



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4252

Introduced 1/16/2024, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

New Act

Creates the Student-Athlete Bill of Rights Act. Sets forth specific rights for students and student-athletes at postsecondary educational institutions. Provides that a postsecondary educational institution shall prepare and post a notice detailing specified rights that student-athletes have under federal law and where a complaint may be filed for a violation. Provides that a postsecondary educational institution may not intentionally retaliate against a student-athlete for (1) making or filing a complaint, in good faith, about a violation of a student-athlete's rights granted under any applicable statute, rule, or policy; (2) testifying or otherwise assisting in an investigation into a violation of a student-athlete's rights granted under any applicable statute, rule, or policy; or (3) opposing any practices that the student-athlete, in good faith, believes are a violation of a student-athlete's rights granted under any applicable statute, rule, or policy. Provides that each postsecondary educational institution offering athletic programs for student-athletes shall hire or appoint an ombudsperson, independent of the athletic department, who may be an employee, to provide specified support to student-athletes. Creates the Commission on College Athletics to pursue research and recommendations and monitor athletic programs at postsecondary educational institutions. Sets forth other duties of the Commission and the membership of the Commission. Requires the Board of Higher Education to provide administrative and other support to the Commission and adopt rules. Makes other changes.

LRB103 34791 RJT 64642 b

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 1. Short title. This Act may be cited as the
5 Student-Athlete Bill of Rights Act.

6 Section 5. Definitions. In this Act:

7 "Postsecondary educational institution" means a public
8 university or community college or a private university or
9 college located in this State.

10 "Student" means a student currently enrolled at a
11 postsecondary educational institution.

12 "Student-athlete" means an enrolled student on the
13 postsecondary educational institution's official athletic
14 squad list.

15 Section 10. Student and student-athlete rights.

16 (a) A student-athlete shall have the right to fair and
17 equitable treatment, and a student-athlete may not be
18 discriminated against based upon the student-athlete's sex or
19 any other protected characteristic under State or federal law.

20 (b) A student shall have the right to inquire of the
21 athletic director of the postsecondary educational institution
22 as to the athletic opportunities offered by the postsecondary

1 educational institution.

2 (c) A student-athlete shall have the right to receive
3 equitable treatment and benefits in:

4 (1) the provision of equipment and supplies;

5 (2) the scheduling of games and practices;

6 (3) the provision of transportation and daily
7 allowances;

8 (4) accessing tutoring;

9 (5) the provision of coaching;

10 (6) the provision of locker rooms;

11 (7) the provision of practice and competitive
12 facilities;

13 (8) accessing medical and training facilities and
14 services; and

15 (9) the provision of publicity.

16 (d) A student shall have the right to access a Title IX
17 coordinator to answer questions regarding gender equity laws.

18 (e) A student shall have the right to contact external
19 sources for information on gender equity laws or other equity,
20 anti-discrimination, or harassment laws, including the
21 Department of Human Rights.

22 (f) A student shall have the right to file a confidential
23 discrimination complaint with the United States Department of
24 Education's Office for Civil Rights, the Department of Human
25 Rights, and the Board of Higher Education if the student
26 believes that the student has been discriminated against or if

1 the student believes that the student has received unequal
2 treatment on the basis of a protected characteristic.

3 (g) A student shall have the right to pursue civil
4 remedies if the student has been discriminated against.

5 (h) A student shall have the right to be protected against
6 retaliation if the student files a discrimination complaint.

7 Section 15. Institution powers, duties, and prohibitions.

8 (a) A postsecondary educational institution may establish
9 a degree completion fund, in accordance with applicable rules
10 and bylaws of the governing body of the institution and
11 applicable rules and bylaws of any athletic association of
12 which the institution is a member.

13 (b) A postsecondary educational institution shall prepare
14 a notice detailing the following rights:

15 (1) A student-athlete's rights pursuant to Title IX of
16 the federal Education Amendments of 1972.

17 (2) A student-athlete's reporting rights pursuant to
18 the federal Jeanne Clery Disclosure of Campus Security
19 Policy and Campus Crime Statistics Act.

20 The notice prepared pursuant to this subsection (b) shall
21 identify the contact information through which a
22 student-athlete may file a complaint for a violation of any of
23 the rights identified in the notice, including, but not
24 limited to, contact information for all of the following:

25 (1) The United States Department of Education's Office

1 for Civil Rights, as well as the appropriate regional
2 enforcement office of the Office for Civil Rights.

3 (2) The Title IX enforcement office of the Office for
4 Civil Rights.

5 (3) The enforcement office of the United States
6 Department of Education for reporting violations of the
7 federal Jeanne Clery Disclosure of Campus Security Policy
8 and Campus Crime Statistics Act.

9 (c) A postsecondary educational institution shall post, in
10 a conspicuous location in its athletic department that is
11 frequented by student-athletes and where it is easily
12 accessible and readable during campus business hours,
13 including, but not limited to, athletic training facilities,
14 the notice developed pursuant to subsection (b).

15 (d) At the beginning of every academic year, a
16 postsecondary educational institution shall provide to every
17 student-athlete all of the following:

18 (1) A copy of the notice developed pursuant to
19 subsection (b).

