

1 AN ACT concerning education.

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

4 (30 ILCS 105/5.719 rep.)

5 Section 5. The State Finance Act is amended by repealing
6 Section 5.719.

7 Section 15. The Higher Education Housing and Opportunities
8 Act is amended by changing Section 5 as follows:

9 (110 ILCS 131/5)

10 Sec. 5. Definitions. As used in this Act:

11 "Institution of higher education" or "institution" means
12 any publicly or privately operated university, college,
13 community college, business, technical, or vocational school,
14 or other educational institution in this State offering
15 degrees and instruction beyond the secondary school level.

16 "Student experiencing homelessness" or "homeless student"
17 means an individual enrolled in an institution who lacks or is
18 at imminent risk of lacking a fixed, regular, and adequate
19 nighttime residence or whose parent or legal guardian is
20 unable or unwilling to provide shelter and care and includes a
21 homeless individual as defined under the federal
22 McKinney-Vento Homeless Assistance Act. For the purposes of

1 this definition, the term "fixed, regular, and adequate
2 nighttime residence" does not include residence in an
3 institution of higher education's on-campus housing.

4 "Student in care" means any person, regardless of age, who
5 is or was under the care and legal custody of the Department of
6 Children and Family Services, including youth for whom the
7 Department has court-ordered legal responsibility, youth who
8 aged out of care at age 18 or older, or youth formerly under
9 care who have been adopted and were the subject of an adoption
10 assistance agreement or who have been placed in private
11 guardianship and were the subject of a subsidized guardianship
12 agreement.

13 (Source: P.A. 102-83, eff. 8-1-22.)

14 Section 20. The Preventing Sexual Violence in Higher
15 Education Act is amended by changing Section 35 as follows:

16 (110 ILCS 155/35)

17 Sec. 35. Sexual misconduct climate survey.

18 (a) As used in this Section:

19 "Base survey" means a base set of common questions
20 recommended by the Task Force on Campus Sexual Misconduct
21 Climate Surveys and approved by the Executive Director of the
22 Board of Higher Education.

23 "Student" means a person who is enrolled in a public or
24 private degree-granting, post-secondary higher education

1 institution, whether part-time, full-time, or as an extension
2 student, including any person who has taken a leave of absence
3 or who has withdrawn from the higher education institution due
4 to being a victim of sexual misconduct.

5 "Trauma informed" means an understanding of the
6 complexities of sexual violence, domestic violence, dating
7 violence, or stalking through training centered on the
8 neurobiological impact of trauma, the influence of societal
9 myths and stereotypes surrounding sexual violence, domestic
10 violence, dating violence, or stalking, and understanding the
11 behavior of perpetrators.

12 (b) Each higher education institution shall annually
13 conduct a sexual misconduct climate survey of all students at
14 the institution. Each higher education institution's sexual
15 misconduct climate survey shall include the base survey, which
16 the Board of Higher Education or Illinois Community College
17 Board, whichever is applicable, shall provide to the
18 institution every 2 years. Each institution may append its own
19 campus-specific questions to the base survey if questions do
20 not require the disclosure of any personally identifying
21 information by the students and are trauma informed. The Board
22 of Higher Education and Illinois Community College Board, in
23 consultation with the Office of the Attorney General, as
24 necessary, shall review any complaints submitted by students
25 who believe that questions included in the campus sexual
26 misconduct climate survey are traumatizing. Within 120 days

1 after completion of a sexual misconduct climate survey, but no
2 later than one year after the Board of Higher Education or
3 Illinois Community College Board, whichever is applicable,
4 issued the last base survey, each institution shall compile a
5 summary of the results of the sexual misconduct climate
6 survey, including, but not limited to, the complete aggregated
7 results for each base survey question, and shall submit the
8 summary to the Board of Higher Education or Illinois Community
9 College Board, as well as publish the summary on the
10 institution's website in an easily accessible manner.

