101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3825

Introduced 2/14/2020, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

110 ILCS 155/35 new

Amends the Preventing Sexual Violence in Higher Education Act. Provides that the amendatory Act may be referred to as the Every Voice Act. Requires each higher education institution to conduct a sexual misconduct climate survey every 2 years of all students at its institution. Creates the Task Force on Campus Sexual Climate Surveys to develop and recommend to the Attorney General a base survey to be distributed to higher education institutions to be used with the institutions' sexual misconduct climate surveys. Provides that there shall be established within the Office of the Attorney General a data repository for all summaries of sexual misconduct climate surveys submitted by higher education institutions to the Attorney General. Requires each higher education institution to publish the campus level results of its survey. Requires the Attorney General to establish rules and procedures. Allows the Attorney General to impose a fine not to exceed $150,000 on a higher education institution that violates or fails to carry out the provisions. Defines terms.

FISCAL NOTE ACT
MAY APPLY
AN ACT concerning education.

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

Section 1. This Act may be referred to as the Every Voice Act.

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

(110 ILCS 155/35 new)

Sec. 35. Sexual misconduct climate survey.

(a) As used in this Section:

"Base survey" means a base set of common questions recommended by the Task Force on Campus Sexual Misconduct Climate Surveys that is approved by the Attorney General.

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part-time, full-time, or as an extension student, including any person who has taken a leave of absence or who has withdrawn from the higher education institution due to being a victim of sexual misconduct.

(b) Every 2 years, each higher education institution shall conduct a sexual misconduct climate survey of all students at its institution. Each higher education institution's sexual
misconduct climate survey shall include the base survey, which the Attorney General shall provide to the institution. Each institution may append its own campus-specific questions to the base survey if questions do not require the disclosure of any personally-identifying information by the students and are not unnecessarily traumatizing for victims of sexual violence. The Attorney General shall review any complaints submitted by students who believe that questions included in the campus sexual misconduct climate survey are unnecessarily traumatizing. Within 120 days after completion of a sexual misconduct climate survey, but no later than one year after the Attorney General issued the last base survey, each institution shall compile a summary of the results of the sexual misconduct climate survey, including, but not limited to, the complete aggregated results for each base survey question, and shall submit the summary to the Attorney General as well as publish the summary on the institution's website in an easily accessible manner.

(c) The Task Force on Campus Sexual Misconduct Surveys is created. The Task Force shall consist of the following 17 members:

(1) the Illinois Attorney General, or a designee, who shall serve as a co-chair;

(2) the executive director of the Illinois Board of Higher Education, or a designee, who shall serve as a co-chair;
the Director of Public Health, or a designee; and

(4) fourteen other members who shall be appointed by the Governor as follows:

(A) one of whom shall be a student attending a public higher education institution in Illinois;

(B) one of whom shall be a student attending a private higher education institution in Illinois;

(C) one of whom shall be a representative of the University of Illinois recommended by the president of the university;

(D) one of whom shall be a representative of the Illinois Community College Board;

(E) one of whom shall be a representative of private colleges and universities recommended by the Federation of Independent Illinois Colleges and Universities;

(F) three of whom shall be representatives of survivors of sexual assault recommended by the Illinois Coalition Against Sexual Assault, with one specifically representing survivors in rural communities and one specifically representing survivors in urban communities;

(G) one of whom shall be a representative of a non-profit legal services organization that provides legal representation to victims of campus sexual assault in Illinois;
(H) one of whom shall be a representative recommended by the Illinois Coalition Against Domestic Violence;

(I) one of whom shall be a representative recommended by Equality Illinois;

(J) one of whom shall be a representative recommended by Every Voice Coalition or any successor organization of Every Voice Coalition;

(K) one of whom shall be a researcher with experience in the development and design of sexual misconduct climate surveys; and

(L) one of whom shall be 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 101st General Assembly. Members of the Task Force shall receive no compensation from serving as members. Administrative and other support for the Task Force shall be provided by the Office of the Attorney General.

(d) The Task Force shall develop and recommend to the Attorney General the base survey for distribution to higher education institutions and provide the Attorney General with any related recommendations regarding the content, timing, and application of the base survey. The Task Force shall deliver the base survey and related recommendations, including, but not
limited to, recommendations on achieving statistically valid
response rates, to the Attorney General no less often than
every 2 years and for the first time on or before June 31,
2021.

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

(1) utilize best practices from peer-reviewed research
and consult with individuals with expertise in the
development and use of sexual misconduct climate surveys by
higher education institutions;

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

(3) provide opportunities for written comment from
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; and

(5) account for the diverse needs and differences of
Illinois' higher education institutions.

(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;

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

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

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

(9) demographic information that could be used to identify at-risk groups, including, but not limited to, gender;
(10) perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond to incidents of sexual misconduct;

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

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

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

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

(h) There shall be established within the Office of the Attorney General a data repository for all summaries of sexual misconduct climate surveys submitted by higher education institutions to the Attorney General in accordance with subsection (b). The Attorney General shall ensure that the sexual misconduct climate survey data submitted by all institutions will be available to the public in an easily
accessible manner on the Attorney General's website.

(i) Each higher education institution shall publish on the institution's website in an easily accessible manner: (i) the campus level results of the survey; (ii) the annual security report required under 20 U.S.C. 1092, the federal Clery Act; and (iii) a link to the Attorney General's statewide data on sexual misconduct climate survey data as set forth in subsection (h).

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

(k) Notwithstanding any other provision of law to the contrary, upon determination and 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 Attorney General may impose a civil penalty upon such institution not to exceed $150,000, which shall be adjusted for inflation annually, for each violation. The Attorney General shall use any such civil penalty funds to provide oversight of this Section and to provide services to sexual assault victims.