

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 5. The Preventing Sexual Violence in Higher
5 Education Act is amended by changing Section 10 as follows:

6 (110 ILCS 155/10)

7 Sec. 10. Comprehensive policy. On or before August 1, 2016,
8 all higher education institutions shall adopt a comprehensive
9 policy concerning sexual violence, domestic violence, dating
10 violence, and stalking consistent with governing federal and
11 State law. The higher education institution's comprehensive
12 policy shall include, at a minimum, all of the following
13 components:

14 (1) A definition of consent that, at a minimum,
15 recognizes that (i) consent is a freely given agreement to
16 sexual activity, (ii) a person's lack of verbal or physical
17 resistance or submission resulting from the use or threat
18 of force does not constitute consent, (iii) a person's
19 manner of dress does not constitute consent, (iv) a
20 person's consent to past sexual activity does not
21 constitute consent to future sexual activity, (v) a
22 person's consent to engage in sexual activity with one
23 person does not constitute consent to engage in sexual

1 activity with another, (vi) a person can withdraw consent
2 at any time, and (vii) a person cannot consent to sexual
3 activity if that person is unable to understand the nature
4 of the activity or give knowing consent due to
5 circumstances, including without limitation the following:

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

8 (B) the person is asleep or unconscious;

9 (C) the person is under age; or

10 (D) the person is incapacitated due to a mental
11 disability.

12 Nothing in this Section prevents a higher education
13 institution from defining consent in a more demanding
14 manner.

15 (2) Procedures that students of the higher education
16 institution may follow if they choose to report an alleged
17 violation of the comprehensive policy, regardless of where
18 the incident of sexual violence, domestic violence, dating
19 violence, or stalking occurred, including all of the
20 following:

21 (A) Name and contact information for the Title IX
22 coordinator, campus law enforcement or security, local
23 law enforcement, and the community-based sexual
24 assault crisis center.

25 (B) The name, title, and contact information for
26 confidential advisors and other confidential resources

1 and a description of what confidential reporting
2 means.

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

13 (D) An option for students to electronically
14 report.

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

16 (F) An option for students to confidentially
17 report.

18 (G) An option for reports by third parties and
19 bystanders.

20 (3) The higher education institution's procedure for
21 responding to a report of an alleged incident of sexual
22 violence, domestic violence, dating violence, or stalking,
23 including without limitation (i) assisting and
24 interviewing the survivor, (ii) identifying and locating
25 witnesses, (iii) contacting and interviewing the
26 respondent, (iv) contacting and cooperating with law

1 enforcement, when applicable, and (v) providing
2 information regarding the importance of preserving
3 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 a report of an alleged
10 violation of the comprehensive policy, as described in
11 Section 15 of this Act.

12 (5) The name, address, and telephone number of the
13 medical facility nearest to each campus of the higher
14 education institution where a survivor may have a medical
15 forensic examination completed at no cost to the survivor,
16 pursuant to the Sexual Assault Survivors Emergency
17 Treatment Act.

18 (6) The name, telephone number, address, and website
19 URL, if available, of community-based, State, and national
20 sexual assault crisis centers.

21 (7) A statement notifying survivors of the interim
22 protective measures and accommodations reasonably
23 available from the higher education institution that a
24 survivor may request in response to an alleged violation of
25 the comprehensive policy, including without limitation
26 changes to academic, living, dining, transportation, and

1 working situations, obtaining and enforcing campus no
2 contact orders, and honoring an order of protection or no
3 contact order entered by a State civil or criminal court.

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

8 (9) A statement of the range of sanctions the higher
9 education institution may impose following the
10 implementation of its complaint resolution procedures in
11 response to an alleged violation of the comprehensive
12 policy. Sanctions may include, but are not limited to,
13 suspension, expulsion, or removal of the student found,
14 after complaint resolution procedures, to be in violation
15 of the comprehensive policy of the higher education
16 institution.

17 (10) A statement of the higher education institution's
18 obligation to include an amnesty provision that provides
19 immunity to any student who reports, in good faith, an
20 alleged violation of the higher education institution's
21 comprehensive policy to a responsible employee, as defined
22 by federal law, so that the reporting student will not
23 receive a disciplinary sanction by the institution for a
24 student conduct violation, such as underage drinking, that
25 is revealed in the course of such a report, unless the
26 institution determines that the violation was egregious,

1 including without limitation an action that places the
2 health or safety of any other person at risk.

3 (11) A statement of the higher education institution's
4 prohibition on retaliation against those who, in good
5 faith, report or disclose an alleged violation of the
6 comprehensive policy, file a complaint, or otherwise
7 participate in the complaint resolution procedure and
8 available sanctions for individuals who engage in
9 retaliatory conduct.

10 (Source: P.A. 99-426, eff. 8-21-15.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.