

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 Preventing Sexual Violence in Higher Education Act.

6 Section 5. Definitions. In this Act:

7 "Awareness programming" means institutional action
8 designed to communicate the prevalence of sexual violence,
9 including without limitation training, poster and flyer
10 campaigns, electronic communications, films, guest speakers,
11 symposia, conferences, seminars, or panel discussions.

12 "Bystander intervention" includes without limitation the
13 act of challenging the social norms that support, condone, or
14 permit sexual violence.

15 "Complainant" means a student who files a complaint
16 alleging violation of the comprehensive policy through the
17 higher education institution's complaint resolution process.

18 "Comprehensive policy" means a policy created and
19 implemented by a higher education institution to address
20 student allegations of sexual violence, domestic violence,
21 dating violence, and stalking.

22 "Confidential advisor" means a person who is employed or
23 contracted by a higher education institution to provide

1 emergency and ongoing support to student survivors of sexual
2 violence with the training, duties, and responsibilities
3 described in Section 20 of this Act.

4 "Higher education institution" means a public university,
5 a public community college, or an independent, not-for-profit
6 or for-profit higher education institution located in this
7 State.

8 "Primary prevention programming" means institutional
9 action and strategies intended to prevent sexual violence
10 before it occurs by means of changing social norms and other
11 approaches, including without limitation training, poster and
12 flyer campaigns, electronic communications, films, guest
13 speakers, symposia, conferences, seminars, or panel
14 discussions.

15 "Respondent" means a student who has been accused of
16 violating a higher education institution's comprehensive
17 policy.

18 "Sexual violence" means physical sexual acts attempted or
19 perpetrated against a person's will or when a person is
20 incapable of giving consent, including without limitation
21 rape, sexual assault, sexual battery, sexual abuse, and sexual
22 coercion.

23 "Survivor" means a student who has experienced sexual
24 violence, domestic violence, dating violence, or stalking
25 while enrolled at a higher education institution.

26 "Trauma-informed response" means a response involving an

1 understanding of the complexities of sexual violence through
2 training centered on the neurobiological impact of trauma, the
3 influence of societal myths and stereotypes surrounding sexual
4 violence, understanding the behavior of perpetrators, and
5 conducting an effective investigation.

6 "Victim-centered" means a systematic focus on the needs and
7 concerns of a victim of sexual violence that (i) ensures the
8 compassionate and sensitive delivery of services in a
9 nonjudgmental manner; (ii) ensures an understanding of how
10 trauma affects victim behavior; (iii) maintains victim safety,
11 privacy, and, if possible, confidentiality; and (iv)
12 recognizes that a victim is not responsible for the sexual
13 violence.

14 Section 10. Comprehensive policy. On or before August 1,
15 2016, all higher education institutions shall adopt a
16 comprehensive policy concerning sexual violence, domestic
17 violence, dating violence, and stalking consistent with
18 governing federal and State law. The higher education
19 institution's comprehensive policy shall include, at a
20 minimum, all of the following components:

21 (1) A definition of consent that, at a minimum,
22 recognizes that (i) consent is a freely given agreement to
23 sexual activity, (ii) a person's lack of verbal or physical
24 resistance or submission resulting from the use or threat
25 of force does not constitute consent, (iii) a person's

1 manner of dress does not constitute consent, (iv) a
2 person's consent to past sexual activity does not
3 constitute consent to future sexual activity, (v) a
4 person's consent to engage in sexual activity with one
5 person does not constitute consent to engage in sexual
6 activity with another, (vi) a person can withdraw consent
7 at any time, and (vii) a person cannot consent to sexual
8 activity if he or she is unable to understand the nature of
9 the activity or give knowing consent due to circumstances,
10 including without limitation the following:

11 (A) the person is incapacitated due to the use or
12 influence of alcohol or drugs;

13 (B) the person is asleep or unconscious;

14 (C) the person is under age; or

15 (D) the person has a mental disability.

16 Nothing in this Section prevents a higher education
17 institution from defining consent in a manner that is more
18 demanding.

