

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Sections 1-102, 5A-101, 5A-102, 6-101, 7-106, and  
6 7-108 as follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

8 Sec. 1-102. Declaration of Policy. It is the public  
9 policy of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for  
11 all individuals within Illinois the freedom from  
12 discrimination against any individual because of his or her  
13 race, color, religion, sex, national origin, ancestry, age,  
14 marital status, physical or mental handicap, military status,  
15 or unfavorable discharge from military service in connection  
16 with employment, real estate transactions, access to  
17 financial credit, and the availability of public  
18 accommodations.

19 (B) Freedom from Sexual Harassment-Employment and Higher  
20 Education. To prevent sexual harassment in employment and  
21 sexual harassment in higher education.

22 (C) Freedom from Discrimination Based on Citizenship  
23 Status-Employment. To prevent discrimination based on  
24 citizenship status in employment.

25 (D) Freedom from Discrimination Based on Familial  
26 Status-Real Estate Transactions. To prevent discrimination  
27 based on familial status in real estate transactions.

28 (E) Public Health, Welfare and Safety. To promote the  
29 public health, welfare and safety by protecting the interest  
30 of all people in Illinois in maintaining personal dignity, in  
31 realizing their full productive capacities, and in furthering

1 their interests, rights and privileges as citizens of this  
2 State.

3 (F) Implementation of Constitutional Guarantees. To  
4 secure and guarantee the rights established by Sections 17,  
5 18 and 19 of Article I of the Illinois Constitution of 1970.

6 (G) Equal Opportunity, Affirmative Action. To establish  
7 Equal Opportunity and Affirmative Action as the policies of  
8 this State in all of its decisions, programs and activities,  
9 and to assure that all State departments, boards, commissions  
10 and instrumentalities rigorously take affirmative action to  
11 provide equality of opportunity and eliminate the effects of  
12 past discrimination in the internal affairs of State  
13 government and in their relations with the public.

14 (H) Unfounded Charges. To protect citizens of this State  
15 against unfounded charges of unlawful discrimination, sexual  
16 harassment in employment and sexual harassment in higher  
17 education, and discrimination based on citizenship status in  
18 employment.

19 (Source: P.A. 87-579; 88-178.)

20 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

21 Sec. 5A-101. Definitions. The following definitions are  
22 applicable strictly in the content of this Article, except  
23 that the term "sexual harassment in higher education" as  
24 defined herein has the meaning herein ascribed to it whenever  
25 that term is used anywhere in this Act.

26 (A) Educational Institution ~~of--Higher--Education~~.  
27 "Educational institution ~~of-higher-education~~" means: (1) a  
28 any publicly or privately operated university, college,  
29 community college, junior college, business or vocational  
30 school, or other educational institution offering degrees and  
31 instruction beyond the high secondary school level; or (2) a  
32 publicly or privately operated elementary school or high  
33 school.

1 (B) Degree. "Degree" means: (1) a any designation,  
2 appellation, series of letters or words or other symbols  
3 which signifies or purports to signify that the recipient  
4 thereof has satisfactorily completed an organized academic,  
5 business or vocational program of study offered beyond the  
6 high secondary school level; or (2) a designation signifying  
7 that the recipient has graduated from an elementary school or  
8 high school.

9 (C) Student. "Student" means any individual admitted to  
10 or applying for admission to an educational institution of  
11 higher-education, or enrolled on a full or part time basis in  
12 a course or program of academic, business or vocational  
13 instruction offered by or through an educational institution  
14 of higher-education.

15 (D) Higher Education Representative. "Higher Education  
16 representative" means and includes the president, chancellor  
17 or other holder of any executive office on the administrative  
18 staff of an institution of higher education, an administrator  
19 of an elementary school or high school, a and-any member of  
20 the faculty of an institution of higher education, including  
21 but not limited to a dean or associate or assistant dean, a  
22 professor or associate or assistant professor, and a full or  
23 part time instructor or visiting professor, including a  
24 graduate assistant or other student who is employed on a  
25 temporary basis of less than full time as a teacher or  
26 instructor of any course or program of academic, business or  
27 vocational instruction offered by or through an institution  
28 of higher education, and any teacher or instructor at an  
29 elementary school or high school.

30 (E) Sexual Harassment in Higher Education. "Sexual  
31 harassment in higher education" means any unwelcome sexual  
32 advances or requests for sexual favors made by an a--higher  
33 education representative to a student, or any conduct of a  
34 sexual nature exhibited by an a---higher education

1 representative toward a student, when such conduct has the  
2 purpose of substantially interfering with the student's  
3 educational performance or creating an intimidating, hostile  
4 or offensive educational environment; or when the higher  
5 education representative either explicitly or implicitly  
6 makes the student's submission to such conduct a term or  
7 condition of, or uses the student's submission to or  
8 rejection of such conduct as a basis for determining:

9 (1) Whether the student will be admitted to an  
10 educational institution of higher education;

11 (2) The educational performance required or expected of  
12 the student;

13 (3) The attendance or assignment requirements applicable  
14 to the student;

15 (4) To what courses, fields of study or programs,  
16 including honors and graduate programs, the student will be  
17 admitted;

18 (5) What placement or course proficiency requirements  
19 are applicable to the student;

20 (6) The quality of instruction the student will receive;

21 (7) What tuition or fee requirements are applicable to  
22 the student;

23 (8) What scholarship opportunities are available to the  
24 student;

25 (9) What extracurricular teams the student will be a  
26 member of or in what extracurricular competitions the student  
27 will participate;

28 (10) Any grade the student will receive in any  
29 examination or in any course or program of instruction in  
30 which the student is enrolled;

31 (11) The progress of the student toward successful  
32 completion of or graduation from any course or program of  
33 instruction in which the student is enrolled; or

34 (12) What degree, if any, the student will receive.

