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HOUSE BILL NO. 1323

Offered January 14, 2015

Prefiled November 19, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 23-9.2:13.1, relating to public institutions of higher education; students and officially recognized student organizations; proceedings for the violation of institution's policies for the conduct of students; petition for review.*

Patron—Morris

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 23-9.2:13.1 as follows:****§ 23-9.2:13.1. *Students and officially recognized student organizations; violations of institution policies for the conduct of students; petition for review.***

A. *Except in the case of students and officially recognized student organizations at Virginia Military Institute, any (i) student who, as a result of any disciplinary proceeding or other institutional proceeding, is suspended for more than 10 days or expelled from a public institution of higher education for violating the institution's policies for the conduct of students or (ii) student organization that is (a) officially recognized by a public institution of higher education and (b) found to be in violation of the institution's policies for the conduct of students as a result of any disciplinary proceeding or other institutional proceeding has the right to petition for review of the institution's final decision in the circuit court for the locality in which the relevant institution is located.*

B. *Any such student or student organization shall file such petition for review no later than one year from the date of receipt of the institution's final decision. The institution shall forward the record of the disciplinary proceeding or other institutional proceeding to the circuit court. The circuit court shall determine whether the institution's final decision could reasonably be said, on the basis of the record, to be arbitrary, capricious, or otherwise contrary to the law.*

C. *If the circuit court determines that the institution's final decision could reasonably be said to be arbitrary, capricious, or otherwise contrary to the law, the court shall award the student or student organization compensatory damages, reasonable court costs, attorney fees, including expert fees, and any other relief in equity or law that the court deems appropriate including (i) a de novo disciplinary proceeding or other institutional proceeding and (ii) in the case of a student suspended for more than 10 days or expelled, monetary damages of not less than (a) the cost of tuition paid by the student, or on the student's behalf, to the institution for the semester during which the alleged violation occurred and (b) the amount of any scholarship funding that the student lost as a result of the institution's final decision.*

INTRODUCED

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