19 (2) Procedures that students of the higher education
20 institution may follow if they choose to report a violation
21 of the comprehensive policy, regardless of where the
22 incident occurred, including all of the following:

23 (A) Name and contact information for the Title IX
24 coordinator, campus law enforcement or security, local
25 law enforcement, and the local sexual assault or rape
26 crisis service center.

1 (B) The name, title, and contact information for
2 confidential advisors and other confidential resources
3 and a description of what confidential reporting
4 means.

5 (C) Information regarding the various individuals,
6 departments, or organizations to whom a student may
7 report a violation of the comprehensive policy,
8 specifying for each individual and entity (i) the
9 extent of the individual's or entity's reporting
10 obligation, (ii) the extent of the individual's or
11 entity's ability to protect the student's privacy, and
12 (iii) the extent of the individual's or entity's
13 ability to have confidential communication with the
14 student.

15 (D) An option for students to electronically
16 report.

17 (E) An option for students to anonymously report.

18 (F) An option for students to confidentially
19 report.

20 (G) An option for reports by third parties and
21 bystanders.

22 (3) The higher education institution's procedure for
23 responding to a report of an incident, including without
24 limitation (i) assisting and interviewing the survivor,
25 (ii) identifying and locating witnesses, (iii) contacting
26 and interviewing the respondent, (iv) contacting and

1 cooperating with law enforcement, when applicable, and (v)
2 providing information regarding the importance of
3 preserving physical evidence of the sexual violence and the
4 availability of a medical forensic examination at no charge
5 to the survivor.

6 (4) A statement of the higher education institution's
7 obligation to provide survivors with concise information,
8 written in plain language, concerning the survivor's
9 rights and options, upon receiving notice of a violation of
10 the comprehensive policy, as described in Section 15 of
11 this Act.

12 (5) The name, address, and telephone number of the
13 nearest medical facility where a survivor may have a
14 medical forensic examination completed at no cost to the
15 survivor.

16 (6) The name, telephone number, address, and website
17 URL, if available, of local, State, and national rape or
18 sexual assault crisis centers.

19 (7) A statement notifying survivors of immediate steps
20 and interim remedies reasonably available from the higher
21 education institution, including without limitation
22 obtaining and enforcing a no contact order or protective
23 order and changing academic schedules, living
24 arrangements, campus transportation, or work placement or
25 schedules in response to a violation of the comprehensive
26 policy.

1 (8) The higher education institution's complaint
2 resolution procedures if a student alleges violation of the
3 comprehensive violence policy, including, at a minimum,
4 the guidelines set forth in Section 25 of this Act.

5 (9) A statement of the range of sanctions the higher
6 education institution may impose following the
7 implementation of its complaint resolution procedures in
8 response to a violation of the comprehensive policy.

9 (10) A statement of the higher education institution's
10 obligation to include an amnesty provision that provides
11 immunity to any student who reports, in good faith,
12 violation of the higher education institution's
13 comprehensive policy to a responsible employee, as defined
14 by federal law, so that he or she will not receive a
15 disciplinary sanction by the institution for a student
16 conduct violation, such as underage drinking, that is
17 revealed in the course of such a report, unless the
18 institution determines that the violation was egregious,
19 including without limitation an action that places the
20 health or safety of any other person at risk.

21 (11) A statement of the higher education institution's
22 prohibition on retaliation against those who, in good
23 faith, report or disclose a violation of the comprehensive
24 policy, file a complaint, or otherwise participate in the
25 complaint resolution process and available sanctions for
26 individuals who engage in retaliatory conduct.