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

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

16 (2) the Governor or a designee;

17 (3) one member of the Senate, appointed by the
18 President of the Senate;

19 (4) one member of the House of Representatives,
20 appointed by the Speaker of the House of Representatives;

21 (5) one member of the Senate, appointed by the
22 Minority Leader of the Senate;

23 (6) one member of the House of Representatives,
24 appointed by the Minority Leader of the House of
25 Representatives;

26 (7) the Attorney General or a designee;

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

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

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

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

7 (C) one member who is a student attending a
8 community college in Illinois;

9 (D) one member who is a representative of the
10 University of Illinois recommended by the president of
11 the university;

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

14 (F) one member who is a representative of private
15 colleges and universities recommended by the
16 Federation of Independent Illinois Colleges and
17 Universities;

18 (G) 3 members who are representatives of survivors
19 of sexual assault recommended by the Illinois
20 Coalition Against Sexual Assault, with one
21 specifically representing survivors in rural
22 communities and one specifically representing
23 survivors in urban communities;

24 (H) one member who is a representative of a
25 non-profit legal services organization that provides
26 legal representation to victims of campus sexual

1 assault in Illinois;

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

4 (J) one member who is a representative recommended
5 by Equality Illinois;

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

8 (L) one member who is a representative recommended
9 by the Every Voice Coalition or any successor
10 organization of the Every Voice Coalition;

11 (M) one member who is a researcher with experience
12 in the development and design of sexual misconduct
13 climate surveys; and

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

17 The Task Force shall hold its first meeting as soon as
18 practicable after the effective date of this amendatory Act of
19 the 102nd General Assembly. Administrative and other support
20 for the Task Force shall be provided by the Board of Higher
21 Education. Members of the Task Force shall serve 2-year terms
22 that commence on the date of appointment. Members shall
23 continue to serve until their successors are appointed. Any
24 vacancy shall be filled by the appointing authority. Any
25 vacancy occurring other than by expiration of the term shall
26 be filled for the balance of the unexpired term. A majority of

1 the Task Force shall constitute a quorum for the transaction
2 of any business.

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

11 (d) The Task Force shall develop and recommend to the
12 Board of Higher Education and Illinois Community College Board
13 the base survey for distribution to higher education
14 institutions and provide the Board of Higher Education and
15 Illinois Community College Board with any related
16 recommendations regarding the content, timing, and application
17 of the base survey. The Task Force shall deliver the base
18 survey and related recommendations, including, but not limited
19 to, recommendations on achieving statistically valid response
20 rates, to the Board of Higher Education and Illinois Community
21 College Board no less often than every 2 years and for the
22 first time on or before July 31, 2023 ~~July 31, 2022~~.
23 Thereafter, the Task Force shall meet in the year 2025 ~~2024~~ and
24 in the year 2027 ~~2026~~ to review the results of the survey and
25 to implement updates and improvements. The Task Force is
26 dissolved after the completion of the 2027 ~~2026~~ base survey.

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

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

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

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

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

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

20 (5) account for the diverse needs and differences of
21 higher education institutions; and

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

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

26 (1) the number and type of incidents, both reported to

1 the higher education institution and unreported to the
2 higher education institution, of sexual misconduct at the
3 higher education institution;

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

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

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

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

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

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

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

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

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

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

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

16 (13) other questions as determined by the Task Force.
17 All questions on the base survey shall be optional or shall
18 offer the student the option to select "I prefer not to answer"
19 as a response on the survey.

20 (g) The sexual misconduct climate survey shall collect
21 anonymous responses and shall not provide for the public
22 disclosure of any personally identifying information. No
23 institution may use or attempt to use information collected
24 through the sexual misconduct climate survey to identify or
25 contact any individual student on campus, nor shall the
26 results of the survey be used as the basis for any type of

1 investigation or disciplinary or legal proceeding.

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

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

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

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

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

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

26 (j) The Board of Higher Education and Illinois Community

1 College Board shall establish rules and procedures, including
2 deadlines for dissemination and collection of survey
3 information, consistent with the purposes of this Section and
4 shall promote effective solicitation to achieve the highest
5 practical response rate, collection, and publication of
6 statistical information gathered from higher education
7 institutions.

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

22 (Source: P.A. 102-325, eff. 8-6-21.)

23 Section 25. The Board of Higher Education Act is amended
24 by changing Sections 3 and 9.29 as follows:

1 (110 ILCS 205/3) (from Ch. 144, par. 183)

2 Sec. 3. Terms; vacancies.

3 (a) The members of the Board whose appointments are
4 subject to confirmation by the Senate shall be selected for
5 6-year terms expiring on January 31 of odd numbered years.

6 (b) The members of the Board shall continue to serve after
7 the expiration of their terms until their successors have been
8 appointed.

