higher
25 education institution shall adopt one procedure to resolve

1 complaints of alleged student violations of the comprehensive
2 policy.

3 (b) For each campus, a higher education institution's
4 complaint resolution procedures for allegations of student
5 violation of the comprehensive policy shall provide, at a
6 minimum, all of the following:

7 (1) Complainants alleging student violation of the
8 comprehensive policy shall have the right to have
9 ~~opportunity to request that~~ the complaint resolution
10 procedure begin promptly and be completed within 120 days
11 after the complaint was received by the higher education
12 institution. A reasonable extension of this timeframe is
13 allowed on a case-by-case basis for good cause, with
14 notice to the parties that includes the reason for the
15 delay. Written notification must be provided to the
16 complainant and the respondent if the complaint resolution
17 procedure extends beyond 120 days. A survivor shall have
18 the right to the consideration of any additional
19 accommodations that may be necessary due to a delay in the
20 complaint resolution procedure ~~proceed in a timely manner.~~

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

24 (3) All individuals whose duties include resolution of
25 complaints of student violations of the comprehensive
26 policy shall receive a minimum of 8 to 10 hours of annual

1 training on issues related to sexual violence, domestic
2 violence, dating violence, ~~and~~ stalking, and sexual
3 harassment and how to conduct the higher education
4 institution's complaint resolution procedures, in addition
5 to the annual training required for employees as provided
6 in subsection (c) of Section 30 of this Act. The initial
7 training must be completed prior to such individuals
8 participating in the investigation of or resolution of
9 complaints.

10 (4) The higher education institution shall have a
11 sufficient number of individuals trained to resolve
12 complaints so that (i) a substitution can occur in the
13 case of a conflict of interest or recusal and (ii) an
14 individual or individuals with no prior involvement in the
15 initial determination or finding hear any appeal brought
16 by a party.

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

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

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

3 (7) The higher education institution shall have a
4 procedure to determine ~~interim~~ protective measures and
5 available accommodations available pending the resolution
6 of the complaint. Such protective measures and
7 accommodations must not be overly burdensome to the
8 survivor or result in excluding the survivor from
9 participation in, denying the survivor the benefits of, or
10 subjecting the survivor to discrimination under any
11 education program or activity or otherwise interfere with
12 any right or privilege secured by this Act or Title IX of
13 the federal Education Amendments of 1972.

14 Protective measures and accommodations may burden the
15 respondent, but must not be overly burdensome in that they
16 deny the respondent access to the respondent's education.
17 Nothing in this Section prohibits a higher education
18 institution from following its emergency or regular
19 removal or expulsion processes.

20 The higher education institution shall bear the cost
21 of reasonable protective measures and accommodations. The
22 higher education institution shall have a procedure for
23 providing reasonable protective measures and
24 accommodations to all students who report sexual violence,
25 domestic violence, dating violence, stalking, and sexual
26 harassment. Such protective measures and accommodations

1 shall be available even if a student does not file a formal
2 complaint, the student's complaint is dismissed, or there
3 is no finding of responsibility in the complaint
4 resolution procedure.

5 Protective measures and accommodations may include,
6 but are not limited to, counseling, extensions of
7 deadlines, granting requests to change enrollment options
8 after deadlines and other course-related adjustments,
9 campus escort services, increased security and monitoring
10 of certain areas of the campus, campus no contact orders
11 and honoring protective orders entered by a civil or
12 criminal court, leaves of absence to seek medical care,
13 legal assistance, counseling, safety planning, advocacy,
14 or other assistance without penalty from the higher
15 education institution, excused absences to attend,
16 participate in, or prepare for a court, campus,
17 administrative, or quasi-judicial proceeding, training and
18 education programs related to sexual violence, domestic
19 violence, dating violence, stalking, or sexual harassment,
20 and changes in a class schedule, a campus employment or
21 work schedule, housing, or an extracurricular or other
22 activity.

23 A higher education institution must make a good faith
24 effort to accommodate requests for protective measures and
25 accommodations. The major or course enrolled in by the
26 survivor is not a reason to deny protective measures or

1 accommodations. If the higher education institution cannot
2 grant a survivor's request and a comparable alternative is
3 not available, the higher education institution must
4 consider whether there are any other reasonably available
5 options that could support the survivor or meet the
6 survivor's needs and offer those options to the survivor.

