

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17 or who has withdrawn from the higher education institution due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, in consultation with the Office of the
13 Attorney General, as necessary, shall review any complaints
14 submitted by students who believe that questions included in
15 the campus sexual misconduct climate survey are traumatizing.
16 Within 120 days after completion of a sexual misconduct
17 climate survey, but no later than one year after the Board of
18 Higher Education issued the last base survey, each institution
19 shall compile a summary of the results of the sexual
20 misconduct climate survey, including, but not limited to, the
21 complete aggregated results for each base survey question, and
22 shall submit the summary to the Board of Higher Education, as
23 well as publish the summary on the institution's website in an
24 easily accessible manner.

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

1 following members:

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

4 (2) the Governor or a designee;

5 (3) one member of the Senate, appointed by the
6 President of the Senate;

7 (4) one member of the House of Representatives,
8 appointed by the Speaker of the House of Representatives;

9 (5) one member of the Senate, appointed by the
10 Minority Leader of the Senate;

11 (6) one member of the House of Representatives,
12 appointed by the Minority Leader of the House of
13 Representatives;

14 (7) the Attorney General or a designee;

15 (8) the Director of Public Health or a designee; and

16 (9) the following members appointed by the Governor:

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

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

21 (C) one member who is a student attending a
22 community college in Illinois;

23 (D) one member who is a representative of the
24 University of Illinois recommended by the president of
25 the university;

26 (E) one member who is a representative of the

1 Illinois Community College Board;

2 (F) one member who is a representative of private
3 colleges and universities recommended by the
4 Federation of Independent Illinois Colleges and
5 Universities;

6 (G) 3 members who are representatives of survivors
7 of sexual assault recommended by the Illinois
8 Coalition Against Sexual Assault, with one
9 specifically representing survivors in rural
10 communities and one specifically representing
11 survivors in urban communities;

12 (H) one member who is a representative of a
13 non-profit legal services organization that provides
14 legal representation to victims of campus sexual
15 assault in Illinois;

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

18 (J) one member who is a representative recommended
19 by Equality Illinois;

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

22 (L) one member who is a representative recommended
23 by the Every Voice Coalition or any successor
24 organization of the Every Voice Coalition;

25 (M) one member who is a researcher with experience
26 in the development and design of sexual misconduct

1 climate surveys; and

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

5 The Task Force shall hold its first meeting as soon as
6 practicable after the effective date of this amendatory Act of
7 the 102nd General Assembly. Administrative and other support
8 for the Task Force shall be provided by the Board of Higher
9 Education. Members of the Task Force shall serve 2-year terms
10 that commence on the date of appointment. Members shall
11 continue to serve until their successors are appointed. Any
12 vacancy shall be filled by the appointing authority. Any
13 vacancy occurring other than by expiration of the term shall
14 be filled for the balance of the unexpired term. A majority of
15 the Task Force shall constitute a quorum for the transaction
16 of any business.

17 Members of the Task Force shall serve without compensation
18 but shall be reimbursed for expenses necessarily incurred in
19 the performance of their duties if funds are available.
20 However, the higher education institution in which a student
21 member is enrolled may compensate that student for
22 participating on the Task Force through a work-study program
23 or by providing a stipend to support the work of the student
24 member on the Task Force.

25 (d) The Task Force shall develop and recommend to the
26 Board of Higher Education the base survey for distribution to

1 higher education institutions and provide the Board of Higher
2 Education with any related recommendations regarding the
3 content, timing, and application of the base survey. The Task
4 Force shall deliver the base survey and related
5 recommendations, including, but not limited to,
6 recommendations on achieving statistically valid response
7 rates, to the Board of Higher Education no less often than
8 every 2 years and for the first time on or before July 31,
9 2022. Thereafter, the Task Force shall meet in the year 2024
10 and in the year 2026 to review the results of the survey and to
11 implement updates and improvements. The Task Force is
12 dissolved after the completion of the 2026 base survey. After
13 the dissolution of the Task Force, the Executive Director of
14 the Board of Higher Education or a designee shall review the
15 base survey every 2 years to consider any feedback that has
16 been received and to implement improvements.

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

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

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

26 (3) provide opportunities for written comment from

1 survivors and organizations that work directly with
2 survivors of sexual misconduct to ensure the adequacy and
3 appropriateness of the proposed content;

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

6 (5) account for the diverse needs and differences of
7 higher education institutions; and

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

10 (f) The base survey shall gather information on topics,
11 including, but not limited to:

12 (1) the number and type of incidents, both reported to
13 the higher education institution and unreported to the
14 higher education institution, of sexual misconduct at the
15 higher education institution;

16 (2) when and where incidents of sexual misconduct
17 occurred, such as on campus, off campus, abroad, or
18 online;

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

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

25 (5) whether a student reported the sexual misconduct
26 to law enforcement and, if so, to which law enforcement

1 agency such report was made;

2 (6) whether a student was informed of or referred to
3 local, State, campus, or other resources or victim support
4 services, including appropriate medical care, advocacy,
5 counseling, and legal services;

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

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

13 (9) demographic information that could be used to
14 identify at-risk groups, including, but not limited to,
15 gender, race, immigration status, national origin,
16 ethnicity, disability status, sexual orientation, and
17 gender identity;

18 (10) perceptions of campus safety among members of the
19 campus community and confidence in the institution's
20 ability to protect against and respond to incidents of
21 sexual misconduct;

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

25 (12) whether the student has withdrawn from any
26 classes or has been placed on academic probation as a

1 result of the incident; and

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

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

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

14 (h) There shall be established within the Office of the
15 Board of Higher Education a data repository for all summaries
16 of sexual misconduct climate surveys submitted by higher
17 education institutions to the Board of Higher Education in
18 accordance with subsection (b). The Board of Higher Education
19 shall ensure that the sexual misconduct climate survey data
20 submitted by all institutions is available to the public in an
21 easily accessible manner on the Board of Higher Education's
22 website.

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

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

26 (2) the annual security report required under the

1 federal Jeanne Clery Disclosure of Campus Security Policy
2 and Campus Crime Statistics Act;

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

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

8 (j) The Board of Higher Education shall establish rules
9 and procedures, including deadlines for dissemination and
10 collection of survey information, consistent with the purposes
11 of this Section and shall promote effective solicitation to
12 achieve the highest practical response rate, collection, and
13 publication of statistical information gathered from higher
14 education institutions.

15 (k) Upon determination, after reasonable notice and
16 opportunity for a hearing, that a higher education institution
17 has violated or failed to carry out any provision of this
18 Section or any rule adopted under this Section, the Board of
19 Higher Education may impose a civil penalty upon such
20 institution not to exceed \$50,000, which shall be adjusted for
21 inflation annually, for each violation. The Board of Higher
22 Education shall use any such civil penalty funds to provide
23 oversight of this Section and to provide funding to community
24 organizations that provide services to sexual assault victims.
25 The Attorney General may bring an action in the circuit court
26 to enforce the collection of any monetary penalty imposed

1 under this subsection (k).

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.