1 Section 15. Student notification of rights and options.

2 (a) On or before August 1, 2016, upon being notified of a
3 violation of the comprehensive policy by or on behalf of a
4 student, each higher education institution shall, at a minimum,
5 provide the student survivor, when identified, with a concise
6 notification, written in plain language, of the survivor's
7 rights and options, including without limitation:

8 (1) the survivor's right to report or not report the
9 incident to the higher education institution, law
10 enforcement, or both, including information about the
11 survivor's right to privacy and which reporting methods are
12 confidential;

13 (2) the contact information for the higher education
14 institution's Title IX coordinator or coordinators,
15 confidential advisors, local rape crisis centers, campus
16 law enforcement, and local law enforcement;

17 (3) the survivor's right to request and receive
18 assistance from campus authorities in notifying law
19 enforcement;

20 (4) the availability of interim remedies to survivors
21 of sexual violence, domestic violence, dating violence,
22 and stalking, including without limitation obtaining and
23 enforcing an order of protection or civil no contact order
24 on campus or in State court, changing housing, or changing
25 the class schedule;

1 (5) the higher education institution's ability to
2 provide assistance, upon the survivor's request, in
3 accessing and navigating campus and local health and mental
4 health services, counseling, and advocacy services; and

5 (6) a summary of the higher education institution's
6 complaint resolution procedures, under Section 25 of this
7 Act, if the student survivor reports a violation of the
8 comprehensive policy.

9 (b) Within 12 hours after receiving an electronic report,
10 the higher education institution shall contact, electronically
11 or otherwise, the individual who submitted the electronic
12 report of sexual violence, domestic violence, dating violence,
13 or stalking. The higher education institution shall provide the
14 individual making the electronic report a copy of the concise,
15 written notification of the student survivor's rights and
16 options and a list of available resources as a part of the
17 initial contact with the electronic reporter.

18 Section 20. Confidential advisor.

19 (a) Each higher education institution shall provide
20 students with access to confidential advisors to provide
21 emergency and ongoing support to survivors of sexual violence.

22 (b) The confidential advisors may not be individuals on
23 campus who are designated as responsible employees under Title
24 IX of the federal Education Amendments of 1972. Nothing in this
25 Section precludes a higher education institution from

1 partnering with a sexual assault or rape crisis center to
2 provide confidential advisors.

3 (c) All confidential advisors shall receive 40 hours of
4 training on sexual violence before being designated a
5 confidential advisor and shall attend a minimum of 6 hours of
6 ongoing education training annually on issues related to sexual
7 violence to remain a confidential advisor. Confidential
8 advisors shall also receive periodic training on the campus
9 administrative processes, interim measures, academic and other
10 accommodations, and the Title IX complaint resolution
11 procedures.

12 (d) In the course of working with a survivor, each
13 confidential advisor shall, at a minimum, do all of the
14 following:

15 (1) Inform the survivor of the survivor's choice of
16 possible next steps regarding the survivor's reporting
17 options and possible outcomes, including without
18 limitation reporting pursuant to the higher education
19 institution's comprehensive policy and notifying local law
20 enforcement.

21 (2) Notify the survivor of resources and services for
22 student survivors of sexual violence, including, but not
23 limited to, student services available on campus and
24 through community-based resources, including without
25 limitation sexual assault or rape crisis centers, medical
26 treatment facilities, counseling services, legal options,

1 medical forensic services, and mental health services.

2 (3) Advise the survivor of the survivor's rights and
3 the higher education institution's responsibilities
4 regarding orders of protection, no contact orders, or
5 similar lawful orders issued by the higher education
6 institution or a criminal or civil court.

7 (4) Provide confidential services to and have
8 privileged, confidential communications with students in
9 accordance with Section 8-804 of the Code of Civil
10 Procedure.

11 (5) Upon the survivor's request and as appropriate,
12 liaise with campus officials, rape crisis centers, sexual
13 assault centers, or local law enforcement and, if
14 requested, assist the survivor with contacting and
15 reporting to campus officials, campus law enforcement, or
16 local law enforcement.

17 (6) Upon the survivor's request, liaise with the
18 necessary campus authorities to secure interim remedies
19 and accommodations for the survivor.

20 Section 25. Complaint resolution guidelines.

21 (a) On or before August 1, 2016, each higher education
22 institution shall adopt one procedure to resolve complaints of
23 student violations of the comprehensive policy.

