



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5624

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

New Act

Creates the College Safety Act. Provides that if an institution of higher education receives an allegation of sexual violence, along with written consent to proceed from the alleged victim, the institution shall immediately report and refer the allegation to the law enforcement agency of the unit of local government with jurisdiction to respond to such allegations in the location of the institution, but not later than 48 hours after receiving written consent from the alleged victim, unless the alleged victim provides a written notification to the institution that the individual does not want the allegation to be investigated by a law enforcement agency, in which case the institution may not initiate or otherwise carry out any institutional disciplinary proceeding with respect to the allegation if the individual includes in the notification a statement that the individual understands the effects of providing the notification. Sets forth provisions concerning restrictions on institutional disciplinary proceedings during the period of the law enforcement investigation, an institution's imposition of interim sanctions, a safe harbor for students who report an allegation, and civil remedies.

LRB099 16498 NHT 40834 b

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 College Safety Act.

6 Section 5. Definitions.

7 "Allegation" means an allegation of sexual violence.

8 "Institution" means a higher education institution as
9 defined in the Preventing Sexual Violence in Higher Education
10 Act.

11 "Sexual violence" has the meaning ascribed to that term in
12 the Preventing Sexual Violence in Higher Education Act.

13 Section 10. Referral of allegations.

14 (a) Except as provided in subsection (b) of this Section,
15 if an institution receives an allegation, along with written
16 consent to proceed from the alleged victim, the institution
17 shall immediately report and refer the allegation to the law
18 enforcement agency of the unit of local government with
19 jurisdiction to respond to such allegations in the location of
20 the institution, but not later than 48 hours after receiving
21 written consent from the alleged victim.

22 (b) Subsection (a) of this Section does not apply if the

1 individual who is the alleged victim of an act of sexual
2 violence included in the allegation provides a written
3 notification to the institution that the individual does not
4 want the allegation to be investigated by a law enforcement
5 agency.

6 If an individual provides a notification to the institution
7 under this subsection (b) with respect to an allegation, the
8 institution may not initiate or otherwise carry out any
9 institutional disciplinary proceeding with respect to the
10 allegation, including imposing interim measures described in
11 Section 20 of this Act, but only if the individual includes in
12 the notification a statement that the individual understands
13 the effect under this subsection (b) of providing the
14 notification.

15 Section 15. Restrictions on institutional disciplinary
16 proceedings during period of law enforcement investigation.

17 (a) During the period in which a law enforcement agency is
18 investigating an allegation reported by an institution under
19 Section 10 of this Act, the institution may not initiate or
20 otherwise carry out any institutional disciplinary proceeding
21 with respect to the allegation, except to the extent that the
22 institution may impose interim sanctions under Section 20 of
23 this Act.

24 (b) For purposes of this Section and Section 20 of this
25 Act, the period in which a law enforcement agency is

1 investigating an allegation reported under Section 10 of this
2 Act shall be considered the 30-day period beginning on the date
3 on which the institution reported the allegation to the agency,
4 together with any subsequent 30-day period for which the agency
5 notifies the institution that it is continuing to investigate
6 the allegation and that the public interest is best served by
7 preventing the institution from beginning its own
8 investigation and disciplinary proceeding.

9 (c) For purposes of satisfying any federally prescribed
10 time period for an institution to complete an adjudication of
11 an allegation to which this Section applies, the time period
12 shall be deemed to begin upon the expiration of the period in
13 which the law enforcement agency is investigating the
14 allegation, in accordance with this Section.

15 (d) Notwithstanding subsection (a) of this Section, if an
16 institution operates an accredited public safety department
17 that employs sworn officers, such department may carry out
18 investigative functions with respect to an allegation provided
19 to a law enforcement agency under Section 10 of this Act if
20 authorized to do so by the law enforcement agency.

21 Section 20. Permitting institution to impose interim
22 sanctions.

23 (a) During the period in which a law enforcement agency is
24 investigating an allegation reported by an institution under
25 Section 10 of this Act, the institution may impose interim

1 sanctions against the subject of the allegation with respect to
2 the allegation, including temporary suspensions, no contact
3 orders, adjustments of class schedules, or changes in housing
4 assignments, and carry out investigations and adjudications
5 with respect to the imposition of such sanctions, but only if
6 the institution determines that the imposition of such a
7 sanction is a reasonable measure to promote campus safety and
8 student well-being.

9 (b) Subject to subsection (c) of this Section, if the
10 subject of an allegation is a student, an institution may
11 impose a temporary suspension for a period of not more than 15
12 days as an interim sanction under this Section and may extend
13 the suspension for additional periods of not more than 30 days
14 per period if, pursuant to a hearing for each such additional
15 period, the institution finds that extension is necessary
16 because the student poses an immediate threat to campus safety
17 and student well-being.

18 If the subject of an allegation is a student organization,
19 an institution may impose a temporary suspension for a period
20 of not more than 10 days on the operations of the organization
21 as an interim sanction under this Section, but only if the
22 institution determines that the organization has engaged in an
23 activity that presents a significant risk to the health and
24 physical safety of campus community members and that the
25 imposition of the suspension is not done merely for punitive
26 purposes.

1 (c) An interim sanction imposed under this Section with
2 respect to an allegation shall terminate upon the expiration of
3 the period in which a law enforcement agency is investigating
4 the allegation as described in Section 15 of this Act, except
5 that if an indictment has been issued with respect to the
6 allegation and the subject of the allegation is a student, the
7 institution may continue the sanction, including a temporary
8 suspension the duration of which would otherwise be limited
9 under subsection (b) of this Section, until the completion of
10 the case or the completion of any sentence imposed.

11 (d) In addition to the period described in subsection (b)
12 of Section 15 of this Act, an institution may not impose an
13 interim sanction under this Section with respect to an
14 allegation during any period for which the alleged victim and
15 the law enforcement agency that is investigating the allegation
16 submit a joint request to the institution to not impose such an
17 interim sanction.

18 Section 25. Safe harbor. An institution that is subject to
19 this Act may not impose a sanction on a student who is a victim
20 of or a bystander witness to an act of sexual violence on the
21 grounds that the student engaged in conduct prohibited under
22 the institution's code of conduct (other than violent conduct)
23 if the institution learned that the student engaged in such
24 conduct as part of a report of an allegation that was made in
25 good faith by the student to an agent of the institution.

1 Section 30. No effect on civil remedies. Nothing in this
2 Act may be construed to limit the authority of any person to
3 seek a civil remedy in a court of competent jurisdiction with
4 respect to any allegation.