9 (c) Vacancies on the Board in offices appointed by the
10 Governor shall be filled by appointment by the Governor for
11 the unexpired term. If the appointment is subject to Senate
12 confirmation and the Senate is not in session or is in recess
13 when the appointment is made, the appointee shall serve
14 subject to subsequent Senate approval of the appointment.

15 (d) Each student member shall serve a term of one year
16 beginning on July 1 of each year and until a successor is
17 appointed and qualified.

18 (e) The member of the Board representing public university
19 governing boards and the member of the Board representing
20 private college and university boards of trustees, who are
21 appointed by the Governor but not subject to confirmation by
22 the Senate, shall serve terms of 3 years ~~one year~~ beginning on
23 July 1.

24 (Source: P.A. 102-1046, eff. 6-7-22.)

25 (110 ILCS 205/9.29)

1 Sec. 9.29. Tuition and fee waiver report.

2 (a) The Board of Higher Education shall annually compile
3 information concerning tuition and fee waivers and tuition and
4 fee waiver programs that has been provided by the Boards of
5 Trustees of the University of Illinois, Southern Illinois
6 University, Chicago State University, Eastern Illinois
7 University, Governors State University, Illinois State
8 University, Northeastern Illinois University, Northern
9 Illinois University, and Western Illinois University and shall
10 report its findings and recommendations concerning tuition and
11 fee waivers and tuition and fee waiver programs to the General
12 Assembly by filing electronic or paper copies of its report by
13 December 31 of each year as provided in Section 3.1 of the
14 General Assembly Organization Act.

15 (b) No later than November 1, 2023 ~~July 1, 2020~~, and
16 annually thereafter, each public university must submit a
17 report to the Board of Higher Education on the amount of
18 tuition that undergraduate, degree-seeking students attending
19 the university paid in the previous academic year that
20 includes all of the following information:

21 (1) The percentage of undergraduate students who paid
22 more than 75% of full tuition costs.

23 (2) The percentage of undergraduate students who paid
24 more than 50% but no more than 75% of full tuition costs.

25 (3) The percentage of undergraduate students who paid
26 more than 25% but no more than 50% of full tuition costs.

1 (4) The percentage of undergraduate students who paid
2 no more than 25% of full tuition costs.

3 (5) The percentage of undergraduate students who had
4 no tuition costs.

5 The tuition costs calculated under this subsection must
6 reflect the amount of tuition paid by a student after all
7 scholarships, grants, and other financial assistance have been
8 applied to his or her tuition charge and must reflect only the
9 amounts paid by undergraduate, degree-seeking students.

10 The Board of Higher Education must annually compile and
11 submit to the General Assembly, as part of the report required
12 under subsection (a), the information received under this
13 subsection.

14 (Source: P.A. 100-167, eff. 1-1-18; 101-93, eff. 1-1-20.)

15 (110 ILCS 1005/14.10 rep.)

16 Section 30. The Private College Act is amended by
17 repealing Section 14.10.

18 Section 35. The Private College Act is amended by changing
19 Section 15 as follows:

20 (110 ILCS 1005/15) (from Ch. 144, par. 135)

21 Sec. 15. Any person violating any provision of this Act
22 shall be guilty of a petty offense and fined not less than \$25
23 nor more than \$10,000 ~~\$100~~. Each day's violation of any

1 provision of this Act shall constitute a separate offense.

2 (Source: P.A. 84-1308.)

3 Section 40. The Academic Degree Act is amended by changing
4 Section 10.10 as follows:

5 (110 ILCS 1010/10.10)

6 Sec. 10.10. Academic Quality Assurance Fund. The Academic
7 Quality Assurance Fund is created as a special fund in the
8 State treasury. All fees collected for the administration and
9 enforcement of this Act and the Private College Act must be
10 deposited into this Fund. All money in the Fund must be used,
11 subject to appropriation, by the Board to supplement support
12 for the administration and enforcement of this Act and the
13 Private College Act and must not be used for any other purpose.

14 Rulemaking authority to implement this amendatory Act of
15 the 95th General Assembly, if any, is conditioned on the rules
16 being adopted in accordance with all provisions of the
17 Illinois Administrative Procedure Act and all rules and
18 procedures of the Joint Committee on Administrative Rules; any
19 purported rule not so adopted, for whatever reason, is
20 unauthorized.

21 (Source: P.A. 95-1046, eff. 3-27-09.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.