24 (b) A higher education institution's complaint resolution
25 procedure for allegations of student violation of the

1 comprehensive policy shall provide, at a minimum, all of the
2 following:

3 (1) Complainants alleging student violation of the
4 comprehensive policy shall have the opportunity to request
5 that the complaint resolution process begin promptly and
6 proceed in a timely manner.

7 (2) The higher education institution shall determine
8 the individuals who will resolve complaints of student
9 violations of the comprehensive policy.

10 (3) All individuals whose duties include resolution of
11 complaints of student violations of the comprehensive
12 policy shall receive a minimum of 8 to 10 hours of annual
13 training on issues related to sexual violence, domestic
14 violence, dating violence, and stalking and how to conduct
15 the higher education institution's complaint resolution
16 process, in addition to the annual training required for
17 employees as provided in subsection (c) of Section 30 of
18 this Act.

19 (4) The higher education institution shall have a
20 sufficient number of individuals trained to resolve
21 complaints so that (i) a substitution can occur in the case
22 of a conflict of interest or recusal and (ii) an individual
23 or individuals with no prior involvement in the initial
24 determination or finding hear any appeal brought by a
25 party.

26 (5) The individual or individuals resolving a

1 complaint shall use a preponderance of the evidence
2 standard to determine whether the alleged violation of the
3 comprehensive policy occurred.

4 (6) The complainant and respondent shall (i) receive
5 notice of the individual or individuals with
6 decision-making authority in their proceeding prior to
7 having any contact with the individual or individuals and
8 (ii) have the opportunity to request a substitution if the
9 participation of a decision maker poses a conflict of
10 interest.

11 (7) The higher education institution shall have a
12 process to determine interim actions and remedies
13 available pending the resolution of the complaint.

14 (8) Any proceeding, meeting, or hearing held to resolve
15 complaints of student violations of the comprehensive
16 policy shall protect the privacy of the participating
17 parties and witnesses.

18 (9) The complainant, regardless of his or her level of
19 involvement in the process, and the respondent shall have
20 the opportunity to provide or present evidence and
21 witnesses on their behalf during the complaint resolution
22 process.

23 (10) The complainant and the respondent may not
24 directly cross examine one another, but may, at the
25 discretion and direction of the individual or individuals
26 resolving the complaint, suggest questions to be posed by

1 the individual or individuals resolving the complaint and
2 respond to the other party.

3 (11) Both parties may request to have an advisor of
4 their choice accompany them to any meeting or proceeding
5 related to a violation of the comprehensive policy,
6 provided that the involvement of the advisor does not
7 result in undue delay of the meeting or proceeding and that
8 the advisor participates in a respectful manner. If the
9 advisor engages in behavior or advocacy that harasses,
10 abuses, or intimidates either party, that advisor may be
11 prohibited from further participation.

12 (12) The complainant and the respondent may not be
13 compelled to testify, if the complaint resolution
14 procedure involves a hearing, in the presence of the other
15 party. If a party invokes this right, the higher education
16 institution shall provide a process by which the other
17 party can see and hear the other party's testimony.

18 (13) The complainant and the respondent are entitled to
19 simultaneous, written notification of the results of any
20 complaint resolution proceeding, including information
21 regarding appeal rights, within 7 days of a decision or
22 sooner if required by State or federal law.

23 (14) The complainant and the respondent shall have the
24 right to timely appeal the complaint resolution
25 proceeding's findings or imposed sanctions. The individual
26 or individuals reviewing the findings or imposed sanctions

1 shall not have participated previously in the complaint
2 resolution process and shall not have a conflict of
3 interest with either party. The complainant and the
4 respondent shall receive the appeal decision in writing
5 within 7 days after the conclusion of the review of
6 findings or sanctions or sooner if required by federal or
7 State law.

8 (15) The higher education institution shall not
9 disclose the identity of the survivor or the respondent,
10 except as provided by State or federal law.

11 Section 30. Campus training, education, and awareness.

12 (a) On or before August 1, 2016, a higher education
13 institution shall prominently publish, timely update, and have
14 easily available on its Internet website all of the following
15 information:

16 (1) The higher education institution's comprehensive
17 policy, as well as options and resources available to
18 survivors.

