

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
19 Elementary, Secondary, and Higher Education. To prevent sexual
20 harassment in employment and sexual harassment in elementary,
21 secondary, and higher education.

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

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

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

1 State.

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

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

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

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

19 (775 ILCS 5/Art. 5A heading)

20 ARTICLE 5A. ELEMENTARY, SECONDARY, AND HIGHER EDUCATION

21 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

22 Sec. 5A-101. Definitions. The following definitions are
23 applicable strictly in the content of this Article, except that
24 the term "sexual harassment in elementary, secondary, and
25 higher education" as defined herein has the meaning herein
26 ascribed to it whenever that term is used anywhere in this Act.

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

1 (B) Degree. "Degree" means: (1) a ~~any~~ designation,
2 appellation, series of letters or words or other symbols which
3 signifies or purports to signify that the recipient thereof has
4 satisfactorily completed an organized academic, business or
5 vocational program of study offered beyond the secondary school
6 level; or (2) a designation signifying that the recipient has
7 graduated from an elementary school or secondary school.

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

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

30 (E) Sexual Harassment in Elementary, Secondary, and Higher
31 Education. "Sexual harassment in elementary, secondary, and
32 higher education" means any unwelcome sexual advances or
33 requests for sexual favors made by an elementary, secondary, or
34 a higher education representative to a student, or any conduct
35 of a sexual nature exhibited by an elementary, secondary, or a
36 higher education representative toward a student, when such

1 conduct has the purpose of substantially interfering with the
2 student's educational performance or creating an intimidating,
3 hostile or offensive educational environment; or when the
4 elementary, secondary, or higher education representative
5 either explicitly or implicitly makes the student's submission
6 to such conduct a term or condition of, or uses the student's
7 submission to or rejection of such conduct as a basis for
8 determining:

9 (1) Whether the student will be admitted to an institution
10 of elementary, secondary, or higher education;

11 (2) The educational performance required or expected of the
12 student;

13 (3) The attendance or assignment requirements applicable
14 to the student;

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

17 (5) What placement or course proficiency requirements are
18 applicable to the student;

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

20 (7) What tuition or fee requirements are applicable to the
21 student;

22 (8) What scholarship opportunities are available to the
23 student;

24 (9) What extracurricular teams the student will be a member
25 of or in what extracurricular competitions the student will
26 participate;

27 (10) Any grade the student will receive in any examination
28 or in any course or program of instruction in which the student
29 is enrolled;

30 (11) The progress of the student toward successful
31 completion of or graduation from any course or program of
32 instruction in which the student is enrolled; or

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

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

35 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

1 Sec. 5A-102. Civil Rights Violations-Elementary,
2 Secondary, and Higher Education. It is a civil rights
3 violation:

4 (A) Elementary, Secondary, or Higher Education
5 Representative. For any elementary, secondary, or higher
6 education representative to commit or engage in sexual
7 harassment in elementary, secondary, and higher education.

8 (B) Institution of Elementary, Secondary, or Higher
9 Education. For any institution of elementary, secondary, or
10 higher education to fail to take remedial action, or to fail to
11 take appropriate disciplinary action against an elementary,
12 secondary, or a higher education representative employed by
13 such institution, when such institution knows that such
14 elementary, secondary, or higher education representative was
15 committing or engaging in or committed or engaged in sexual
16 harassment in elementary, secondary, and higher education.

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

18 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

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

22 (A) Retaliation. Retaliate against a person because he or
23 she has opposed that which he or she reasonably and in good
24 faith believes to be unlawful discrimination, sexual
25 harassment in employment or sexual harassment in elementary,
26 secondary, and higher education, discrimination based on
27 citizenship status in employment, or because he or she has made
28 a charge, filed a complaint, testified, assisted, or
29 participated in an investigation, proceeding, or hearing under
30 this Act;

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

33 (C) Interference. Wilfully interfere with the performance
34 of a duty or the exercise of a power by the Commission or one of
35 its members or representatives or the Department or one of its

1 officers or employees.

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

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

6 (775 ILCS 5/7-106) (from Ch. 68, par. 7-106)

7 Sec. 7-106. Recruitment; Research; Public Communication)

8 For the purpose of promoting equal employment and housing
9 opportunities and eliminating unlawful discrimination, sexual
10 harassment in employment and sexual harassment in elementary,
11 secondary, and higher education, the Department shall have
12 authority to:

13 (A) Recruitment. Cooperate with public and private
14 organizations, as well as the Department of Central Management
15 Services, in encouraging individuals in underrepresented
16 classifications to seek employment in state government.

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

19 (C) Public Hearings. Hold public hearings to obtain
20 information from the general public on the effectiveness of the
21 state's equal employment opportunity program and the
22 protection against unlawful discrimination, sexual harassment
23 in employment and sexual harassment in elementary, secondary,
24 and higher education afforded by this Act and to accept public
25 recommendations concerning changes in the program and the Act
26 for inclusion in its annual report.

27 (D) Promotion of Communication and Goodwill. Establish a
28 program to cooperate with civic, religious and educational
29 organizations in order to improve human communication and
30 understanding, foster equal opportunities in employment and
31 housing, and promote and encourage communication, goodwill and
32 interfaith and interracial harmony.

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

34 (775 ILCS 5/7-108) (from Ch. 68, par. 7-108)

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

2 (A) Authority. A political subdivision, or two or more
3 political subdivisions acting jointly, may create a local
4 department or commission as it or they see fit to promote the
5 purposes of this Act and to secure for all individuals within
6 the jurisdiction of the political subdivision or subdivisions
7 freedom from unlawful discrimination, sexual harassment in
8 employment and sexual harassment in elementary, secondary, and
9 higher education. The provisions of any ordinance enacted by
10 any municipality or county which prohibits broader or different
11 categories of discrimination than are prohibited by this Act
12 are not invalidated or affected by this Act.

13 (B) Concurrent Jurisdiction. When the Department and a
14 local department or commission have concurrent jurisdiction
15 over a complaint, either may transfer the complaint to the
16 other under regulations established by the Department.

17 (C) Exclusive Jurisdiction. When the Department or a local
18 department or commission has jurisdiction over a complaint and
19 the other does not, the Department or local department or
20 commission without jurisdiction may transfer the complaint to
21 the other under regulations established by the Department.

22 (D) To secure and guarantee the rights established by
23 Sections 17, 18 and 19 of Article I of the Illinois
24 Constitution, any ordinance, resolution, rule or regulation of
25 any county, municipality or other unit of local government or
26 of any local department or commission which prohibits,
27 restricts, narrows or limits the housing choice of any person
28 is unenforceable and void. Nothing in this amendatory Act of
29 1981 prohibits a unit of local government from making special
30 outreach efforts to inform members of minority groups of
31 housing opportunities available in areas of majority white
32 concentration and make similar efforts to inform the majority
33 white population of available housing opportunities located in
34 areas of minority concentration. This paragraph is applicable
35 to home rule units as well as non-home rule units.

36 Pursuant to Article VII, Section 6, paragraph (i) of the

1 Illinois Constitution, this amendatory Act of 1981 is a
2 limitation of the power of home rule units.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.