

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 473

An Act to amend the Code of Virginia by adding in Chapter 4 of Title 23.1 a section numbered 23.1-412, relating to public institutions of higher education; non-academic student codes of conduct.

[H 104]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 23.1 a section numbered 23.1-412 as follows:

§ 23.1-412. Non-academic student codes of conduct.

A. Each public institution of higher education shall adopt non-academic student codes of conduct.

B. Students and student organizations that participate in the non-academic student codes of conduct process as a complainant or respondent shall have the responsibilities and rights afforded to them by the institution's codes of conduct and related policies and procedures. The codes of conduct shall describe and define the rights and responsibilities of all enrolled students and student organizations and shall outline each step in the institution's procedures for responding to and resolving allegations of violations.

C. For violations that may result in a student or student organization facing the sanctions of suspension or expulsion, the non-academic student codes of conduct shall include:

1. The requirement that the accused student or student organization receive reasonable notice of the alleged violation, a general summary of the complaint, contact information of an institution's employee to receive additional information, and the date by which such contact must occur;

2. The opportunity for the accused student or student organization to present their version of events giving rise to the allegations;

3. The opportunity for the accused student or student organization to review and respond to information presented to the decision maker;

4. The opportunity for the accused student or student organization to select an advisor of their choice;

5. The opportunity for the accused student or student organization to present information by relevant and noncumulative witnesses;

6. The right of the accused student or student organization to not participate in proceedings;

7. The requirement that the complainant and respondent receive notice of the outcome of the proceedings;

8. A decision maker free from actual bias; and

9. A description of any internal appeal process.

D. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).