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

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

16 (9.5) The higher education institution may not
17 distribute any evidence that includes a private or
18 intentionally digitally altered sexual image by physical
19 or electronic means, except as legally required by a
20 subpoena or court order or as requested by the
21 complainant. The complainant, the respondent, and each
22 party's complaint advisor shall have the opportunity to
23 view physical or electronic copies of any private or
24 intentionally digitally altered sexual image evidence in
25 person in a higher education institution office and only
26 in the presence of an individual resolving the complaint.

1 If either party is unable to view this evidence in person,
2 that party and the party's complainant advisor may view it
3 temporarily via an electronic procedure established by the
4 higher education institution that ensures confidentiality.
5 Each party and each party's complaint advisor must not
6 create physical or electronic copies of private or
7 intentionally digitally altered sexual image evidence. All
8 private or intentionally digitally altered sexual image
9 evidence must be kept in the strictest of confidence by
10 the higher education institution and its employees during
11 and after the completion of the complaint resolution
12 procedure, and evidence shall be retained as required
13 under the federal Family Educational Rights and Privacy
14 Act of 1974.

15 (10) The complainant, ~~and~~ the respondent, and each
16 party's complaint advisor may not directly question the
17 other party ~~cross examine one another,~~ but may, at the
18 discretion and direction of the individual or individuals
19 resolving the complaint, suggest questions to be posed to
20 the other party by the individual or individuals resolving
21 the complaint ~~and respond to the other party.~~ This
22 prohibition on direct questioning does not apply to any
23 complaint resolution procedure that involves a complaint
24 that the higher education institution is obligated to
25 address under Title IX of the federal Education Amendments
26 of 1972 if, at the time of the complaint resolution

1 procedure, Title IX rules require allowing cross
2 examination by the parties' complaint advisors.

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

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

22 (12.5) Survivors of sexual violence, domestic
23 violence, dating violence, stalking, or sexual harassment
24 have a right to have a support person of their choosing,
25 including a confidential advisor, at any meeting or
26 proceeding related to an alleged violation of the

1 comprehensive policy or under Title IX of the federal
2 Education Amendments of 1972. If a support person violates
3 the rules or engages in behavior that harasses, abuses, or
4 intimidates either party, a witness, or an individual
5 resolving the complaint, that support person may be
6 prohibited from further participation. Nothing in this
7 paragraph (12.5) prohibits a higher education institution
8 from allowing respondents to have their own support
9 person.

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

15 (14) The complainant and the respondent shall, at a
16 minimum, have the right to timely appeal the complaint
17 resolution procedure's findings or imposed sanctions if
18 the party alleges (i) a procedural error occurred, (ii)
19 new information exists that would substantially change the
20 outcome of the finding, or (iii) the sanction is
21 disproportionate with the violation. The individual or
22 individuals reviewing the findings or imposed sanctions
23 shall not have participated previously in the complaint
24 resolution procedure and shall not have a conflict of
25 interest with either party. The complainant and the
26 respondent shall receive written notice of an appeal and

1 the alleged grounds for appeal within 7 days after the
2 appeal was submitted to the higher education institution,
3 and the nonappealing party shall be provided an
4 opportunity to submit a response to the higher education
5 institution. The complainant and the respondent shall
6 receive notice of the appeal decision in writing within 7
7 days after the conclusion of the review of findings or
8 sanctions or sooner if required by federal or State law.

9 (15) The higher education institution shall not
10 disclose the identity of the complainant ~~survivor~~ or the
11 respondent, except as necessary to resolve the complaint
12 or to implement ~~interim~~ protective measures and
13 accommodations or when provided by State or federal law.

14 (Source: P.A. 99-426, eff. 8-21-15.)

15 (110 ILCS 155/30)

16 Sec. 30. Campus training, education, and awareness.

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

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

24 (2) The higher education institution's student
25 notification of rights and options described in Section 15

1 of this Act.

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

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

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

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

24 (b) Beginning with the 2016-2017 academic year, each
25 higher education institution shall provide sexual violence
26 primary prevention and awareness programming for all students

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

7 Each higher education institution's annual training shall,
8 at a minimum, provide each student who attends one or more
9 classes on campus information regarding the higher education
10 institution's comprehensive policy, including without
11 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 of the higher
24 education institution with an electronic copy or hard copy of
25 its comprehensive policy, procedures, and related protocols.