19 (2) The higher education institution's student
20 notification of rights and options described in Section 15
21 of this Act.

22 (3) The name and contact information for all of the
23 higher education institution's Title IX coordinators.

24 (4) An explanation of the role of (i) Title IX
25 coordinators, including deputy or assistant Title IX

1 coordinators, under Title IX of the federal Education
2 Amendments of 1972, (ii) responsible employees under Title
3 IX of the federal Education Amendments of 1972, (iii)
4 campus security authorities under the federal Jeanne Clery
5 Disclosure of Campus Security Policy and Campus Crime
6 Statistics Act, and (iv) mandated reporters under the
7 Abused and Neglected Child Reporting Act and the reporting
8 obligations of each, as well as the level of
9 confidentiality each is allowed to provide to reporting
10 students under relevant federal and State law.

11 (5) The name, title, and contact information for all
12 confidential advisors, counseling services, and
13 confidential resources that can provide a confidential
14 response to a report and a description of what confidential
15 reporting means.

16 (6) The telephone number and website URL for local,
17 State, and national hotlines providing information to
18 sexual violence survivors.

19 (b) Beginning with the 2016-2017 academic year, each higher
20 education institution shall provide sexual violence primary
21 prevention and awareness programming for all students who
22 attend one or more classes on campus, which shall include, at a
23 minimum, annual training as described in this subsection (b).
24 Nothing in this Section shall be construed to limit the higher
25 education institution's ability to conduct additional ongoing
26 sexual violence primary prevention and awareness programming.

1 The annual training shall ensure that each student who
2 attends one or more classes on campus receives information
3 regarding the higher education institution's comprehensive
4 policy, including without limitation the following:

5 (1) the institution's definitions of consent,
6 inability to consent, and retaliation as they relate to
7 sexual violence;

8 (2) reporting to the higher education institution,
9 campus law enforcement, and local law enforcement;

10 (3) reporting to the confidential advisor or other
11 confidential resources;

12 (4) available survivor services; and

13 (5) strategies for bystander intervention and risk
14 reduction.

15 At the beginning of each academic year, each higher
16 education institution shall provide each student, student
17 group, team, and organization of the higher education
18 institution with an electronic copy or hard copy of its
19 comprehensive policy and related protocols.

20 (c) Beginning in the 2016-2017 academic year, a higher
21 education institution shall provide annual victim-centered and
22 trauma-informed response training to any employee of the higher
23 education institution who is involved in (i) the receipt of a
24 student report of an alleged incident of sexual violence,
25 domestic violence, dating violence, or stalking, (ii) the
26 referral or provision of services to a survivor, or (iii) any

1 campus complaint resolution proceedings that result from an
2 alleged incident. Employees falling under this description
3 include without limitation the Title IX coordinator, members of
4 the higher education institution's campus law enforcement, and
5 campus security. An enrolled student who is appointed to serve
6 as a residence-life advisor and an employee or contracted
7 service provider that provides campus security shall also
8 receive annual victim-centered and trauma-informed response
9 training.

10 The higher education institution shall design the training
11 to improve the trainee's ability to understand (i) the higher
12 education institution's comprehensive policy; (ii) the
13 relevant federal and State law concerning survivors of sexual
14 violence, domestic violence, dating violence, and stalking at
15 higher education institutions; (iii) the roles of the
16 institution, medical providers, law enforcement, and community
17 agencies in ensuring a coordinated response to a reported
18 incident of sexual violence; (iv) the effects of trauma on a
19 survivor; (v) the types of conduct that constitute sexual
20 violence, domestic violence, dating violence, and stalking,
21 including same-sex violence; and (vi) consent and the role
22 drugs and alcohol use can have on the ability to consent. The
23 training shall also seek to improve the trainee's ability to
24 respond with cultural sensitivity; provide services to or
25 assist in locating services for a survivor, as appropriate; and
26 communicate sensitively and compassionately with a survivor of

1 sexual violence, domestic violence, dating violence, or
2 stalking.

