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HOUSE BILL NO. 913

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 20, 2020)

(Patron Prior to Substitute—Delegate Helmer)

A BILL to amend and reenact § 23.1-808 of the Code of Virginia, relating to institutions of higher education; sexual violence; immunity from disciplinary action for certain students who make reports.

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-808 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-808. Sexual violence; policy review; amnesty for certain individuals who make reports.

A. By October 31 of each year, the System, Richard Bland College, each baccalaureate public institution of higher education, and each nonprofit private institution of higher education shall certify to the Council that it has reviewed its sexual violence policy and updated it as appropriate. The Council and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The Council and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each such institution by November 30 of each year.

B. The governing board of each public institution of higher education and each nonprofit private institution of higher education shall include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action ~~[to be provided to any student who commits a minor violation of the institution's code of student conduct, such as a violation that would constitute a misdemeanor or a nonviolent felony, at the same time as the commission of an act of sexual violence by another individual and who subsequently reports such act of sexual violence to the institution based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence].~~

C. Any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.) may discipline students on the basis of personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence if when reporting such disclosure, a student discloses a personal violation of a minor infraction of the institution's code of conduct where such code of conduct is consistent with commissioning standards through the Reserve Officers' Training Corps into the United States Armed Services. The institution will retain the discretion as outlined in its policy to determine what constitutes a minor infraction within its code of conduct and under what circumstances immunity will be offered pursuant to subsection B.