

**HB5746**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**HB5746**

by Rep. Michelle Mussman

**SYNOPSIS AS INTRODUCED:**

110 ILCS 205/9.21

from Ch. 144, par. 189.21

Amends the Board of Higher Education Act. Provides that, beginning with the 2019-2020 academic year, each public or private higher education institution shall require all entering freshmen to receive, during a period of orientation or in an introductory course offered by the institution, instruction aimed at increasing the awareness and prevention of sexual violence and hate crimes.

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FISCAL NOTE ACT  
MAY APPLY

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 Board of Higher Education Act is amended by  
5 changing Section 9.21 as follows:

6 (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

7 Sec. 9.21. Human Relations.

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

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

20 (1.5) beginning with the 2019-2020 academic year,  
21 require each higher education institution, as defined  
22 under subsection (b) of this Section, to require all  
23 entering freshmen to receive, during a period of

1 orientation or in an introductory course offered by the  
2 institution, instruction aimed at increasing the awareness  
3 and prevention of sexual violence, as defined under  
4 subsection (b) of this Section, and hate crimes, as defined  
5 under Section 12-7.1 of the Criminal Code of 2012, which  
6 shall be in addition to sexual violence primary prevention  
7 and awareness programming required under subsection (b) of  
8 Section 30 of the Preventing Sexual Violence in Higher  
9 Education Act;

10 (2) require each public institution of higher  
11 education to report annually to the Department of Human  
12 Rights and the Attorney General on each adjudicated case in  
13 which a finding of racial, ethnic or religious intimidation  
14 or sexual harassment made in a grievance, affirmative  
15 action or other proceeding established by that institution  
16 to investigate and determine allegations of racial, ethnic  
17 or religious intimidation and sexual harassment; and

18 (3) require each public institution of higher  
19 education to forward to the local State's Attorney any  
20 report received by campus security or by a university  
21 police department alleging the commission of a hate crime  
22 as defined under Section 12-7.1 of the Criminal Code of  
23 2012.

24 (b) In this subsection (b):

25 "Higher education institution" means a public university,  
26 a public community college, or an independent, not-for-profit

1 or for-profit higher education institution located in this  
2 State.

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

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

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

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

22 (3) The number, type, and number of attendees, if  
23 applicable, of sexual violence primary prevention and  
24 awareness programming at the higher education institution.

25 (4) The number of incidents of sexual violence,  
26 domestic violence, dating violence, and stalking reported

1 to the Title IX coordinator or other responsible employee,  
2 pursuant to Title IX of the federal Education Amendments of  
3 1972, of the higher education institution.

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

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

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

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

16 (9) The number of allegations of sexual violence,  
17 domestic violence, dating violence, and stalking that the  
18 higher education institution reviewed through its  
19 complaint resolution procedure.

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

1 through the complaint resolution procedure during the  
2 reporting period.

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

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