20 (2) A current copy of the National Collegiate Athletic
21 Association's concussion diagnosis and management of
22 sports-related concussion best practices.

23 (3) A copy of any written policies related to
24 concussions or other sports medicine practices specific to
25 the postsecondary educational institution.

26 (e) A postsecondary educational institution may not

1 intentionally retaliate against a student-athlete for any of
2 the following:

3 (1) Making or filing a complaint, in good faith, about
4 a violation of a student-athlete's rights granted under
5 any applicable statute, rule, or policy.

6 (2) Testifying or otherwise assisting in an
7 investigation into a violation of a student-athlete's
8 rights granted under any applicable statute, rule, or
9 policy.

10 (3) Opposing any practices that the student-athlete,
11 in good faith, believes are a violation of a
12 student-athlete's rights granted under any applicable
13 statute, rule, or policy.

14 For purposes of this subsection (e), retaliation includes,
15 but is not limited to:

16 (1) a reduction in or loss of any educational
17 benefits, including scholarships and stipends;

18 (2) a reduction in or loss of any meal benefits
19 provided to a student-athlete; or

20 (3) a reduction in or loss of any housing benefits
21 provided to a student-athlete, including the relocation of
22 a student-athlete to different housing owned by the
23 postsecondary educational institution.

24 Retaliation under this subsection (e) does not include an
25 action taken, in good faith, by a postsecondary educational
26 institution on the basis of conduct other than that described

1 in this subsection (e).

2 This subsection (e) may not be construed to restrict the
3 authority of a postsecondary educational institution to impose
4 interim measures or, upon a finding of responsibility,
5 permanent consequences on a student-athlete who has been
6 accused of sexual harassment or violence.

7 (f) A postsecondary educational institution may establish
8 a medical trust fund that student-athletes may access for at
9 least 5 years after leaving the postsecondary educational
10 institution.

11 (g) Each postsecondary educational institution offering
12 athletic programs for student-athletes shall hire or appoint
13 an ombudsperson, independent of the athletic department, who
14 may be an employee of the postsecondary educational
15 institution, to provide student-athletes with:

16 (1) independent advice at no cost about the provisions
17 of this Act as they apply to student-athletes;

18 (2) a person to report misconduct or suspected
19 misconduct, including misconduct or suspected misconduct
20 encountered in the course of time spent as a
21 student-athlete, prospective student-athlete, or former
22 student-athlete, including, but not limited to hazing, the
23 use of or pressure to use illegal performance enhancing
24 drugs, substance abuse, and the intervention of coaches or
25 athletic administrators in the individual medical
26 decisions of a student-athlete with the purpose of having

1 the student-athlete ignore or override medical advice
2 regarding playing through injuries or an injury; and

3 (3) a liaison to the Commission on College Athletics.

4 (h) Each postsecondary educational institution shall make
5 available to students and staff the name and contact
6 information of the person managing reports of misconduct or
7 suspected misconduct under this Act in such a place as other
8 similar resources provided by the postsecondary education
9 institution.

10 (i) Each postsecondary educational institution shall
11 annually certify to the Commission, in writing, by a date
12 determined by the Commission, that the postsecondary
13 educational institution is in compliance with this Section.

14 Section 20. Commission on College Athletics.

15 (a) The Commission on College Athletics is created. The
16 Commission shall be composed of 9 members, appointed by the
17 Governor. At least 5 members shall be individuals who
18 previously participated in an athletic program at a
19 postsecondary educational institution. At least one member
20 shall be an attorney licensed in this State. At least one
21 member shall be a Title IX coordinator.

22 (b) The Board of Higher Education shall provide
23 administrative and other support to the Commission.

24 (c) Members of the Commission shall serve without
25 compensation but may be reimbursed for their expenses incurred

1 in performing their duties.

2 (d) The Commission shall meet initially at the call of the
3 Governor, shall select one member as chairperson at its
4 initial meeting, and shall thereafter meet at the call of the
5 chairperson.

6 (e) The Commission shall pursue research and
7 recommendations in association with organizations such as the
8 National Collegiate Athletic Association Committee on
9 Competitive Safeguards and Medical Aspects of Sports and the
10 National Association for Athletics Compliance. The Commission
11 shall:

12 (1) actively monitor athletic programs at
13 postsecondary educational institutions;

14 (2) act for the benefit of all student-athletes,
15 without regard to the receipt of grants-in-aid;

16 (3) protect the academic, health, and economic
17 interests of student-athletes;

18 (4) protect and promote the health, wellness, and
19 safety of student-athletes;

20 (5) ensure that student-athlete agents faithfully
21 represent the interests of student-athletes;

22 (6) assist the Board of Higher Education in enforcing
23 this Act in a manner adequate to deter violations and to
24 enforce any penalties adopted by rule; and

25 (7) submit an annual report on athletic programs at
26 postsecondary educational institutions to the Governor and

1 the General Assembly.

2 Section 90. Rulemaking. The Board of Higher Education
3 shall adopt any rules necessary to implement this Act,
4 including, but not limited to, penalties for violations of
5 this Act.