



Rep. Patricia R. Bellock

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09300HB3980ham001

LRB093 15088 WGH 49181 a

1 AMENDMENT TO HOUSE BILL 3980

2 AMENDMENT NO. _____. Amend House Bill 3980 by replacing
3 the title with the following:

4 "AN ACT concerning human rights."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Human Rights Act is amended by
8 changing Sections 1-102, 5A-101, 5A-102, 6-101, 7-106, and
9 7-108 and the heading of Article 5A as follows:

10 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

11 Sec. 1-102. Declaration of Policy. It is the public policy
12 of this State:

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

21 (B) Freedom from Sexual Harassment-Employment and
22 Elementary, Secondary, and Higher Education. To prevent sexual
23 harassment in employment and sexual harassment in elementary,

1 secondary, and higher education.

2 (C) Freedom from Discrimination Based on Citizenship
3 Status-Employment. To prevent discrimination based on
4 citizenship status in employment.

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

8 (E) Public Health, Welfare and Safety. To promote the
9 public health, welfare and safety by protecting the interest of
10 all people in Illinois in maintaining personal dignity, in
11 realizing their full productive capacities, and in furthering
12 their interests, rights and privileges as citizens of this
13 State.

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

17 (G) Equal Opportunity, Affirmative Action. To establish
18 Equal Opportunity and Affirmative Action as the policies of
19 this State in all of its decisions, programs and activities,
20 and to assure that all State departments, boards, commissions
21 and instrumentalities rigorously take affirmative action to
22 provide equality of opportunity and eliminate the effects of
23 past discrimination in the internal affairs of State government
24 and in their relations with the public.

25 (H) Unfounded Charges. To protect citizens of this State
26 against unfounded charges of unlawful discrimination, sexual
27 harassment in employment and sexual harassment in elementary,
28 secondary, and higher education, and discrimination based on
29 citizenship status in employment.

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

31 (775 ILCS 5/Art. 5A heading)

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

1 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

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

7 (A) Institution of Elementary, Secondary, or Higher
8 Education. "Institution of elementary, secondary, or higher
9 education" means: (1) a ~~any~~ publicly or privately operated
10 university, college, community college, junior college,
11 business or vocational school, or other educational
12 institution offering degrees and instruction beyond the
13 secondary school level; or (2) a publicly or privately operated
14 elementary school or secondary school.

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

22 (C) Student. "Student" means any individual admitted to or
23 applying for admission to an institution of elementary,
24 secondary, or higher education, or enrolled on a full or part
25 time basis in a course or program of academic, business or
26 vocational instruction offered by or through an institution of
27 elementary, secondary, or higher education.

28 (D) Elementary, Secondary, or Higher Education
29 Representative. "Elementary, Secondary, or Higher Education
30 representative" means and includes the president, chancellor
31 or other holder of any executive office on the administrative
32 staff of an institution of higher education, an administrator
33 of an elementary school or secondary school, a ~~and any~~ member
34 of the faculty of an institution of higher education, including

1 but not limited to a dean or associate or assistant dean, a
2 professor or associate or assistant professor, and a full or
3 part time instructor or visiting professor, including a
4 graduate assistant or other student who is employed on a
5 temporary basis of less than full time as a teacher or
6 instructor of any course or program of academic, business or
7 vocational instruction offered by or through an institution of
8 higher education, and any teacher, instructor, or other
9 employee of an elementary school or secondary school.

10 (E) Sexual Harassment in Elementary, Secondary, and Higher
11 Education. "Sexual harassment in elementary, secondary, and
12 higher education" means any unwelcome sexual advances or
13 requests for sexual favors made by an elementary, secondary, or
14 a higher education representative to a student, or any conduct
15 of a sexual nature exhibited by an elementary, secondary, or a
16 higher education representative toward a student, when such
17 conduct has the purpose of substantially interfering with the
18 student's educational performance or creating an intimidating,
19 hostile or offensive educational environment; or when the
20 elementary, secondary, or higher education representative
21 either explicitly or implicitly makes the student's submission
22 to such conduct a term or condition of, or uses the student's
23 submission to or rejection of such conduct as a basis for
24 determining:

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

27 (2) The educational performance required or expected of the
28 student;

29 (3) The attendance or assignment requirements applicable
30 to the student;

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

33 (5) What placement or course proficiency requirements are
34 applicable to the student;

- 1 (6) The quality of instruction the student will receive;
- 2 (7) What tuition or fee requirements are applicable to the
3 student;
- 4 (8) What scholarship opportunities are available to the
5 student;
- 6 (9) What extracurricular teams the student will be a member
7 of or in what extracurricular competitions the student will
8 participate;
- 9 (10) Any grade the student will receive in any examination
10 or in any course or program of instruction in which the student
11 is enrolled;
- 12 (11) The progress of the student toward successful
13 completion of or graduation from any course or program of
14 instruction in which the student is enrolled; or
- 15 (12) What degree, if any, the student will receive.
- 16 (Source: P.A. 83-91.)

17 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

18 Sec. 5A-102. Civil Rights Violations-Elementary,
19 Secondary, and Higher Education. It is a civil rights
20 violation:

21 (A) Elementary, Secondary, or Higher Education
22 Representative. For any elementary, secondary, or higher
23 education representative to commit or engage in sexual
24 harassment in elementary, secondary, and higher education.

25 (B) Institution of Elementary, Secondary, or Higher
26 Education. For any institution of elementary, secondary, or
27 higher education to fail to take remedial action, or to fail to
28 take appropriate disciplinary action against an elementary,
29 secondary, or a higher education representative employed by
30 such institution, when such institution knows that such
31 elementary, secondary, or higher education representative was
32 committing or engaging in or committed or engaged in sexual
33 harassment in elementary, secondary, and higher education.

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

2 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

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

6 (A) Retaliation. Retaliate against a person because he or
7 she has opposed that which he or she reasonably and in good
8 faith believes to be unlawful discrimination, sexual
9 harassment in employment or sexual harassment in elementary,
10 secondary, and higher education, discrimination based on
11 citizenship status in employment, or because he or she has made
12 a charge, filed a complaint, testified, assisted, or
13 participated in an investigation, proceeding, or hearing under
14 this Act;

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

17 (C) Interference. Wilfully interfere with the performance
18 of a duty or the exercise of a power by the Commission or one of
19 its members or representatives or the Department or one of its
20 officers or employees.

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

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

25 (775 ILCS 5/7-106) (from Ch. 68, par. 7-106)

26 Sec. 7-106. Recruitment; Research; Public Communication)
27 For the purpose of promoting equal employment and housing
28 opportunities and eliminating unlawful discrimination, sexual
29 harassment in employment and sexual harassment in elementary,
30 secondary, and higher education, the Department shall have
31 authority to:

32 (A) Recruitment. Cooperate with public and private

1 organizations, as well as the Department of Central Management
2 Services, in encouraging individuals in underrepresented
3 classifications to seek employment in state government.

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

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

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

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

21 (775 ILCS 5/7-108) (from Ch. 68, par. 7-108)

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

23 (A) Authority. A political subdivision, or two or more
24 political subdivisions acting jointly, may create a local
25 department or commission as it or they see fit to promote the
26 purposes of this Act and to secure for all individuals within
27 the jurisdiction of the political subdivision or subdivisions
28 freedom from unlawful discrimination, sexual harassment in
29 employment and sexual harassment in elementary, secondary, and
30 higher education. The provisions of any ordinance enacted by
31 any municipality or county which prohibits broader or different
32 categories of discrimination than are prohibited by this Act
33 are not invalidated or affected by this Act.

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

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

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

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

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."