1 (Source: P.A. 83-91.)

2 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

3 Sec. 5A-102. Civil Rights Violations; Violations-Higher  
4 Education. It is a civil rights violation:

5 (A) Higher Education Representative. For an any-higher  
6 education representative to commit or engage in sexual  
7 harassment in higher education.

8 (B) Educational Institution of-Higher-Education. For an  
9 educational any institution of-higher-education to fail to  
10 take remedial action, or to fail to take appropriate  
11 disciplinary action against an a---higher education  
12 representative employed by such institution, when such  
13 institution knows that such higher education representative  
14 was committing or engaging in or committed or engaged in  
15 sexual harassment in higher education.

16 (Source: P.A. 83-91.)

17 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

18 Sec. 6-101. Additional Civil Rights Violations. It is a  
19 civil rights violation for a person, or for two or more  
20 persons to conspire, to:

21 (A) Retaliation. Retaliate against a person because he  
22 or she has opposed that which he or she reasonably and in  
23 good faith believes to be unlawful discrimination, sexual  
24 harassment in employment or sexual harassment in higher  
25 education, discrimination based on citizenship status in  
26 employment, or because he or she has made a charge, filed a  
27 complaint, testified, assisted, or participated in an  
28 investigation, proceeding, or hearing under this Act;

29 (B) Aiding and Abetting; Coercion. Aid, abet, compel or  
30 coerce a person to commit any violation of this Act;

31 (C) Interference. Wilfully interfere with the  
32 performance of a duty or the exercise of a power by the

1 Commission or one of its members or representatives or the  
2 Department or one of its officers or employees.

3 (D) Definitions. For the purposes of this Section,  
4 "sexual harassment" and "citizenship status" shall have the  
5 same meaning as defined in Section 2-101 of this Act.

6 (Source: P.A. 87-579.)

7 (775 ILCS 5/7-106) (from Ch. 68, par. 7-106)

8 Sec. 7-106. Recruitment; Research; Public Communication)

9 For the purpose of promoting equal employment and housing  
10 opportunities and eliminating unlawful discrimination, sexual  
11 harassment in employment and sexual harassment in higher  
12 education, the Department shall have authority to:

13 (A) Recruitment. Cooperate with public and private  
14 organizations, as well as the Department of Central  
15 Management Services, in encouraging individuals in  
16 underrepresented classifications to seek employment in state  
17 government.

18 (B) Publications; Research. Issue publications, conduct  
19 research, and make surveys as it deems necessary.

20 (C) Public Hearings. Hold public hearings to obtain  
21 information from the general public on the effectiveness of  
22 the state's equal employment opportunity program and the  
23 protection against unlawful discrimination, sexual harassment  
24 in employment and sexual harassment in higher education  
25 afforded by this Act and to accept public recommendations  
26 concerning changes in the program and the Act for inclusion  
27 in its annual report.

28 (D) Promotion of Communication and Goodwill. Establish  
29 a program to cooperate with civic, religious and educational  
30 organizations in order to improve human communication and  
31 understanding, foster equal opportunities in employment and  
32 housing, and promote and encourage communication, goodwill  
33 and interfaith and interracial harmony.

1 (Source: P.A. 85-1229; 86-1343.)

2 (775 ILCS 5/7-108) (from Ch. 68, par. 7-108)

3 Sec. 7-108. Local Departments, Commissions.

4 (A) Authority. A political subdivision, or two or more  
5 political subdivisions acting jointly, may create a local  
6 department or commission as it or they see fit to promote the  
7 purposes of this Act and to secure for all individuals within  
8 the jurisdiction of the political subdivision or subdivisions  
9 freedom from unlawful discrimination, sexual harassment in  
10 employment and sexual harassment in higher education. The  
11 provisions of any ordinance enacted by any municipality or  
12 county which prohibits broader or different categories of  
13 discrimination than are prohibited by this Act are not  
14 invalidated or affected by this Act.

15 (B) Concurrent Jurisdiction. When the Department and a  
16 local department or commission have concurrent jurisdiction  
17 over a complaint, either may transfer the complaint to the  
18 other under regulations established by the Department.

19 (C) Exclusive Jurisdiction. When the Department or a  
20 local department or commission has jurisdiction over a  
21 complaint and the other does not, the Department or local  
22 department or commission without jurisdiction may transfer  
23 the complaint to the other under regulations established by  
24 the Department.

25 (D) To secure and guarantee the rights established by  
26 Sections 17, 18 and 19 of Article I of the Illinois  
27 Constitution, any ordinance, resolution, rule or regulation  
28 of any county, municipality or other unit of local government  
29 or of any local department or commission which prohibits,  
30 restricts, narrows or limits the housing choice of any person  
31 is unenforceable and void. Nothing in this amendatory Act of  
32 1981 prohibits a unit of local government from making special  
33 outreach efforts to inform members of minority groups of

1 housing opportunities available in areas of majority white  
2 concentration and make similar efforts to inform the majority  
3 white population of available housing opportunities located  
4 in areas of minority concentration. This paragraph is  
5 applicable to home rule units as well as non-home rule units.

6 Pursuant to Article VII, Section 6, paragraph (i) of the  
7 Illinois Constitution, this amendatory Act of 1981 is a  
8 limitation of the power of home rule units.

9 (Source: P.A. 85-1229; 86-1343.)