3 Section 75. The Campus Security Enhancement Act of 2008 is
4 amended by changing Section 10 as follows:

5 (110 ILCS 12/10)

6 Sec. 10. Task ~~Community task~~ force.

7 (a) In this Section:

8 "Higher education institution" means a public university,
9 a public community college, or an independent, not-for-profit
10 or for-profit higher education institution located in this
11 State.

12 "Sexual violence" means physical sexual acts attempted or
13 perpetrated against a person's will or when a person is
14 incapable of giving consent, including without limitation
15 rape, sexual assault, sexual battery, sexual abuse, and sexual
16 coercion.

17 (b) Each ~~public institution~~ of higher education
18 institution shall either establish their own campus-wide task
19 force or participate in a regional task force, as set out in
20 this Section, on or before August 1, 2016. The task forces
21 shall be composed of representatives of campus staff, campus
22 students, community-based organizations, and law enforcement.
23 The task forces shall work toward improving coordination ~~by~~
24 ~~December 1, 1996, a community task force for the purpose of~~

1 ~~coordinating~~ with community leaders and service providers to
2 prevent sexual violence, domestic violence, dating violence,
3 and stalking ~~assaults~~ and to ensure a coordinated response both
4 in terms of law enforcement and victim services.

5 (1) The participants of the campus-wide task force
6 shall consist of individuals, including campus staff,
7 faculty, and students, selected by the president or
8 chancellor of each higher education institution or the
9 president's or chancellor's designee, which must include
10 various stakeholders on the issue of sexual violence,
11 domestic violence, dating violence, and stalking.

12 The president or chancellor of each higher education
13 institution or the president's or chancellor's designee
14 shall invite each of the following entities to identify an
15 individual to serve on the campus-wide task force:

16 (A) a community-based sexual assault or rape
17 crisis service center;

18 (B) a community-based domestic violence agency;

19 (C) local law enforcement; and

20 (D) the local State's Attorney's office.

21 Each higher education institution may make available
22 to members of the campus-wide task force training on (i)
23 the awareness and prevention of sexual violence, domestic
24 violence, dating violence, and stalking and communicating
25 with and providing assistance to a student survivor of
26 sexual violence, domestic violence, dating violence, and

1 stalking; (ii) the higher education institution's
2 comprehensive policy concerning sexual violence, domestic
3 violence, dating violence, and stalking; (iii) the
4 provisions of federal and State law concerning survivors of
5 sexual violence, domestic violence, dating violence, and
6 stalking at higher education institutions; (iv)
7 victim-centered responses and the role of community-based
8 advocates; (v) the role and functions of each member on
9 such campus-wide task force for the purpose of ensuring a
10 coordinated response to reported incidences of sexual
11 violence, domestic violence, dating violence, and
12 stalking; and (vi) trauma-informed responses to sexual
13 violence, domestic violence, dating violence, and
14 stalking.

15 The campus-wide task force shall meet at least 2 times
16 per calendar year for the purpose of discussing and
17 improving upon the following areas:

18 (I) best practices as they relate to prevention,
19 awareness, education, and response to sexual violence,
20 domestic violence, dating violence, and stalking;

21 (II) the higher education institution's
22 comprehensive policy and procedures; and

23 (III) collaboration and information-sharing among
24 the higher education institution, community-based
25 organizations, and law enforcement, including without
26 limitation discussing memoranda of understanding,

1 protocols, or other practices for cooperation.

2 (2) Any regional task force in which a higher education
3 institution participates shall have representatives from
4 the following: higher education institutions,
5 community-based sexual assault or rape crisis centers and
6 domestic violence organizations, and law enforcement
7 agencies in the region, including, police, State's
8 Attorney's offices, and other relevant law enforcement
9 agencies. A higher education institution shall send
10 appropriate designees, including faculty, staff, and
11 students, to participate in the regional task force.