26 (c) ~~A Beginning in the 2016 2017 academic year, a higher~~

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

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

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

13 (Source: P.A. 99-426, eff. 8-21-15.)

14 (110 ILCS 155/50 new)

15 Sec. 50. Cause of action. Violations of this Act are
16 actionable in civil court as described in this Section. A
17 survivor has a cause of action against any higher education
18 institution that responds or fails to respond to sexual
19 violence, domestic violence, dating violence, stalking, or
20 sexual harassment in a way that shows reckless disregard for
21 the requirements of this Act or that shows reckless disregard
22 for the life or safety of the survivor.

23 (110 ILCS 155/55 new)

24 Sec. 55. Relief. A prevailing survivor is entitled to

1 relief that includes, but is not limited to:

2 (1) declaratory relief;

3 (2) injunctive relief;

4 (3) the recovery of costs and attorney's fees,
5 including, but not limited to, costs for expert testimony
6 and witness fees;

7 (4) compensatory damages, including, but not limited
8 to, economic loss, including damage to, the destruction
9 of, or the loss of use of personal property, lost wages, or
10 the loss of past or future earnings' capacity;

11 (5) damages for personal injury, disease, or mental or
12 emotional harm, including medical care, rehabilitation,
13 pain and suffering, or physical impairment; and

14 (6) punitive damages.

15 Section 10. The Code of Civil Procedure is amended by
16 changing Section 8-804 as follows:

17 (735 ILCS 5/8-804)

18 Sec. 8-804. Confidential advisor.

19 (a) This Section is intended to protect students at higher
20 education institutions in this State who are survivors of
21 sexual violence, domestic violence, dating violence, stalking,
22 or sexual harassment from public disclosure of communications
23 they make in confidence to confidential advisors. Because of
24 the fear, stigma, and trauma that often result from incidents

1 of gender-based ~~sexual~~ violence, many survivors hesitate to
2 report or seek help, even when it is available at no cost to
3 them. As a result, they not only fail to receive needed medical
4 care and emergency counseling, but may lack the psychological
5 support necessary to report the incident ~~of sexual violence~~ to
6 the higher education institution or law enforcement.

7 (b) In this Section:

8 "Confidential advisor" means a person who is employed or
9 contracted by a higher education institution to provide
10 emergency and ongoing support to survivors ~~of sexual violence~~
11 with the training, duties, and responsibilities described in
12 Section 20 of the Preventing Sexual Violence in Higher
13 Education Act.

14 "Dating violence" has the meaning given to that term in
15 the Preventing Sexual Violence in Higher Education Act.

16 "Domestic violence" has the meaning given to that term in
17 the Preventing Sexual Violence in Higher Education Act.

18 "Gender-based violence" means sexual violence, domestic
19 violence, dating violence, stalking, or sexual harassment.

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 harassment" has the meaning given to that term in
25 the Preventing Sexual Violence in Higher Education Act.

26 "Sexual violence" has the meaning given to that term in

1 ~~the Preventing Sexual Violence in Higher Education Act means~~
2 ~~physical sexual acts attempted or perpetrated against a~~
3 ~~person's will or when a person is incapable of giving consent,~~
4 ~~including without limitation rape, sexual assault, sexual~~
5 ~~battery, sexual abuse, and sexual coercion.~~

6 "Stalking" has the meaning given to that term in the
7 Preventing Sexual Violence in Higher Education Act.

8 "Survivor" has the meaning given to that term in the
9 Preventing Sexual Violence in Higher Education Act ~~means a~~
10 ~~student who has experienced sexual violence while enrolled at~~
11 ~~a higher education institution.~~

12 (c) All communications between a confidential advisor and
13 a 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
18 would 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~~
21 ~~of 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
2 report crimes to the higher education institution or law
3 enforcement, except to report to the Title IX coordinator, as
4 defined by Title IX of the federal Education Amendments of
5 1972, on a monthly basis the number and type of incidents of
6 sexual violence, domestic violence, dating violence, stalking,
7 and sexual harassment reported exclusively to the confidential
8 advisor in accordance with the higher education institution's
9 reporting requirements under subsection (b) of Section 9.21 of
10 the Board of Higher Education Act and under federal law.

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

1 (e) This privilege shall not preclude an individual from
2 asserting a greater privilege under federal or State law that
3 applies.

4 (Source: P.A. 99-426, eff. 8-21-15.)

5 Section 99. Effective date. This Act takes effect July 1,
6 2027.