



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1610

Introduced 2/26/2021, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

110 ILCS 155/35 new

Amends the Preventing Sexual Violence in Higher Education Act. Requires each higher education institution to annually conduct a sexual misconduct climate survey of all students at the institution. Provides that each institution's sexual misconduct climate survey shall include the Board of Higher Education's base survey. Requires each institution to compile a summary of the results of the sexual misconduct climate survey and submit the summary to the Board, as well as publish the summary on the institution's website. Creates the Task Force on Campus Sexual Misconduct Climate Surveys to develop and recommend to the Board the base survey for distribution to institutions and to provide the Board with any related recommendations regarding the content, timing, and application of the base survey. Sets forth other requirements concerning the Task Force and the sexual misconduct climate survey. Includes penalty provisions. Effective immediately.

LRB102 16432 CMG 21823 b

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

6 (110 ILCS 155/35 new)

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.

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17 or who has withdrawn from the higher education institution due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

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

1 violence, dating violence, or stalking, and understanding the
2 behavior of perpetrators.

3 (b) Each higher education institution shall annually
4 conduct a sexual misconduct climate survey of all students at
5 the institution. Each higher education institution's sexual
6 misconduct climate survey shall include the base survey, which
7 the Board of Higher Education shall provide to the institution
8 every 2 years. Each institution may append its own
9 campus-specific questions to the base survey if questions do
10 not require the disclosure of any personally identifying
11 information by the students and are trauma informed. The Board
12 of Higher Education shall review any complaints submitted by
13 students who believe that questions included in the campus
14 sexual misconduct climate survey are traumatizing. Within 120
15 days after completion of a sexual misconduct climate survey,
16 but no later than one year after the Board of Higher Education
17 issued the last base survey, each institution shall compile a
18 summary of the results of the sexual misconduct climate
19 survey, including, but not limited to, the complete aggregated
20 results for each base survey question, and shall submit the
21 summary to the Board of Higher Education, as well as publish
22 the summary on the institution's website in an easily
23 accessible manner.

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

1 (1) the Executive Director of the Board of Higher
2 Education or a designee, who shall serve as chairperson;

3 (2) the Governor or a designee;

4 (3) the Attorney General or a designee;

5 (4) the Director of Public Health or a designee;

6 (5) the following members appointed by the Governor:

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

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

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

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

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

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

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

1 survivors in urban communities;

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

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

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

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

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

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

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

21 The Task Force shall hold its first meeting as soon as
22 practicable after the effective date of this amendatory Act of
23 the 102nd General Assembly. Administrative and other support
24 for the Task Force shall be provided by the Board of Higher
25 Education. Members of the Task Force shall serve 2-year terms
26 that commence on the date of appointment. Members shall

1 continue to serve until their successors are appointed. Any
2 vacancy shall be filled by the appointing authority. Any
3 vacancy occurring other than by expiration of the term shall
4 be filled for the balance of the unexpired term. A majority of
5 the Task Force shall constitute a quorum for the transaction
6 of any business.

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

15 (d) The Task Force shall develop and recommend to the
16 Board of Higher Education the base survey for distribution to
17 higher education institutions and provide the Board of Higher
18 Education with any related recommendations regarding the
19 content, timing, and application of the base survey. The Task
20 Force shall deliver the base survey and related
21 recommendations, including, but not limited to,
22 recommendations on achieving statistically valid response
23 rates, to the Board of Higher Education no less often than
24 every 2 years and for the first time on or before July 31,
25 2022. Thereafter, the Task Force shall meet in the year 2024
26 and in the year 2026 to review the results of the survey and to

1 implement updates and improvements. The Task Force is
2 dissolved after the completion of the 2026 base survey. After
3 the dissolution of the Task Force, the Executive Director of
4 the Board of Higher Education or a designee shall review the
5 base survey every 2 years to consider any feedback that has
6 been received and to implement improvements.

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

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

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

16 (3) provide opportunities for written comment from
17 survivors and organizations that work directly with
18 survivors of sexual misconduct to ensure the adequacy and
19 appropriateness of the proposed content;

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

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

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

26 (f) The base survey shall gather information on topics,

1 including, but not limited to:

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

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

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

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

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

18 (6) whether a student was informed of or referred to
19 local, State, campus, or other resources or victim support
20 services, including appropriate medical care, advocacy,
21 counseling, and legal services;

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

26 (8) contextual factors, such as the involvement of

1 force, incapacitation, coercion, or drug or alcohol
2 facilitation;

3 (9) demographic information that could be used to
4 identify at-risk groups, including, but not limited to,
5 gender, race, immigration status, national origin,
6 ethnicity, disability status, sexual orientation, and
7 gender identity;

8 (10) perceptions of campus safety among members of the
9 campus community and confidence in the institution's
10 ability to protect against and respond to incidents of
11 sexual misconduct;

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

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

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

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

22 (g) The sexual misconduct climate survey shall collect
23 anonymous responses and shall not provide for the public
24 disclosure of any personally identifying information. No
25 institution may use or attempt to use information collected
26 through the sexual misconduct climate survey to identify or

1 contact any individual student on campus, nor shall the
2 results of the survey be used as the basis for any type of
3 investigation or disciplinary or legal proceeding.

4 (h) There shall be established within the Office of the
5 Board of Higher Education a data repository for all summaries
6 of sexual misconduct climate surveys submitted by higher
7 education institutions to the Board of Higher Education in
8 accordance with subsection (b). The Board of Higher Education
9 shall ensure that the sexual misconduct climate survey data
10 submitted by all institutions is available to the public in an
11 easily accessible manner on the Board of Higher Education's
12 website.

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

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

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

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

21 (4) a link to the Board of Higher Education's
22 statewide data on sexual misconduct climate survey data as
23 set forth in subsection (h).

24 (j) The Board of Higher Education shall establish rules
25 and procedures, including deadlines for dissemination and
26 collection of survey information, consistent with the purposes

1 of this Section and shall promote effective solicitation to
2 achieve the highest practical response rate, collection, and
3 publication of statistical information gathered from higher
4 education institutions.

5 (k) Upon determination, after reasonable notice and
6 opportunity for a hearing, that a higher education institution
7 has violated or failed to carry out any provision of this
8 Section or any rule adopted under this Section, the Board of
9 Higher Education may impose a civil penalty upon such
10 institution not to exceed \$150,000, which shall be adjusted
11 for inflation annually, for each violation. The Board of
12 Higher Education shall use any such civil penalty funds to
13 provide oversight of this Section and to provide funding to
14 community organizations that provide services to sexual
15 assault victims. The Attorney General may bring an action in
16 the circuit court to enforce the collection of any monetary
17 penalty imposed under this subsection (k).

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.