



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB3980**

Introduced 1/5/2004, by Patricia R. Bellock

**SYNOPSIS AS INTRODUCED:**

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/Art. 5A heading	
775 ILCS 5/5A-101	from Ch. 68, par. 5A-101
775 ILCS 5/5A-102	from Ch. 68, par. 5A-102
775 ILCS 5/6-101	from Ch. 68, par. 6-101
775 ILCS 5/7-106	from Ch. 68, par. 7-106
775 ILCS 5/7-108	from Ch. 68, par. 7-108

Amends provisions of the Illinois Human Rights Act prohibiting sexual harassment in higher education so that they also apply to sexual harassment in elementary schools and high schools. Effective immediately.

LRB093 15088 WGH 40677 b

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 and the heading of Article 5A 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 policy  
9 of this State:

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

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

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

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

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

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

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

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

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

18 (775 ILCS 5/Art. 5A heading)

19 ARTICLE 5A. ~~HIGHER~~ EDUCATION

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 that  
23 the term "sexual harassment in ~~higher~~ education" as defined  
24 herein has the meaning herein ascribed to it whenever that term  
25 is used anywhere in this Act.

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

33 (B) Degree. "Degree" means: (1) a ~~any~~ designation,  
34 appellation, series of letters or words or other symbols which

1 signifies or purports to signify that the recipient thereof has  
2 satisfactorily completed an organized academic, business or  
3 vocational program of study offered beyond the high secondary  
4 school level; or (2) a designation signifying that the  
5 recipient has graduated from an elementary school or high  
6 school.

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

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

28 (E) Sexual Harassment in ~~Higher~~ Education. "Sexual  
29 harassment in ~~higher~~ education" means any unwelcome sexual  
30 advances or requests for sexual favors made by an ~~a higher~~  
31 ~~education~~ representative to a student, or any conduct of a  
32 sexual nature exhibited by an ~~a higher~~ education representative  
33 toward a student, when such conduct has the purpose of  
34 substantially interfering with the student's educational  
35 performance or creating an intimidating, hostile or offensive  
36 educational environment; or when the ~~higher~~ education

1 representative either explicitly or implicitly makes the  
2 student's submission to such conduct a term or condition of, or  
3 uses the student's submission to or rejection of such conduct  
4 as a basis for determining:

5 (1) Whether the student will be admitted to an educational  
6 institution ~~of higher education~~;

7 (2) The educational performance required or expected of the  
8 student;

9 (3) The attendance or assignment requirements applicable  
10 to the student;

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

13 (5) What placement or course proficiency requirements are  
14 applicable to the student;

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

16 (7) What tuition or fee requirements are applicable to the  
17 student;

18 (8) What scholarship opportunities are available to the  
19 student;

20 (9) What extracurricular teams the student will be a member  
21 of or in what extracurricular competitions the student will  
22 participate;

23 (10) Any grade the student will receive in any examination  
24 or in any course or program of instruction in which the student  
25 is enrolled;

26 (11) The progress of the student toward successful  
27 completion of or graduation from any course or program of  
28 instruction in which the student is enrolled; or

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

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

31 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

32 Sec. 5A-102. Civil Rights Violations; ~~Violations-Higher~~  
33 Education. It is a civil rights violation:

34 (A) ~~Higher~~ Education Representative. For an ~~any higher~~  
35 education representative to commit or engage in sexual

1 harassment in ~~higher~~ education.

2 (B) Educational Institution ~~of Higher Education~~. For an  
3 educational ~~any~~ institution ~~of higher education~~ to fail to take  
4 remedial action, or to fail to take appropriate disciplinary  
5 action against an ~~a higher~~ education representative employed by  
6 such institution, when such institution knows that such ~~higher~~  
7 education representative was committing or engaging in or  
8 committed or engaged in sexual harassment in ~~higher~~ education.

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

10 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

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

14 (A) Retaliation. Retaliate against a person because he or  
15 she has opposed that which he or she reasonably and in good  
16 faith believes to be unlawful discrimination, sexual  
17 harassment in employment or sexual harassment in ~~higher~~  
18 education, discrimination based on citizenship status in  
19 employment, or because he or she has made a charge, filed a  
20 complaint, testified, assisted, or participated in an  
21 investigation, proceeding, or hearing under this Act;

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

24 (C) Interference. Wilfully interfere with the performance  
25 of a duty or the exercise of a power by the Commission or one of  
26 its members or representatives or the Department or one of its  
27 officers or employees.

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

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

32 (775 ILCS 5/7-106) (from Ch. 68, par. 7-106)

33 Sec. 7-106. Recruitment; Research; Public Communication)  
34 For the purpose of promoting equal employment and housing

1 opportunities and eliminating unlawful discrimination, sexual  
2 harassment in employment and sexual harassment in ~~higher~~  
3 education, the Department shall have authority to:

4 (A) Recruitment. Cooperate with public and private  
5 organizations, as well as the Department of Central Management  
6 Services, in encouraging individuals in underrepresented  
7 classifications to seek employment in state government.

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

10 (C) Public Hearings. Hold public hearings to obtain  
11 information from the general public on the effectiveness of the  
12 state's equal employment opportunity program and the  
13 protection against unlawful discrimination, sexual harassment  
14 in employment and sexual harassment in ~~higher~~ education  
15 afforded by this Act and to accept public recommendations  
16 concerning changes in the program and the Act for inclusion in  
17 its annual report.

18 (D) Promotion of Communication and Goodwill. Establish a  
19 program to cooperate with civic, religious and educational  
20 organizations in order to improve human communication and  
21 understanding, foster equal opportunities in employment and  
22 housing, and promote and encourage communication, goodwill and  
23 interfaith and interracial harmony.

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

25 (775 ILCS 5/7-108) (from Ch. 68, par. 7-108)

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

27 (A) Authority. A political subdivision, or two or more  
28 political subdivisions acting jointly, may create a local  
29 department or commission as it or they see fit to promote the  
30 purposes of this Act and to secure for all individuals within  
31 the jurisdiction of the political subdivision or subdivisions  
32 freedom from unlawful discrimination, sexual harassment in  
33 employment and sexual harassment in ~~higher~~ education. The  
34 provisions of any ordinance enacted by any municipality or  
35 county which prohibits broader or different categories of

1 discrimination than are prohibited by this Act are not  
2 invalidated or affected by this Act.

3 (B) Concurrent Jurisdiction. When the Department and a  
4 local department or commission have concurrent jurisdiction  
5 over a complaint, either may transfer the complaint to the  
6 other under regulations established by the Department.

7 (C) Exclusive Jurisdiction. When the Department or a local  
8 department or commission has jurisdiction over a complaint and  
9 the other does not, the Department or local department or  
10 commission without jurisdiction may transfer the complaint to  
11 the other under regulations established by the Department.

12 (D) To secure and guarantee the rights established by  
13 Sections 17, 18 and 19 of Article I of the Illinois  
14 Constitution, any ordinance, resolution, rule or regulation of  
15 any county, municipality or other unit of local government or  
16 of any local department or commission which prohibits,  
17 restricts, narrows or limits the housing choice of any person  
18 is unenforceable and void. Nothing in this amendatory Act of  
19 1981 prohibits a unit of local government from making special  
20 outreach efforts to inform members of minority groups of  
21 housing opportunities available in areas of majority white  
22 concentration and make similar efforts to inform the majority  
23 white population of available housing opportunities located in  
24 areas of minority concentration. This paragraph is applicable  
25 to home rule units as well as non-home rule units.

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

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.