12 The regional task force shall meet at least 2 times per
13 calendar year for the purpose of discussing and improving
14 upon the following areas:

15 (A) best practices as they relate to prevention of,
16 awareness of, education concerning, and the response
17 to sexual violence, domestic violence, dating
18 violence, and stalking;

19 (B) sexual violence policies and procedures; and

20 (C) collaboration and information-sharing among
21 higher education institutions, community-based
22 organizations, and law enforcement, including without
23 limitation discussing memoranda of understanding,
24 protocols, or other practices for cooperation.

25 (Source: P.A. 88-629, eff. 9-9-94.)

1 Section 80. The Board of Higher Education Act is amended by
2 changing Section 9.21 as follows:

3 (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

4 Sec. 9.21. Human Relations.

5 (a) The Board shall monitor, budget, evaluate, and report
6 to the General Assembly in accordance with Section 9.16 of this
7 Act on programs to improve human relations to include race,
8 ethnicity, gender and other issues related to improving human
9 relations. The programs shall at least:

10 (1) require each public institution of higher
11 education to include, in the general education
12 requirements for obtaining a degree, coursework on
13 improving human relations to include race, ethnicity,
14 gender and other issues related to improving human
15 relations to address racism and sexual harassment on their
16 campuses, through existing courses;

17 (2) require each public institution of higher
18 education to report annually ~~monthly~~ to the Department of
19 Human Rights and the Attorney General on each adjudicated
20 case in which a finding of racial, ethnic or religious
21 intimidation or sexual harassment made in a grievance,
22 affirmative action or other proceeding established by that
23 institution to investigate and determine allegations of
24 racial, ethnic or religious intimidation and sexual
25 harassment; and

1 (3) require each public institution of higher
2 education to forward to the local State's Attorney any
3 report received by campus security or by a university
4 police department alleging the commission of a hate crime
5 as defined under Section 12-7.1 of the Criminal Code of
6 2012.

7 (b) In this subsection (b):

8 "Higher education institution" means a public university,
9 a public community college, or an independent, not-for-profit
10 or for-profit higher education institution located in this
11 State.

12 "Sexual violence" means physical sexual acts attempted or
13 perpetrated against a person's will or when a person is
14 incapable of giving consent, including without limitation
15 rape, sexual assault, sexual battery, sexual abuse, and sexual
16 coercion.

17 On or before November 1, 2017 and on or before every
18 November 1 thereafter, each higher education institution shall
19 provide an annual report, concerning the immediately preceding
20 calendar year, to the Department of Human Rights and the
21 Attorney General with all of the following components:

22 (1) A copy of the higher education institution's most
23 recent comprehensive policy adopted in accordance with
24 Section 10 of the Preventing Sexual Violence in Higher
25 Education Act.

26 (2) A copy of the higher education institution's most

1 recent concise, written notification of a survivor's
2 rights and options under its comprehensive policy,
3 required pursuant to Section 15 of the Preventing Sexual
4 Violence in Higher Education Act.

5 (3) The number, type, and attendance, if applicable, of
6 primary prevention and awareness programming at the higher
7 education institution.

8 (4) The number of incidents of sexual violence,
9 domestic violence, dating violence, and stalking reported
10 to the Title IX coordinator or other responsible employee,
11 pursuant to Title IX of the federal Education Amendments of
12 1972, of the higher education institution.

13 (5) The number of confidential and anonymous reports to
14 the higher education institution of sexual violence,
15 domestic violence, dating violence, and stalking.

16 (6) The number of allegations in which the survivor
17 requested not to proceed with the higher education
18 institution's complaint resolution process.

19 (7) The number of allegations of sexual violence,
20 domestic violence, dating violence, and stalking that the
21 higher education institution investigated.

22 (8) The number of allegations of sexual violence,
23 domestic violence, dating violence, and stalking that were
24 referred to local or State law enforcement.

25 (9) The number of allegations of sexual violence,
26 domestic violence, dating violence, and stalking that the

1 higher education institution reviewed through its
2 complaint resolution.

3 (10) With respect to all allegations of sexual
4 violence, domestic violence, dating violence, and stalking
5 reviewed under the higher education institution's
6 complaint resolution process, an aggregate list of the
7 number of students who were (i) dismissed or expelled, (ii)
8 suspended, (iii) otherwise disciplined, or (iv) found not
9 responsible for violation of the comprehensive policy
10 through the complaint resolution process during the
11 reporting period.

12 The Office of the Attorney General shall maintain on its
13 Internet website for public inspection a list of all higher
14 education institutions that fail to comply with the annual
15 reporting requirements as set forth in this subsection (b).

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 Section 85. The Code of Civil Procedure Act is amended by
18 adding Section 8-804 as follows:

19 (735 ILCS 5/8-804 new)

20 Sec. 8-804. Confidential advisor.

21 (a) This Section is intended to protect students at higher
22 education institutions in this State who are survivors of
23 sexual violence from public disclosure of statements they make
24 in confidence to confidential advisors. Because of the fear,

1 stigma, and trauma that often result from incidents of sexual
2 violence, many survivors hesitate to report or seek help, even
3 when it is available at no cost to them. As a result, they not
4 only fail to receive needed medical care and emergency
5 counseling, but may lack the psychological support necessary to
6 report the incident of sexual violence to the higher education
7 institution or law enforcement.

8 (b) In this Section:

9 "Confidential advisor" means a person who is employed or
10 contracted by a higher education institution to provide
11 emergency and ongoing support to student survivors of sexual
12 violence with the training, duties, and responsibilities
13 described in Section 20 of the Preventing Sexual Violence in
14 Higher Education Act.

15 "Higher education institution" means a public university,
16 a public community college, or an independent, not-for-profit
17 or for-profit higher education institution located in this
18 State.

19 "Sexual violence" means physical sexual acts attempted or
20 perpetrated against a person's will or when a person is
21 incapable of giving consent, including without limitation
22 rape, sexual assault, sexual battery, sexual abuse, and sexual
23 coercion.

24 "Survivor" means a student who has experienced sexual
25 violence, domestic violence, dating violence, or stalking
26 while enrolled at a higher education institution.

1 (c) All communications between a confidential advisor and a
2 student survivor pertaining to an incident of sexual violence
3 shall remain confidential, unless the student survivor
4 consents to the disclosure of the communication in writing, the
5 disclosure falls within one of the exceptions outlined in
6 subsection (d) of this Section, or failure to disclose the
7 communication would violate State or federal law.
8 Communications include all records kept by the confidential
9 advisor in the course of providing the survivor with services
10 related to the incident of sexual violence.

11 (d) The confidential advisor may disclose confidential
12 communications between the confidential advisor and the
13 survivor if failure to disclose would result in a clear,
14 imminent risk of serious physical injury to or death of the
15 survivor or another person.

16 The confidential advisor shall have no obligation to report
17 crimes to the higher education institution or law enforcement,
18 except to report to the Title IX coordinator, as defined by
19 Title IX of the federal Education Amendments of 1972, on a
20 monthly basis the number and type of incidents of sexual
21 violence reported exclusively to the confidential advisor in
22 accordance with the higher education institution's reporting
23 requirements under subsection (b) of Section 9.21 of the Board
24 of Higher Education Act and under federal law.

25 If, in any judicial proceeding, a party alleges that the
26 statements are necessary to the determination of any issue

1 before the court and written consent to disclosure has not been
2 given, the party may ask the court to consider ordering the
3 disclosure of the statements. In such a case, statements may be
4 disclosed if the court finds, after in camera examination of
5 the statement, that it is relevant, probative, not unduly
6 prejudicial or inflammatory, or otherwise clearly admissible;
7 that other evidence is demonstrably unsatisfactory as evidence
8 of the facts sought to be established by the statement or
9 statements; and that disclosure is more important to the
10 interests of substantial justice than protection from injury to
11 the confidential advisor-survivor relationship, to the
12 survivor, or any other individual whom disclosure is likely to
13 harm.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.